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Texas Register

Volume 9, Number 79, October 19, 1984

Pages 5407 - 5462



Highlights

The Board of Vocational Nurse Examiners proposes amendments concerning application for licensure. Earliest possible date of adoption - November 19 page 5413

The State Board of Insurance proposes a

repeal concerning nuclear and atomic energy policy forms. Earliest possible date of adoption - November 19 page 5414

The General Land Office proposes amendments concerning the payment of royalties and the filing of reports. Earliest possible date of adoption - November 19 page 5415

**Office of
the Secretary
of State**

Texas Register

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules

How To Cite: Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15

1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

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



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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

Appointment Made October 4

Supreme Court of Texas

To be a justice until the next general election and until his successor shall be elected and duly qualified:

Raul A. Gonzales
214 Seco
Portland, Texas 78374

Judge Gonzales is replacing Charles W. Barrow of Austin, who resigned.

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

TRD-8410307 Mark White
Governor of Texas



Appointments Made October 9

Weatherization Policy Advisory Council

For terms to continue at the pleasure of this governor:

Amancio J. Chapa, Jr.
Executive Director
Amigos del Valle
P.O. Drawer 3808
McAllen, Texas 78501

Joseph A. Lopez
Director, External Strategy Development
Houston Lighting & Power
P.O. Box 1700
Houston, Texas 77001

Issued in Austin, Texas, on October 9, 1984.

TRD-8410307 Mark White
Governor of Texas

The Attorney General

Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure.

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Rick Gilpin, Opinion Committee chairman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the Central File Room, Attorney General's Office, Technicenter Building, IV, 5910 Technicenter -102, Austin, Texas 78721, or by telephoning (512) 928-1323. A single opinion is free; additional opinions are \$1.00 a copy.

Opinions

JM-205 (RQ-158). Request from Ray K. Procnier, director, Texas Department of Corrections, Huntsville, concerning benefits available to employees of schools operated by the Texas Department of Corrections for inmates.

Summary of Opinion. The Texas Department of Corrections has authority under the Education Code, §29.01, to establish working conditions for employees of the Windham schools, absent a contrary policy established by the Texas Education Agency under the Code, §29.05. The Texas Department

of Corrections may establish the term of disability leave for Windham school employees and is not bound by the Code, §13.905f. Windham employees are state employees entitled to insurance benefits under the Insurance Code, Article 3.50-2, and to workmen's compensation benefits under Texas Civil Statutes, Article 8309g. The Employees Retirement System rule on employee's continuation of insurance coverage during unpaid leave does not affect the Texas Department of Corrections' power to establish the time period of unpaid leave for its employees. The Windham school employees are subject to riders in the General

Appropriations Act, Article V, which apply to state employees.

TRD-8410333

JM-206 (RQ-319). Request from Tim Curry, criminal district attorney, Fort Worth, concerning whether a county bail bond board may limit the number of bail bond licenses granted in that county.

Summary of Opinion. Texas Civil Statutes, Article 2372p-3, does not authorize the Tarrant County Bail Bond Board to limit the number of bail bond licensees in Tarrant County.

TRD-8410331

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 22. EXAMINING BOARDS Part XII. Board of Vocational Nurse Examiners

Chapter 235. Licensing Application for Licensure

22 TAC §§235.4, 235.5, 235.7, 235.11,
235.15, 235.16

The Board of Vocational Nurse Examiners proposes amendments to §§235.4, 235.5, 235.7, 235.11, 235.15, and 235.16, concerning the application for licensure. The amendments provide uniformity in reexamination criteria, provide clarity, and define educational criteria.

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

Ms. Hammer 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 that all individuals meeting the criteria will have four opportunities to write the licensing examination. 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 Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

The amendments are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

§235.4. *Qualifications for Licensure by Examination.*

The vocational/practical nurse shall:

(1) have successfully completed [a course of not less than {2 months in} an approved school for educating [of] vocational/practical nurses [nursing]; and

(2) (No change.)

[(3) be of good physical and mental health; and]

(3)[(4)] have passed the examination given by the Board of Vocational Nurse Examiners.

§235.5. *Qualifications for Licensure by Examination on Basis of Professional Nursing Education.* An undergraduate shall:

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

(3) be allowed four [two] opportunities for the licensing examination; one initial and three [one] reexamination within two years [the year] of first time scheduled.

§235.7. *Graduates of Vocational Nursing Programs [Application for Reexamination].* Applicants who fail

the examination must submit reexamination and testing service applications and fees. Applicants who fail the examination will be allowed to rewrite the examination within two years of first time eligible after graduation, allowing four opportunities to write. Applicants who do not successfully pass the examination within two years of eligibility must repeat the entire curricula [12-month course].

§235.11. Policies Concerning Professional Graduates. Graduates of a professional nursing program will be eligible to write the examination for vocational nurses when the graduate has unsuccessfully written the board examination administered by the Board of Nurse Examiners **one time** [three consecutive times]. The professional nurse graduate will be allowed **four opportunities for the licensing examination; one initial and three reexamination within two years of first time scheduled** [only one opportunity to write the vocational nurse examination and must write the examination within nine months of the third unsuccessful attempt at the examination for professional nurses].

§235.15. Out-of-State Practical/Vocational Nurse Graduate. An out-of-state graduate shall:

- (1) (No change.)
- (2) **provide evidence of satisfactory completion of curricula inclusive of maternal-child nursing, medical-surgical nursing, and pharmacology (A grade of C or 70% evidences satisfactory completion.)** [have completed satisfactorily obstetric, pediatric, medical, and surgical nursing courses, and pharmacology];
- (3) **be allowed to rewrite the examination within two years of the first time eligible after graduation, allowing four opportunities to write** [file another application if original application is not completed within six months];
- (4) **if licensed by a board-constructed examination, be allowed four opportunities for the licensing examination: one initial and three reexamination opportunities within two years of first time scheduled;**
- (5) **file another application if original application is not completed within six months.**

§235.16. Request to Extend Two-Year Limit Regarding Rewriting Examination. The following specified criteria for legitimate excuse shall apply only to persons **failing to appear** [not appearing] for the last opportunity [within the two-year limit and must be submitted to the board office within four weeks following the examination] to **establish eligibility for extension of the two-year limit, the applicant shall, within four weeks following the licensing examination, provide to the board:**

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

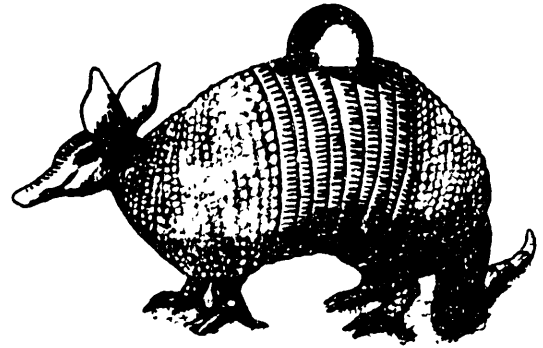
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 10, 1984

TRD-8410302 Joyce A. Hammer
Executive Director
Board of Vocational Nurse
Examiners

Earliest possible date of adoption
November 19, 1984

For further information, please call (512) 835-2071.



TITLE 28. INSURANCE Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part. The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

Rating and Policy Forms Standard Forms

059.05.36.004, .005

The State Board of Insurance proposes the repeal of Rules 059.05.36.004 and .005, concerning nuclear and atomic energy policy forms. Rule 059.05.36.004 adopts by reference Nuclear Energy Property Insurance Association policy forms. Rule 059.05.36.005 adopts by reference mutual atomic energy reinsurance pool policy forms. These forms were, but are no longer, a regulated line of insurance under the Insurance Code, Article 5.53. They are therefore proposed to be repealed. This repeal will cause no change in any requirement or procedure of the board.

G. J. Jones, deputy insurance commissioner, Property Group, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Jones also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the elimination of rules which are no longer necessary to be on file with the *Texas Register* because the lines of insurance to which they relate are no longer regulated lines. There is no anticipated economic cost to individuals as a result of the repeal.

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

This repeal is adopted under the Insurance Code, Article 5.53, which provides the State Board of Insurance with the authority to approve policy and endorsement forms for the lines of insurance regulated under that article and pursuant to the board's authority to repeal any rule it has previously adopted.

.004. *Nuclear Energy Property Insurance Association Policy Forms.*

.005. *Mutual Atomic Energy Reinsurance Pool Policy Forms.*

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

Issued in Austin, Texas, on October 15, 1984.

TRD-8410381 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
November 19, 1984

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 3. Energy Resources

Payment of Royalties; Filing of Reports

31 TAC §3.10

The General Land Office proposes amendments to §3.10, concerning the computation of royalties and the determination of market value and items to be included in determining gross proceeds.

John Hall, deputy commissioner for resource management, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Hall also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the permanent school fund will receive the correct amount of royalties, and taxes to support public education will be less. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jim Phillips, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The amendments are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq.*, which provides authority to the commissioner to make and enforce rules consistent with law.

§3.10. *Basis for Computing Royalties.*

(a) Gross proceeds [value]. Oil and gas royalties under each lease must be computed and paid strictly on gross proceeds received by the seller, including amounts collected to reimburse the seller for severance taxes and production-related costs. No [value and be paid without] deduction may be made for production or severance taxes, or [and without deduction] for the cost of producing, gathering, storing, separating, treating, dehydrating, compressing, processing, transporting, and otherwise making the oil, gas, and other products therefrom ready for sale or use.

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

(d) Market value. Nothing in this section [these rules] shall limit or waive the right of the state to receive its royalties based on market value of the oil and gas produced, if authorized by the lease, unit agreement, judgment, or other contract authorized by law.

(e) Determination of market value [General area].

(1) For the purpose of computing and paying royalties to the state based on market value, the market value shall be presumed to be the gross proceeds received pursuant to a bona fide contract entered into at arm's length between nonaffiliated parties of adverse economic interests. [In lease agreements which require royalties to be based on the highest market price in the general area, the term "general area" means:

[(A) the Railroad Commission district in which the lands covered by the lease are located; and

[(B) the neighboring Railroad Commission district(s) if the lands covered by the lease are pooled or unitized with lands in such neighboring district(s), or are located in a county adjacent to and bordering such other district(s).]

(2) If a contract was not negotiated at arm's length or was between affiliated parties, the presumption that market value is equal to gross proceeds shall not apply. In this situation, the lessee has the burden to establish that royalties paid to the state are based on market value. [However, in the event oil or gas is sold under a contract or sales arrangement based on, or making reference to, other prices paid in a geographical area larger than that described in paragraph (1) of this subsection, then the larger geographical area will be considered the general area contemplated by the lease and by this section.]

(3) The commissioner of the General Land Office may overcome the presumption established under paragraph (1) of this subsection, and assess additional royalties by establishing a different price based on other sales in the general area, which are comparable in time, quality, volume, and legal characteristics. If some of this information is not available to the commissioner, an assessment will be based on the best information available.

(4) A lessee may challenge an assessment of additional royalties by submitting information which establishes the prices used for comparison by the commissioner involve products of significantly different quality, were based on contracts to deliver significantly different volumes or for different terms, were not from a relevant market, were derived from an area in which deliverability is significantly different, or by presenting any other information which could establish a more accurate market value. However, under no circumstances will the state's royalty be computed on less than gross proceeds received,

including reimbursements received for severance taxes and production-related costs.

(5) Parties are affiliated under this section if they are related by blood, marriage, or common business enterprise.

(6) "General area," as used in this section, means the smallest geographical area which contains sufficient data (e.g., three or more recently negotiated sales) to establish a market price. Examples include a unit, a field, a county, or the applicable Railroad Commission of Texas district.

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 October 11, 1984.

TRD-8410298 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption:
November 19, 1984
For further information, please call (512) 475-5661.

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 28. INSURANCE Part I. State Board of Insurance

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

Powers and Duties

Examination and Corporate Custodian and Tax

059.01.15.203

The State Board of Insurance adopts amendments to Rule 059.01.15.203, with changes to the proposed text published in the July 3, 1984, issue of the *Texas Register* (9 TexReg 3694).

Rule 059.01.15.203 adopts instructions and forms for the preparation of tax returns by various insurers and other entities regulated by the State Board of Insurance. This amendment deletes paragraph (2) and paragraph (3) of the rule. The instructions contained in those paragraphs are also contained in the tax forms and are therefore not necessary. As a result of this amendment, it is also necessary to renumber and reletter paragraph (1). No board procedure or requirement is changed as a result of this amendment. The only change in the rule from the proposal is in the first sentence, where it is made clear that the rule applies to 1982 tax returns.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 1.04 and Article 4.10, and Texas Civil Statutes, Article 6252-13a, §4. Article 4.10 authorize and require the board to collect taxes for property and casualty insurers. Texas Civil Statutes, Article 6252-13a, §4, authorize and require the board to adopt rules showing available procedures. The Insurance Code, Article 1.04, provides the board with jurisdiction to enact rules.

.203. Preparation of Tax Returns. Forms and instructions for the preparation of 1982 tax returns for insurance companies and other principals are adopted by reference. These instructions and forms may be obtained from the Corporate Custodian and Tax Division of the State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. Each insurer or other entity shall follow such instructions and use and report on such forms as are appropriate to its operation. The instructions and forms are more particularly identified as follows:

- (1) a document identified as the 1982 Texas tax return form for domestic, foreign, and alien life, health, and accident companies;
- (2) a document identified as 1982 special instructions, Texas tax return for domestic, foreign, and alien life, health, and accident companies;
- (3) a document identified as 1982 instructions for preparing Texas tax returns for foreign and alien life, health, and accident companies transacting business in Texas;
- (4) a document identified as the 1982 Texas tax return form for domestic, foreign, and alien companies,

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

(5) a document identified as 1982 instructions for preparing the Texas tax return for domestic, foreign, and alien companies, lloyds, reciprocals, and miscellaneous organizations transacting fire and casualty business in Texas;

(6) a document identified as a form with instructions for preparing the 1982 Texas tax return for health maintenance organizations; and

(7) a document identified as a form with instructions for preparing the Texas tax return for nonprofit legal services corporation.

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 October 8, 1984.

TRD-8410283 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: July 3, 1984
For further information, please call (512) 475-2950.

059.01.15.205

The State Board of Insurance adopts the repeal of Rule 059.01.15.205, without changes to the proposal published in the July 3, 1984, issue of the *Texas Register* (9 TexReg 3695).

Rule 059.01.15.205 adopted a form and instructions for reports to the State Board of Insurance by self-insurers under the Workers Compensation Acts. The rule is repealed because the board no longer receives these reports. No present practice or requirement of the board is expected to change as a result of this repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, §4, pursuant to which the State Board of Insurance may enact procedural rules necessary or appropriate for it to carry out its statutory function; and pursuant to the board's authority to repeal any rule it has previously enacted.

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 October 8, 1984

TRD-8410284 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: July 3, 1984
For further information, please call (512) 475-2950.

Incorporation of Insurance Companies

Amendments to Charter Checklists for Charter Amendments

059.02.03.001

The State Board of Insurance adopts the repeal of Rule 059.02.03.001, without changes to the proposal published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2738).

Rule 059.02.03.001 adopts certain checklists for obtaining information as part of applications for amendments to charters of certain insurance companies. Much of what is required by the rule is already required by statutory law. It is not necessary for the remaining matters in the checklist to be an absolute requirement, since evidence similar in substance (although not necessarily in form) to matters contained in checklists will, in almost all cases, be necessary to properly review an application to amend a charter.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 2.03 and Article 3.05, pursuant to which the charters of general casualty, fire and marine, and life, health, and accident insurance companies may be amended; and pursuant to the board's authority to repeal any rule it has previously adopted.

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 October 8, 1984.

TRD-8410285 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 475-2950.

Rating and Policy Forms Board Shall Fix Rates

059.05.25.002

The State Board of Insurance adopts the repeal of Rule 059.05.25.002, without changes to the proposal published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2749).

In this rule, insurers are directed to maintain extended coverage statistics in a manner that enables them to report extended coverage premiums and losses to the State Board of Insurance on a county basis, in accordance with the prescribed statistical plan for fire and allied lines insurance. This requirement is contained in the statistical plan for fire and allied lines insurance and is therefore a duplication.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.28, pursuant to which the board may request and obtain information from insurers respecting fire and allied lines insurance; and pursuant to the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on October 8, 1984

TRD-8410286 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 475-2950.

059.05.25.008

The State Board of Insurance adopts amendments to Rule 059.05.25.008, without changes to the proposed text published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3293).

Rule 059.05.25.008 adopts forms for persons and companies to submit to the State Board of Insurance for property rating purposes. This amendment adds a new Form 360FM, certificate to State Board of Insurance Rate Service Office, which provides for the certification of certain roof deck assemblies meeting the specifications of the factory mutual approval guide. This certification determines the proper extended coverage rate table to be applicable to the building(s) being certified.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 5.25, which provides the State Board of Insurance with the authority to promulgate maximum rates for fire and allied lines insurance; and the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, pursuant to which the board may adopt procedural rules necessary or appropriate for it to carry out its statutory function.

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

Issued in Austin, Texas, on October 8, 1984.

TRD-8410287 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

Fire Detection and Fire Alarm Devices and Systems

059.05.43.202

The State Board of Insurance adopts the repeal of Rule 059.05.43.202, without changes to the proposal published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2750).

This rule concerns an application and examination for licensure as a fire alarm installation superintendent. It has been superseded by Rules 059.41.43.200-244 and is therefore no longer necessary. No present practice or requirement of the board will change as a result of this repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 5.43-2, which authorizes the State Board of Insurance to regulate sales, servicing, installation, and maintenance of fire detection and fire alarm devices and systems, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on October 8, 1984.

TRD-8410288 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 475-2950.

Mutual Assessment Companies Statewide Mutual Assessment Companies, Local Mutual Aid Associations, and Burial Associations

059.14.38.009

The State Board of Insurance adopts amendments to Rule 059.14.38.009, with changes to the proposed text published in the June 22, 1984, issue of the *Texas Register* (9 TexReg 3497).

Rule 059.14.38.009 is one of several rules respecting insurance companies regulated under the Insurance Code, Chapter 14. There are several amendments. Subsection (a)(2) and subsection (d) are amended to incorporate provisions which have been heretofore adopted but not formally incorporated into the rule. Subsection (c) is amended to permit records in computers and other automatic equipment for companies wishing to use such equipment. The amendments to subsection (c) are permissive.

One comment was received regarding this proposal. Robert C. Sneed and Mary C. Fisher stated that the

requirement in subsection (a)(1) of the rule, that the portion of the regular premium to be allocated to the mortuary fund and the portion to be allocated to the general fund should be determined at the time such portions are deposited in the respective bank accounts, is unnecessary and undesirable in view of a change in the Insurance Code, Article 14.25, as amended, and the impracticality of allocating funds as described in the rule. The commenters believe that this portion of the rule can be deleted without harm to any policyholder or group of policyholders. The board agreed with this comment, and the rule is changed to delete the provision.

The amendments are adopted under the Insurance Code, Article 14.39, as amended, pursuant to which the board is authorized to promulgate reasonable rules and regulations to carry out the purposes of the Insurance Code, Chapter 14, as amended.

.009. Books and Records, Minimum Requirements.

(a) Each company or association shall hereafter maintain no less than the following records, which shall be the property of such company or association:

(1) a daily collection sheet (or other acceptable records) on which the following shall be recorded: date, policy number, name of insured, cash collected, amount retained by agents, month and amount of membership fee, and regular premium;

(2) a premium card on the face of which shall be recorded the insurance age, name, and address of insured, year, month, and day of issue, name and address of beneficiary, policy number, date of policy, amount of policy, date of birth, amount of premium by mode, mortality table renewal net premium, and space allocated for remarks. On the front or back of the card, space must be provided for recording each premium payment and the date. The companies shall either have a reserve card file or maintain premium history cards in a manner which will permit the calculation of reserves;

(3) a cash book for recording all income for the benefit of the claim and expense funds, and for all payment from each fund;

(4) a policy register on which the following shall be recorded: policy number, name of insured, name and address of beneficiary, date policy issued, insured's date of birth, amount of benefit, and amount of premium by mode. Space should be left for remarks;

(5) a claim register on which shall be recorded the following: every reported claim by claim number, name of insured, name and address of beneficiary, policy number, date of policy, date of death, date proof was filed, date paid, amount of policy, and amount paid. Space must be left for remarks;

(6) a claim file, which is not considered complete unless it contains the following:

(A) an official certified copy of vital statistics records (if applicable);

(B) the canceled and surrendered policy together with evidence showing payment of benefits provided in the policy, or a signed receipt of benefits in lieu of the surrendered policy (if applicable);

(C) the application form;

(D) canceled checks for claim payments and the premium card of a deceased insured must also be available;

(7) a permanent investment file. Each company or association shall hereafter establish and maintain an investment file or a record of each investment which such company or association has or hereafter makes, which record shall be maintained for a period of not less than five years after such investment has been transferred, sold, paid off, or otherwise disposed of. Such file or record shall include:

(A) the date of such investment;

(B) the original amount invested and any additions thereto;

(C) the name and address of the person or organization to whom the consideration was paid;

(D) a complete description of the investment and a legal description of any property given in security therefor;

(E) the date of disposal or termination of such investment;

(F) the name and address of the person or organization to whom the investment was transferred or assigned; and

(G) the consideration received for such investment upon transfer or assignment;

(8) a minute book which shall contain a complete record of the proceedings of its members, board of directors, and committees which have any authority from the board of directors;

(9) a record of members which shall contain a record of the names and addresses of its members entitled to vote, which record shall be maintained at its principal office.

(b) In the event the company has more than one group, club, or class, the mortuary fund of each group, club, or class shall be kept and maintained separately.

(c) A company may use computers and automatic equipment in keeping the records and books required by subsection (a)(1)-(5) and (9) of this rule, provided the information or record is available and maintained under verifiable, usual, and customary insurance accounting standards. Computers and automatic equipment may be used to supplement the records required to be kept under subsection (a)(6)-(8) of this rule, but cannot be used to generate a substitute for the written records required in paragraphs (6)-(8) without the prior written permission of the commissioner.

(d) All books and records of any company or association shall be maintained at either its principal office or its registered office, which must be located within its authorized territory.

(e) Suggested forms for records of local mutual aid and burial associations.

DAILY COLLECTION SHEET
(DATE)

Policy No.	Name of Insured	Cash Collected	Amount Retained by Agents	Membership Fee		Regular Premium
				Month (1st, 2nd, etc.)	Amount	

PREMIUM CARD

Face of Card

Insurance Age: Insured: Address:		Year of Issue: Beneficiary: Address:	
Policy No.	Date of Policy Mo. Day Year	Amount of Policy \$ Mo. Qt. S.A. Ann.	
Date of Birth	Premium:		
REMARKS:			

Back of Card

Amount of Premium \$ _____												
Year:	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
19												
19												
19												
19												
19												
19												

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 October 10, 1984.

TRD-8410289 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

General Provisions Examination Division

059.21.39.201

The State Board of Insurance adopts the repeal of Rule 059.21.39.201, without changes to the proposal published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3919).

Rule 059.21.39.201 concerns securities belonging to an insurance company and held under a custodial agreement or a trust agreement, and securities and funds held under a custodial or trust agreement held in the name of the nominee by a bank or trust company to carry out the provisions of the Insurance Code, Article 21.39-B. Changes in Article 21.39-B render the rule obsolete. No present board practice or requirement is expected to change as a result of the repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 21.39-B, pursuant to which the State Board of Insurance may promulgate such reasonable rules as are necessary to carry out the provisions of that article; and pursuant to the board's authority to repeal any rule it has previously adopted.

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 October 8, 1984.

TRD-8410290 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: July 20, 1984
For further information, please call (512) 475-2950.

Procedures for Insurance Companies Domiciled Out-of-State to Withdraw by Virtue of Reinsurance Agreements

059.21.46.011-.016

The State Board of Insurance adopts amendments to Rules 059.21.46.011-.016, without changes to the

proposed text published in the July 3, 1984, issue of the *Texas Register* (9 TexReg 3700).

These rules set forth procedures for an insurance company domiciled out-of-state to withdraw from Texas by reinsuring its total block of business. The amendments are primarily nonsubstantive and editorial or are clarifications. These rules were formerly contained under one rule numbered Rule 059.21.46.005. They have been renumbered and reformed in accordance with *Texas Register* requirements.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Articles 1.10, §17; 3.23; and 8.05, pursuant to which the State Board of Insurance is authorized to receive and hold deposits for the benefit of policyholders; and Texas Civil Statutes, Article 6252-13a, pursuant to which the State Board of Insurance may enact procedural rules necessary or appropriate for it to carry out its statutory function.

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

Issued in Austin, Texas, on October 8, 1984.

TRD-8410291 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: July 3, 1984
For further information, please call (512) 475-2950.



Miscellaneous II

059.21.49.006

The State Board of Insurance adopts an amendment to Rule 059.21.49.006, without changes to the proposed text published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3297).

Rule 059.21.49.006 is, for the most part, the plan of operation of the Texas Catastrophe Property Insurance Association (hereinafter referred to as the catpool). The amendment deletes subsection (f) of the rule. Subsection (f) is the catpool's articles of association. This provision is not properly a portion of the plan of operation and is therefore deleted from the board's rules on file with the Office of the Secretary of State. Most of the provisions in the articles of association are either statutory or contained in other rules. No procedure or requirement of the board is expected to change as a result of this amendment. Old subsection (g), concerning mobile homes, is now subsection (f).

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 21.49, §5, pursuant to which changes in the catpool's plan of operation are effected.

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 October 11, 1984.

TRD-8410365 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 2, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

Texas Medical Liability Underwriting Association

059.21.49.307

The State Board of Insurance adopts the repeal of Rule 059.21.49.307, without changes to the proposal published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2753).

This rule is an amendment to the plan of operation of the joint underwriting association established under the Texas Medical Liability Insurance Underwriting Association Act. Rule 059.21.49.301 is the original plan of operation of the joint underwriting association. Rule 059.21.49.307 has never been formally incorporated into Rule 059.21.49.301. It is being incorporated simultaneously with this repeal. Rule 059.21.49.301 is being reformatted and renumbered as Rule 059.21.50.001, *et seq.* There will, therefore, be no substantive change in board procedures or requirements resulting from the simultaneous repeal of this rule and the previously mentioned amendment to the plan of operation.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 21.49, §3, pursuant to which the plan of operation of the joint underwriting association may be amended, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on October 8, 1984.

TRD-8410292 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 475-2950.

Joint Underwriting Association

059.21.50.001, .002, .005, .006

The State Board of Insurance adopts amendments to Rule 059.21.50.001, with changes to the proposed text published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2754). Rules 059.21.50.002, .005, and .006 are adopted without changes and will not be republished.

Rules 059.21.50.001, .002, .005, and .006 are a part of the plan of operation of the joint underwriting association established under the Insurance Code, Article 21.49-3 (the Texas Medical Liability Insurance Underwriting Association Act). These amendments make the rules current under Administrative Procedure and Texas Register Act procedure. Except for minor changes designed to make it clear that the rules conform to statutory law, the amendments track precisely board action respecting rule changes to the plan of operation. No present board practice or requirement will change as a result of these amendments. The rules have been reformatted and renumbered. Originally, they were all contained in Rule 059.21.49.301. The only changes from the rules as proposed is the addition of the word "the" in the first sentence of Rule 059.21.50.001(a).

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 21.49-3, §3, pursuant to which the joint underwriting association's plan of operation may be amended.

.001. Definitions.

(a) Words defined in the Act. Unless the context clearly dictates the contrary, words defined in the Insurance Code, Article 21.49-3, and not specifically defined in these rules shall have the same definition when used in these rules as they have in such Act.

(b) Words defined in the rules. Unless the context clearly dictates the contrary:

(1) Act—The Texas Medical Liability Insurance Underwriting Association Act, codified as the Insurance Code, Article 21.49-3.

(2)-(10) (No change.)

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

Issued in Austin, Texas, on October 10, 1984.

TRD-8410293 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 31, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 475-2950.

059.21.50.003

The State Board of Insurance adopts the repeal of Rule 059.21.50.003, without changes to the proposal pub-

lished in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2760).

Rule 059.21.50.003 is a part of the plan of operation of the joint underwriting association established under the Insurance Code, Article 21.49-3 (the Texas Medical Liability Insurance Underwriting Act). The part of the plan of operation proposed to be repealed is Part Three, concerning members' participation in the association. Simultaneously with this repeal, a new provision for members' participation is adopted. Except for minor changes designed to make it clear that the provisions track statutory law, the new material will track precisely previous board action respecting the plan of operation. No present board practice or requirement will change as a result of this repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 21.49-3, §3, pursuant to which the joint underwriting association's plan of operation may be amended, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on October 8, 1984.

TRD-8410284 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 31, 1984

Proposal publication date: May 18, 1984

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

059.21.50.004

The State Board of Insurance adopts new Rule 059.21.50.004, with changes to the proposed text published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2761).

Rule 059.21.50.004 is a part of the plan of operation of the joint underwriting association established under the Insurance Code, Article 21.49-3 (the Texas Medical Liability Insurance Underwriting Act). It is the part of the plan of operation which addresses participation in the joint underwriting association. Simultaneously with this rule, an out-of-date provision respecting participation as contained in Rule 059.21.50.003 is being repealed. Except for minor changes designed to make it clear that the provisions track statutory law, the new rule tracks precisely previous board action respecting the plan of operation. No present board practice or requirement changes as a result of this rule. The entire set of rules respecting the joint underwriting association have been reformatted and renumbered. Originally, the entire plan of operation was contained in Rule 059.21.49.301. The only changes from the rules as proposed are in subsection (c)(1)(B)(iii), where a misspelled word is corrected, and in subsection (c)(1)(B)(vi) and subsection (e), where references to other rules are corrected.

No comments were received regarding adoption of the new rule.

The new rule is adopted under the Insurance Code, Article 21.49-3, §3, pursuant to which the joint underwriting association's plan of operation may be amended.

.004. Members' and Policyholders' Participation in the Texas Medical Liability Insurance Underwriting Association.

(a) Powers of the association. The association is created by the Act and shall be governed by the provisions of the Act, as amended, and these rules. Pursuant to the Act and these rules, with respect to medical liability insurance, the association shall have the power on behalf of its members:

(1) to issue or cause to be issued policies of insurance to applicants, including primary, excess, and incidental coverages; provided that no individual or organization may be insured by policies issued by the association for an amount exceeding a total of \$750,000 per occurrence (for all coverages combined) and \$1.5 million aggregate per annum (for all coverages combined);

(2) to underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform these functions;

(3) to either or both accept and refuse the assumption of reinsurance from its members; and

(4) to cede and purchase reinsurance.

(b) Collection and investment of funds.

(1) Collection. The treasurer shall, on behalf of the association, be responsible for the collection of all the premiums received by the association from the sale of medical liability insurance and incidental coverages, all assessments levied against the members, all assessments and charges levied against policyholders (including contributions to the policyholder's stabilization reserve fund), and all proceeds from the investment of funds.

(2) Investment. All funds collected by the association shall be retained in a checking account or accounts in any bank or banks doing business in the State of Texas and/or may be invested only in the following: in interest bearing time deposits or certificates of deposit in any bank or banks doing business in the State of Texas which are members of the Federal Deposit Insurance Corporation; or in treasury bills or notes of the government of the United States of America; or in such other investments as may be proposed by the board of directors and approved by the board. The board of directors shall determine what portion of such funds shall be retained in a checking account or accounts and what portion of such funds shall be invested in the investments previously listed, as well as which specific investments, if any, shall be made.

(c) Policyholder's stabilization reserve fund. The Act, §4A, creates the policyholder's stabilization reserve fund and provides that this fund shall be administered as provided in the Act and these rules and that the advisory directors shall be chosen as provided in these rules.

(1) General provisions.

(A) In accordance with the Act, §3A, the board shall establish by rule the categories of physicians and other health care providers who are eligible to obtain coverage from the association. Such rule may be re-

vised from time to time to include or exclude from eligibility particular categories of such health care providers and physicians.

(B) The following provisions also govern.

(i) Within 15 days after the effective date of any board order establishing eligibility, the board of directors shall extend invitations to the appropriate Texas organizations representing eligible health care providers and physicians to each designate an advisory director to represent each eligible category of health care provider and physician and advise the association of its choice of director.

(ii) Each designated advisory director shall have a vote on any matter coming before any meeting of the entire body of advisory directors, and that vote shall be weighted in the proportion that the new written premium collected during the most recently completed calendar year from policies issued to each category of health care provider and physician bears to the total net written premiums collected from all categories of health care providers and physicians during the same calendar year. The proportion of weighting of the advisory directors' votes shall be determined annually by the association, not later than August 31

(iii) The designated advisory directors shall meet not later than October 15, 1977, and not later than September 15 annually thereafter at a place in Texas to be stipulated by the board of directors to consider the amount of funds available and the status of the policyholder's stabilization reserve fund and shall inform the board of directors of the percentage to be charged to all policyholders of all policies issued or renewed by the association during the next calendar year. This percentage shall be communicated to the board of directors no later than November 1, 1977, and not later than September 20, annually thereafter.

(iv) If any organization described in clause (i) of this subparagraph fails to designate an advisory director, the directors designated by the remaining organizations shall constitute the entire body of advisory directors and their establishment of the policyholder's stabilization reserve fund charge shall be accepted as valid by the association and imposed pursuant to the operational procedures of the association, upon approval of the board.

(v) In the event that the advisory directors fail to establish a specific percentage charge for the policyholder's stabilization reserve fund to be collected for the coming calendar year before the applicable deadline, the board of directors shall immediately submit for approval by the board a charge to be collected from policyholders of each new and renewal policy during the forthcoming calendar year in accordance with the provisions of the Insurance Code.

(vi) The advisory directors shall serve without salary or other fee, and shall not be reimbursed for any expenses. The advisory directors, in the performance of their duties, shall be afforded the protection of Rule 059.21.50.002(h) of this title (relating to Operation of the Texas Medical Liability Insurance Underwriting Association)

(C) The policyholder's stabilization reserve fund charge shall be collected from each policyholder annually, as may be appropriate, and shall be stated as a

percentage of the annual premium due for all coverages on all policies issued or renewed on or after the effective date of the charge. Such percentage charge shall remain in effect until changed in accordance with subparagraph (B) of this paragraph.

(D) The policyholder's stabilization reserve fund charge shall be separately stated in the policy, but shall not constitute a part of premium or be subject to premium taxation, servicing fees, acquisition costs, commissions, or any other such charges. Further, the policyholder's stabilization reserve fund charge shall not be considered premiums for the purpose of any assessments levied under subsection (d) of this rule.

(E) The policyholder's stabilization reserve fund charges shall be collected and administered by the association and shall be treated as a liability of the association along with and in the same manner as premium and loss reserves. The fund shall be valued annually by the board of directors within 90 days of the close of the last preceding calendar year.

(F) Collections of the policyholder's stabilization reserve fund charge shall continue throughout each calendar year for which established, provided, however, that no charge will be made during the next succeeding calendar year if the net balance in the fund after recoupment of any prior year's deficit equals or exceeds the association's estimate of the projected sum of premiums to be written in the calendar year following the valuation date of the fund

(2) Policyholder's stabilization reserve fund charge The proportionate policyholder's stabilization reserve fund charge shall be based on the total annual written premium for all coverages provided by the association to the policyholder. The policyholder's stabilization reserve fund charges shall not be refundable if any portion of the coverage premium is earned or the association is exposed to any liability under the policies that are the basis for the charge. The policyholder's stabilization reserve fund charge shall apply to all new and renewal policies effective on and after January 1, 1978.

(3) Disbursements from the policyholder's stabilization reserve fund. Disbursements from the policyholder's stabilization reserve fund shall not be made for any purpose other than to recoup a deficit from operations as defined in subsection (d) of this rule. Upon suspension of the association, pursuant to the suspension promulgated by the board, any funds remaining in the policyholder's stabilization reserve fund shall be added to the special fund created by the board-appointed statutory liquidator. Any investment income earned on the funds of the policyholder's stabilization reserve fund shall be added to that fund.

(d) Participation by members and policyholders of the association.

(1) Deficit and remedy of a deficit.

(A) The association shall have sustained a deficit from operations whenever the aggregate of the incurred losses (reported and unreported), plus all loss adjustment expenses incurred, plus commissions and plus other administrative expenses (including servicing carrier fees) incurred by the association in a given calendar year exceed the aggregate of the net premiums earned and

other net income (including investment income earned) realized by the association in the same calendar year.

(B) Any deficits sustained by the association in any one calendar year shall be recouped, pursuant to these rules and the rating plan then in effect, by one or more of the following procedures in this sequence.

(i) First, a contribution from the policyholder's stabilization reserve fund until the same is exhausted.

(ii) Second, an assessment upon the policyholders pursuant to paragraph (3) of this subsection and the Act, §5(A).

(iii) Third, an assessment upon the members of the association pursuant to paragraph (4) of this subsection and the Act, §5(B).

(2) Surplus and disposition of a surplus.

(A) The association shall have sustained a surplus from operations whenever the aggregate of the incurred losses (reported and unreported), plus all loss adjustment expenses incurred, plus commissions and plus other administrative expenses (including servicing carrier fees) incurred by the association in a given calendar year do not exceed the aggregate of the net premiums earned and other net income (including investment income earned) realized by the association in the same calendar year.

(B) Upon approval by the board of directors, surplus from operations shall be ratably distributed as reimbursements to members who have been assessed pursuant to paragraph (4) of this subsection and have paid such assessments, but have not been previously reimbursed therefor and have not been allowed the premium tax credit (offset) pursuant to subsection (e) of this rule.

(C) Any balance remaining in the funds of the association at the close of its fiscal year, meaning its then excess of revenue over expenditures after approved reimbursement of members' contributions, shall be added to the reserves of the association.

(3) Participation by policyholders of the association.

(A) Assessment of policyholders; contingent liability therefor. Each policyholder of the association shall have contingent liability for a proportionate share of any assessment of policyholders made by the association. Whenever a deficit, as calculated pursuant to paragraph (1)(A) of this subsection, is sustained by the association in any one calendar year and the deficit has not been recouped in its entirety from the policyholder's stabilization reserve fund, its directors shall levy an assessment only upon those policyholders who held policies in force at any time within the two most recently completed calendar years in which the association was issuing policies preceding the date on which the assessment was levied. The aggregate amount of the assessment shall be equal to that part of the deficit not recouped from the stabilization reserve fund. The maximum aggregate assessment per policyholder shall not exceed the annual premium as determined by the association for the liability policy most recently in effect. Subject to such maximum limitation, each policyholder shall be assessed for that portion of the deficit reflecting the proportion which the earned premium on policies issued during the two most recently completed calendar years of such policyholder bears to the total earned premium for all the policies issued by the association for the same period.

(B) Procedure for assessment of policyholders.

Assessments of policyholders shall be made in accordance with the following.

(i) Notice of assessment shall be sent by certified mail, return receipt requested, to each policyholder being assessed within 30 days of the meeting of the board of directors at which such assessment was levied. Such notice shall be forwarded to the address of such policyholder as it appears on the books of the association. Such notice shall state the policyholder's allocated amount of assessment and shall inform each policyholder of the sanctions imposed by clause (ii) of this subparagraph for the failure to pay such assessment within the time prescribed by these rules.

(ii) Each policyholder shall remit to the association payment in full of an assessment within 30 days of receipt of notice of assessment. If the association has not received payment in full of the policyholder's assessment within 40 days of posting of the notice of assessment, then the association shall promptly cancel any policy of insurance which the policyholder shall at that time have in force with the association and shall be entitled to offset any unearned premium otherwise refundable on such policy against the amount of that policyholder's unpaid assessment. Such cancellation of current insurance coverage shall in no way affect the right of the association to proceed against such policyholder in any court of law or equity in the United States for any remedy provided by law or contract to the association, including, but not limited to, the right to collect such policyholder's assessment.

(4) Participation by members of the association.

(A) Assessment of members. The Act provides that in the event that sufficient funds are not available for the sound financial operation of the association, in addition to assessments of policyholders paid pursuant to these rules in accordance with paragraph (3) of this subsection and contributions from the policyholder's stabilization reserve fund, all members shall, on a basis authorized by the board, as long as the board deems it necessary, contribute to the financial requirements of the association in the manner provided for in this section and the Act, §5. Any assessment or contribution shall be reimbursed to the members with interest at a rate to be approved by the board. Pending recoupment or reimbursement of assessments or contributions paid to the association by a member, the unrepaid balance of such assessments and contributions may be reflected in the books and records of the insurer as an admitted asset of the insurer for all purposes, including exhibition in annual statements pursuant to the Insurance Code, Article 6.12.

(B) Procedure for assessment of members.

(i) All insurers which are members of the association shall participate in its writings, expenses, and losses in the proportion that the net direct premiums, as defined herein, of each such member, excluding that portion of premiums attributable to the operation of the association, written in this state during the preceding calendar year, bears to the aggregate net direct premiums written in this state by all members of the association during the same calendar year. Each insurer's participation in the association shall be determined annually on the basis of such net direct premiums writ-

ten during the preceding calendar year as reported in the annual statements and other reports filed by that insurer that may be required by the board. No member shall be obligated in any one year to reimburse the association on account of its proportionate share in the unrecouped deficit from operations of the association in that year in excess of 1.0% of its surplus to policyholders, and the aggregate amount not so reimbursed shall be reallocated among the remaining members in accordance with the method of determining participation prescribed in this subsection, after excluding from the computation the total net direct premiums of all members not sharing in such excess deficit. In the event that the deficit from operations allocated to all members of the association in any calendar year shall exceed 1.0% of their respective surplus to policyholders, the amount of such deficit shall be allocated to each member in accordance with the method of determining participation prescribed in this subsection.

(ii) Notice of assessment shall be sent by certified mail, return receipt requested, to each member within 30 days of the meeting of the board of directors at which such assessment was levied. Such notice shall be forwarded to the office address of such member as it appears on the books of the association. Such notice shall state the member's allocated amount of assessment and shall inform each member of the sanctions imposed by clause (iii) of this subparagraph for the failure to pay such assessment within the time prescribed by these rules.

(iii) Each member shall remit to the association payment in full of its assessed amount of any assessments levied by the board of directors within 30 days of receipt of notice of assessment. If the association has not received payment in full of a member's allocated amount of assessment within 40 days of notice of the receipt by the member of the notice of assessment, then the association shall report to the commissioner of insurance the fact that such assessment has not been paid and the commissioner of insurance may take such actions as are permitted under the Insurance Code, including, but not limited to, calling a public hearing pursuant to the Insurance Code, Article 1.10, §7, to consider revocation of the certificate of authority of the delinquent member. Any action by the commissioner of insurance shall in no way affect the right of the association to proceed against such member in any court of law or equity in the United States for any remedy provided by law or contract to the association, including, but not limited to, the right to collect such member's assessment. A member, by mailing payment of its allocated amount of assessment as provided herein, shall not thereby waive any right it may have to contest the computation of its allocated amount of assessment. Such contest shall not, however, toll the time in which assessment shall be paid, or the report is to be made to the commissioner of insurance, or the commissioner, upon receipt of such report, is to take action, all as set out in this paragraph.

(5) Basis of computation of deficit, surplus, and assessments. The computation of the deficit or surplus in operations of the association and the computation of assessment of members and policyholders shall be computed on a calendar year basis in accordance with the reporting requirements of the annual statement filed with the board.

(e) Premium tax credit (offset) for members assessments. To the extent that a member has been assessed and has paid one or more assessments as contemplated by these rules and has not received reimbursement from the association for such assessments, that member, as provided for in the Act, §4(b)(3), shall be allowed a credit against its premium taxes under the Insurance Code, Article 4.10, for all lines of insurance which the member is writing in the State of Texas, which are subject to a premium tax under Article 4.10. The tax credit, in the aggregate amount of such assessments plus interest at a rate to be approved by the board shall be allowed at a rate of 20% per year for five successive years following the year in which such deficit was sustained and at the option of the member may be taken over an additional number of years. For purposes of this premium tax offset, expense fees paid pursuant to Rule 059 21 50.002(b)(1) and (2) of this title (relating to Operation of the Texas Medical Liability Insurance Underwriting Association) are deemed to be assessments.

(f) Appeals

(1) Appeal to board of directors. Any person insured or applying for insurance pursuant to the Act or his duly authorized representative or any affected insurer who may be aggrieved by an act, ruling, or decision of the association may, within 30 days after such act, ruling, or decision, appeal to the board of directors of the association. The board of directors of the association shall hear said appeal in 30 days after receipt of such requests or appeal and shall give not less than 10 days' written notice of the time and place of hearing to the person making such requests or his duly authorized representative. Within 10 days after such hearing, the board of directors of the association shall affirm, reverse, or modify its previous action or the act, ruling, or decision appealed to the board of directors of the association.

(2) Appeal to board. In the event any person insured or applying for insurance is aggrieved by the final action of the board of directors of the association or in the event the association is aggrieved by the action of the board with respect to any ruling, order, or determination of the board of directors of the association or of the board or in the event that the board of directors fails to act after having received notice under paragraph (1) of this subsection, the aggrieved party may, within 30 days after such action, make a written request to the board for a hearing thereon. The board shall hear the association or the appeal from an act, ruling, or decision of the association within 30 days after receipt of such request or appeal and shall give not less than 10 days' written notice of the time and place of hearing to the association making such request or the person, or his duly authorized representative, appealing from the act, ruling, or decision of the board of directors of the association. Within 30 days after such hearing, the board shall affirm, reverse, or modify its previous action or the act, ruling, or decision appealed to the board. Pending such hearing and decision thereon, the board may suspend or postpone the effective date of its previous rule or of the act, ruling, or decision appealed to the board. The association, or the person aggrieved by any order or decision of the board, may thereafter appeal in accordance with the Insurance Code, Article 1.04(f).

(g) Suspension of the association Pursuant to the Act, the board shall promulgate a plan of suspension consistent with provisions of the Act as amended. The plan of suspension shall provide for the maintenance of reserves for losses and loss adjustment expenses which may be reported subsequent to the expiration of all policies in force. If, after the date of suspension ordered by the board, the board finds, after notice and hearing, that all known claims have been paid, provided for, or otherwise disposed of by the association relating to policies issued prior to such suspension, then the board may wind up the affairs of the association relating to policies issued prior to such suspension by paying all funds remaining in the association to a special fund created by the statutory liquidator of the board as a reasonable reserve to be administered by said liquidator for unknown claims and for reimbursing assessments and contributions in accordance with the Act, §4(b)(5). The board shall, after consultation with the representatives of the public, the Texas Medical Association, the Texas Podiatry Association, the Texas Hospital Association, and other affected individuals and organizations, promulgate a plan for distribution of funds, if any, less reasonable and necessary expenses, to the policyholders ratably in proportion to premiums and assessments paid during the period of time in which the association issued policies. When all claims have been paid and no further liability of this association exists, the statutory liquidator shall distribute all funds in its possession to the applicable policyholders in accordance with the plan promulgated by the board. If such reserve fund administered by the statutory liquidator proves inadequate, the association shall be treated as an insolvent insurer in respect to the application of the provisions of the Insurance Code, Articles 21.28, 21.28A, and 21.28-C, not inconsistent with the Act. Notice of claims shall be made upon the board

(h) Termination of policies. No policy shall be issued by the association after the date fixed in Article 21.49-3 for a plan of suspension to become effective and operative. All then issued policies shall continue in force until terminated in accordance with the terms and conditions of such policies.

(i) Auditing of members. The association may audit the records of any member relating to the subject matter of the Act or these rules according to rules promulgated by the board which may establish what policies, records, book of accounts, documents, and related material shall be necessary to carry out its functions. Such material shall be provided by the members in the form and with the frequency reasonably required by such rules.

(j) Reactivation. Pursuant to the Act, the board may reactivate the Joint Underwriting Association, in keeping with the provisions of the Act.

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

Issued in Austin, Texas, on October 10, 1984.

TRD-8410295 James W. Norman
Chief Clerk
State Board of Insurance

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 49. Child Protective Services

(Editor's note: A notice appeared in the October 16, 1984, issue of the Texas Register that the following adoptions submitted by the Texas Department of Human Resources would be serialized in this issue. The effective date for the documents is October 31, 1984.)

The Texas Department of Human Resources (DHR) adopts new §§49.102, 49.308, 49.309, 49.701, 49.703, 49.1303, and 49.1304, with changes to the proposed text published in the August 31, 1984, issue of the *Texas Register* (9 TexReg 4651). New §§49.101, 49.103, 49.104, 49.301-49.307, 49.310-49.343, 49.501-49.513, 49.702, 49.901-49.904, 49.1101-49.1109, 49.1301, 49.1302, 49.1305-49.1312, 49.1501-49.1505, 49.1701-49.1746, 49.1901, and 49.1902 are adopted without changes and will not be republished. Sections 49.7001-49.7015, 49.7101-49.7131, 49.7134-49.7146, 49.7149-49.7154, 49.7201-49.7227, 49.7301-49.7330, 49.7332-49.7402, 49.7501-49.7519, 49.7528, 49.7529, 49.7531-49.7538, 49.7540-49.7546, 49.7601-49.7616, 49.7701, 49.7801-49.7809, 49.7901-49.7904, 49.8001-49.8003, and 49.8006 are also adopted without changes and will not be published.

The new rules governing the Child Protective Services Program in Texas reflect changes required by laws or regulations and update and reformat the policies and procedures for the provision of child protective services by DHR. The rules do not alter the basic criteria or procedures DHR currently uses in providing child protective services.

The DHR received one written comment on the proposal from the Legal Aid Society of Central Texas. The commenter was neither for nor against the rules as proposed, but offered recommendations for changes to some of the rules.

The commenter requested that §49.102 be changed to incorporate specific cites of DHR rules regarding confidential information and to delete language regarding policies in DHR handbooks. The DHR has changed §49.102 to cite the appropriate chapter of DHR rules concerning confidentiality and to delete references to DHR policies.

The commenter requested a change to §49.308(c) to either delete the reference to court orders for removal or to clarify situations which would require removal of the child. The DHR has clarified §49.308(c) to stipulate:

If parents refuse to allow DHR to investigate, DHR may request the county or district attorney to petition the court for an order that requires the parents to allow the investigation. If the allegations of abuse or neglect or other information available to DHR indicates immediate danger to the child, DHR may also seek a court order to remove the child from the home.

The commenter recommended that §49.309 be amended to include a provision requiring DHR to inform clients about their right to administrative reviews of complaints. The DHR agrees with the comment and has amended §49.309 accordingly.

The commenter recommended that §49.311 and §49.313 be revised to specify that DHR must make reasonable efforts to reunify the family. The DHR does not consider §49.311 or §49.313 to be an appropriate place for the suggested reference since these sections relate specifically to eligibility requirements for services provided by DHR. The DHR has addressed the commenter's concerns regarding reasonable effort in §49.1304.

The commenter requested that §49.328(c) be amended to cover the costs of "reasonable travel to the child's home for visitation." The DHR disagrees with the inclusion of the requested language. The DHR believes the provisions of §49.328 are consistent with the requirements of Public Law 96-272, §675(4), which lists costs which may be included in foster care payments.

The commenter recommended that §49.505 be changed to guarantee the provision of child protective services to priority III cases. By definition, priority III cases do not include reports of actual or threatened abuse or neglect. Therefore, if DHR is unable to respond to a priority III report, DHR is not circumventing the intent of Public Law 96-272. The DHR agrees that serving priority III cases is very beneficial and therefore rules and policies encourage development of community resources and volunteers to provide services to clients in priority III cases.

In §49.701(a), the commenter requested that DHR's role in making referrals to community services and in coordinating the delivery of services to the family be clarified. In Subchapter Q, DHR's rules include developing arrangements with volunteers and contractual agreements with community resources. In these rules, DHR requires delineation of services and referral procedures. The DHR monitors these resources to ensure fulfillment of the contractual obligations. Therefore, DHR does not believe it is necessary to clarify §49.701(a) for this reason. Section 49.701 has been amended, however, to address another concern of the commenter.

The commenter stipulated items which should be added to §49.703 regarding family service plans. The DHR has agreed to some of the requested additions and has amended §49.703 to include that the plan must be in writing, a copy of the plan must be given to the parents or caretakers, and the roles of the various people or resources involved must be identified. The DHR does not believe it necessary to stipulate in its rules additional information to be contained in the case record. The right to appeal is contained in another rule in this subchapter. The time frame for service plans stipulates completion of the plan, rather than development, within 45 days.

The commenter recommended that the list of purchased protective services to prevent removal or to

reunify families stipulated in §§49.901-49.904 be expanded to conform with the Title IV-B state plan and the 427 compliance report. Sections 49.901-49.904 refer to only some of the purchased services described in the Title IV-B state plan and the 427 compliance report. Also, rules in Subchapter Q and §48.701 describe additional direct and purchased services listed in the state plan and the compliance report. In response to the comment, §49.701 has been clarified to better describe in-home services provided through direct delivery.

The commenter requested that §49.1303(a) be amended to comply with Public Law 96-272 regarding the type of placement. The commenter also suggested that documentation concerning the placement of siblings should be covered in this section. The DHR has changed §49.1303(a) to stipulate "a placement plan which will ensure placement in the least restrictive setting available and close proximity to the parent's home if this is consistent with the best interest and the needs of the child." Although DHR views the placement of siblings together as good practice in ensuring the best interest of the child, DHR does not believe it necessary to make this change in the rule.

The commenter recommended several changes to §49.1304 regarding service plan for families. The DHR has amended this section to require that the service plan be in writing and a copy be given to the parents. The DHR believes that while individual service plans may refer to transportation assistance for visitation, it is not necessary to revise the section for that change. The right to appeal is covered in another section within this chapter, and DHR does not consider that repetition of this right is necessary in rules regarding service plans. Although attorneys may participate at any point that families feel it is appropriate, DHR does not agree that the section should be revised as suggested.

In response to a previously referenced comment, DHR has further amended §49.1304(d)(1) to meet the commenter's concerns about reasonable efforts to prevent removal and placement of a child.

The commenter recommended that §49.1306 be amended to delete the phrase "if a periodic court hearing cannot be held or is delayed." The DHR agrees that periodic court hearings should be held, however, these hearings are the responsibility of the court. If the court is unable to fulfill this obligation, DHR needs to ensure that all children placed in substitute care have a review of their placement through the administrative review process.

The commenter recommended that §49.1307 be amended to incorporate the procedural safeguards required by Public Law 96-272. The DHR believes that the requirements of Public Law 96-272 are adequately covered in the rules in this chapter. Therefore the rule has not been modified.

The commenter recommended that §49.1311 be amended to be consistent with the procedural safeguards required by Public Law 96-272 by stipulating prior notice and opportunity for a hearing before

any changes or restrictions in visitation plans. The DHR believes that the requirements of Public Law 96-272 are adequately addressed in the rules in this chapter. Further, court-ordered visitation cannot be changed except through the judicial process.

The commenter suggested changes to §49.1712(a) to conform with the Title IV-B state plan. The DHR believes that the section is consistent with the intent of the state plan and therefore has not modified the section.

Subchapter A. Administration

40 TAC §§49.101-49.104

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

§49.102. Confidential Information. Information about a child protective services client is confidential and may not be released except as authorized by statute, federal regulation, court direction, Attorney General's opinion, and DHR rules concerning disclosure of information and confidentiality of information in Chapter 71 of this title (relating to Public Information).

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 October 10, 1984

TRD-8410242 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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Proposal publication date August 31, 1984
For further information, please call (512) 450-3786.

under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

§49.308. Right to Refuse Services and Consequences of Refusal.

(a) A parent's absence or refusal to accept services offered by DHR does not change DHR's legal responsibility to protect children. Parents must not be coerced or defrauded into accepting services but must be notified of the steps DHR may take to protect the children if the parents refuse services.

(b) Parents have the right to refuse services offered by DHR unless a court has ordered the services.

(c) If parents refuse to allow DHR to investigate, DHR may request the county or district attorney to petition the court for an order that requires the parents to allow the investigation. If the allegation of abuse or neglect or other information available to DHR indicates immediate danger to the child, DHR may also seek a court order to remove the child from the home.

§49.309. Administrative Reviews of Client Complaints. Child protective services clients have the right to an administrative review of any complaint about DHR's child protective services. When clients make a complaint, staff inform the clients that they may request an administrative review. An administrative review is conducted by staff at a higher level than the worker within a reasonable time after the client requests the review. If dissatisfied with the results of an administrative review, the client may request a fair hearing.

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.

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Subchapter C. Eligibility for Child Protective Services

40 TAC §§49.301-49.343

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted

Subchapter E. Intake and Investigation Services

40 TAC §§49.501-49.513

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the Texas Family Code, Title 2, which autho-

rizes the department to enforce laws and regulations governing the parent-child relationship.

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.

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Subchapter G. In-Home Child Protective Services

40 TAC § 549.701-49.703

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

§49.701. Type of Service.

(a) In-home child protective services are services provided to families and children in their own homes to help prevent further abuse or neglect and to prevent removal of children. If the child is not in immediate danger of permanent harm, the parents are willing and capable of improving the problem situation, and services are to be continued, the DHR must work with the family to improve the care of the child and to provide or arrange for other services as needed. In-home protective services may be provided directly by DHR staff or purchased. Directly delivered in-home protective services include casework and referral services, consultation regarding service delivery, and mobilization of available resources. In-home protective services also include working with parents while children are voluntarily placed by the parents with relatives or other people.

(b) In-home protective services are provided for children living with relatives if:

- (1) the parents, not DHR, place the child with the relatives; or
- (2) the child is already living with the relatives when DHR began the case

§49.703. Family Service Plan. The DHR must establish a written family service plan for children and families who receive in-home protective services. The DHR must:

- (1) complete the plan within 45 days after determining the need for in-home protective services;

(2) develop the plan with the parents or caretakers unless they are absent or refuse to participate and obtain the parent's or caretaker's signature on the plan. A copy of the plan must be given to the parents or caretakers;

(3) identify in the plan the family's problems and the effects of the problems on the family and child;

(4) identify in the plan possible solutions to the problems and objectives for the family, including ways to improve the child's care and specific services to be arranged through other resources in the community or provided by DHR. The role of the worker, other service providers, and the parents in achieving the changes must be included;

(5) obtain supervisory approval and signature on the initial plan and updates to the plan;

(6) update the plan when significant changes occur within the family;

(7) review and update the plan with the family at least every six months.

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.

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Subchapter I. Purchased Protective Services to Prevent Removal or to Reunify Families

40 TAC §§49.901-49.904

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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.

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Commissioner
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Subchapter K. Court-Related Services

40 TAC §§49.1101-49.1109

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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.

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**Subchapter M. Substitute Care
Placement Services**

40 TAC §§49.1301-49.1312

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

§49.1303. Service Plan for Children.

(a) The DHR must document in the child's service plan the reason for choosing the type of substitute care placement for the child, how it will meet the child's needs, and notification to the parents about any changes made in the child's placement while the service plan was being developed. The DHR must develop a placement plan which will ensure placement in the least restrictive setting available and close proximity to the parents' home if this is consistent with the best interest and the needs of the child.

(b) The DHR must include in the child's service plan a projected date for the child's return home or for the completion of the permanency plan.

(c) The following persons must be asked to participate in developing the service plan:

- (1) the child's worker in the conservatorship unit;
- (2) the worker supervising the placement, if different from paragraph (1) of this subsection;
- (3) the child;
- (4) the child's parents, unless parental rights are terminated, or other appropriate relatives;
- (5) foster parents or other caretaker;
- (6) other professionals and volunteers who are providing services to the child or the child's family;
- (7) the attorney ad litem.

§49.1304. Service Plan for Families.

(a) The DHR must develop a written service plan for families of children in substitute care unless the parents cannot be found, parental rights are terminated, or an affidavit of relinquishment has been executed.

(b) The DHR must develop the family's service plan with the parents within 30 days after the child's placement and must obtain the parent's signature on the plan unless the parents are absent or refuse to cooperate. A copy of the plan must be given to the parents.

(c) If DHR cannot establish the family's service plan with the parents because the parents are absent, hostile, or uncooperative, the worker must establish the family's service plan without the parents.

(d) The DHR must include the following in the service plan:

- (1) a description of efforts made to obtain services before the removal of the child and any services which were provided to prevent the substitute care placement;
- (2) identification of the problems which caused removal of the child;
- (3) changes that must take place before DHR will recommend that the court return conservatorship to the parents;
- (4) services to be provided to accomplish the changes and who will provide the services;
- (5) the role of the worker, other service providers, and the parents in achieving the changes;
- (6) a proposed time limit for achieving the changes;
- (7) a plan for the parents to visit, telephone, and write to the child;
- (8) the family's plan for the financial support of the child including payment of child support and availability of insurance;
- (9) specific conditions or stipulations in the court order;
- (10) consequences if changes are not achieved.

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.

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**Subchapter O. Foster and Adoptive
Home Development**

40 TAC § 549.1501-49.1505

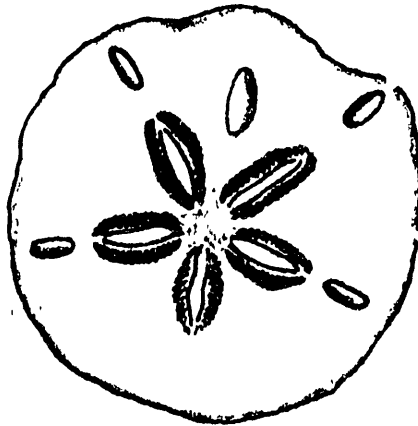
The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the authority of the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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.

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**Subchapter Q. Purchased Protective
Services**

40 TAC § 549.1701-49.1746

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the authority of the Texas Family Code, Title 2, which authorizes the department to enforce laws

and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410250 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

**Subchapter S. Interstate Placement of
Children**

40 TAC § 49.1901, § 49.1902

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984

TRD-8410251 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

**Subchapter SSS. Legal Base for Child
Welfare Services**

40 TAC § 549.7001-49.7015

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the authority of the Texas Family Code, Title 2, which authorizes

the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410252 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter TTT. Protective Services for Children

40 TAC §§49.7101-49.7131, 49.7134-49.7146, 49.7149-49.7154

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the authority of the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410253 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter UUU. Removal and Court-Related Services

40 TAC §§49.7201-49.7227

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeals also are adopted under the authority of the Texas Family Code, Title 2, which autho-

rizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410254 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter VVV. Foster Care Placement Services

40 TAC §§49.7301-49.7330, 49.7332-49.7402

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410255 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter WWW. Adoption Services

40 TAC §§49.7501-45.7519, 49.7528, 49.7529, 49.7531-49.7538, 49.7540-49.7546

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the Texas Family Code, Title 2, which authorizes the department

to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410256 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter XXX. Out-of-Town Inquiries 40 TAC §§49.7601-49.7616

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410257 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter YYY. Case Closure 40 TAC §49.7701

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410258 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter ZZZ. Child Welfare Services and the Community

40 TAC §§49.7801-49.7809

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984

TRD-8410259 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter AAAA. Child Welfare Fiscal System

40 TAC §§49.7901-49.7904

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984

TRD-8410260 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

Subchapter BBBB. Standards for Protective Services

40 TAC §§49.8001-49.8003, 49.8006

The repeal is adopted under the authority of Human Resources Code, Title 2, Chapter 22, which autho-

rizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is adopted under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

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 October 10, 1984.

TRD-8410261 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 31, 1984
Proposal publication date: August 31, 1984
For further information, please call (512) 450-3766.

State Board of Insurance Exempt Filings

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

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

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

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

The State Board of Insurance has approved a revision of the basic limits bodily injury rates for certain premises/operations classifications (subline Code 314 and Code 326) Division Six of the *Commercial Lines Manual*.

The board finds as an ultimate fact, applying its informed judgment in the context of the facts presented at the board meetings held on August 31, 1984, and September 27, 1984, in Room 414 of the State Board of Insurance Building, that the 12.1% average increase for certain premises/operations (subline Code 314 and Code 326) classifications for Division Six of the *Commercial Lines Manual* which results from the expense formula, modified to contain an underwriting profit and contingencies provision of - 3.31% of

earned premiums for all coverages, produces proper and correct rates to become effective on and after December 1, 1984, until amended by the board. The board further finds that such rates are reasonable to the public and adequate to the insurance carriers writing certain premises/operations (subline Code 314 and Code 326) classifications for Division Six of the *Commercial Lines Manual*.

These changes are applicable to all policies effective on or after December 1, 1984. No policy effective prior to December 1, 1984, shall be endorsed or canceled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

Exception—Experience rated policies. These changes are applicable as of the experience rating date to all policies to which an experience rating modification which becomes effective on or after December 1, 1984, is to apply, and may not be applied to such policies prior to the experience rating date. As respects any policies to which an experience modification is to apply which became effective prior to December 1, 1984, these changes may not be applied until the first experience rating date after December 1, 1984.

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

Issued in Austin, Texas, on October 9, 1984

TRD-8410296 James W. Norman
Chief Clerk
State Board of Insurance

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

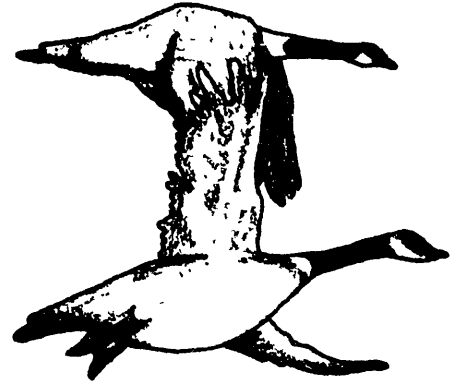
The State Board of Insurance has approved amendments to the automobile statistical plan of the National Association of Independent Insurers. The amendments make editorial changes in the defensive driver credit definition to become effective November 4, 1984.

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

Issued in Austin, Texas, on October 9, 1984.

TRD-8410297 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 4, 1984
For further information, please call (512) 475-2950.



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

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

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

Open Meetings

Texas Department on Aging

Thursday, October 25, 1984, 10 a.m. The Citizens Advisory Council of the Texas Department on Aging will meet in the board room, fifth floor, 210 Barton Springs Road, Austin. Items on the agenda include approval of the July 12, 1984, minutes; introduction of new staff and an update on a revision of an organizational chart; the Silver-Haired Legislature; staff reports; and the state poster contest.

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

Filed: October 15, 1984, 3 p.m.
TRD-8410414

Texas Department of Agriculture

Thursday, October 25, 1984, 3:30 p.m. The Texas Department of Agriculture will meet at its office on State Highway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review possible violations of the Texas Agriculture Code, §76.111(a) and (g) and §76.116(a)(5), by E. C. Davis, doing

business as Hunt Dusting, holder of a commercial applicator's license.

Contact: Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

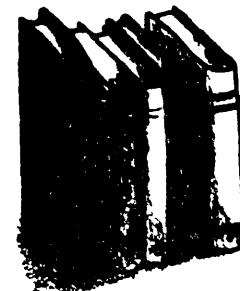
Filed: October 16, 1984, 9:28 a.m.
TRD-8410443

Automated Information Systems Advisory Council

Monday, October 29, 1984, 9 a.m. The Board of the Automated Information Systems Advisory Council will meet in the commissioners conference room, 510 South Congress Avenue, Austin. According to the agenda, the board will consider minutes from the previous meeting; procurement proposals; a proposed rule concerning cost allocation for the ADP; and the House Appropriation Committee Subcommittee on State Automated Services recommendations.

Contact: Charlotte Craig, P.O. Box 13564, Austin, Texas 78711, (512) 475-2362.

Filed: October 15, 1984, 2:24 p.m.
TRD-8410411



State Commission for the Blind

Monday, October 29, 1984, 10:30 a.m. The Board of Directors of the State Commission for the Blind will meet at the Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. Items on the agenda include a board presentation of employer of the year awards; approval of the June 25, 1984, and September 27, 1984, minutes; a report of the executive director; approval of anticipated capital purchases and of personnel for 1985; a discussion of the preliminary fiscal year 1985 operating budget; a discussion concerning changing the titles of the executive director to commissioner, the deputy director, Administration and Finance, to deputy commissioner, Adminis-

tration and Finance, and the deputy director, Programs, to deputy commissioner, Programs; and a discussion and approval of proposed rules for publication in the *Texas Register* pertaining to the use of the endowment loan fund for petitioning for adoption of rules by any interested person or organization. The board will also meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(e) and §2(g).

Contact: Jean Wakefield, 314 West 11th Street, Austin, Texas, (512) 475-6810.

Filed: October 12, 1984, 3:58 p.m.
TRD-8410370

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

Thursday, October 25, 1984, 10 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet in Suite 400, 314 West 11th Street, Austin. Items on the agenda include acceptance of the minutes, new products and services, price revisions, and new business.

Contact: Gibson DuTerroil, P.O. Box 13435, Houston, Texas 77019, (713) 527-9561.

Filed: October 11, 1984, 2:30 p.m.
TRD-8410310

Texas School for the Deaf

Friday, October 12, 1984, 1 p.m. The Policy Committee of the Texas School for the Deaf met in emergency session in the boardroom, Administration Building, 1102 South Congress Avenue, Austin. According to the agenda, the committee reviewed Section D policies. The emergency status was necessary because members could not free their schedules until October 10, 1984.

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

Filed: October 12, 1984, 9:37 a.m.
TRD-8410322

Council on Disabilities

Monday, October 15, 1984, 1:30 p.m. The Task Force for the State Plan of the Council

on Disabilities met in emergency session in Suite 301, Stokes Building, 1314 West 11th Street, Austin. According to the agenda, the task force considered written testimony and material. The emergency status was necessary because the council was unable to reschedule for a date when a quorum of members could be present. This was a continuation of the October 11, 1984, meeting.

Contact: Scott Bowman, 118 East Riverside Drive, Austin, Texas 78704, (512) 475-6731.

Filed: October 11, 1984, 3:49 p.m.
TRD-8410311

Texas Economic Development Commission

Wednesday, October 24, 1984, 4 p.m. The Board of Commissioners of the Texas Economic Development Commission will meet at the RGK Building, 2815 San Gabriel Street, Austin. Items on the agenda include discussions concerning the budget, organization improvements, and personnel.

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: October 15, 1984, 9:39 a.m.
TRD-8410388

Texas Education Agency

Friday, October 19, 1984, 10 a.m. The Committee for Students of the State Board of Education of the Texas Education Agency (TEA) made an emergency time change for a meeting to be held in Room 101, TEA North Building, 1200 East Anderson Lane, Austin. The meeting time is changed from 1 p.m. to 10 a.m. The emergency status is necessary to allow the committee more time to consider the items on the agenda. The agenda remains the same as originally posted.

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

Filed: October 12, 1984, 9:45 a.m.
TRD-8410325

Friday, October 19, 1984. Committees of the State Board of Education of the Texas Education Agency (TEA) will meet at the TEA North Building, 1200 East Anderson Lane, Austin. Times, rooms, committees, and agendas follow.

Noon. In Room 101-E, the Committee for Investment of the Permanent School Fund will hear a presentation on the permanent school fund, review securities transactions and the investment portfolio, consider a recommended investment program for October and estimated funds available for the program, and hear a report of the investment officer.

1 p.m. In Room 101-E, the Committee for Finance and Programs will appoint the Advisory Committee for Accountable Costs; consider program weights for special education, vocational education, bilingual education, and compensatory education; hear a progress report on the development of Price Differential Index recommendations; consider a proposed amendment to Bulletin 679, concerning the financial accounting manual, to implement program accounting requirements by campus; discuss proposed amendments to 19 TAC Chapter 78, concerning occupational education and technology; consider requests for legislative appropriations for fiscal year 1986 and fiscal year 1987; and authorize the commissioner of education to file for publication in the *Texas Register* proposed sections concerning the Price Differential Index upon receipt of the recommendations from the Price Differential Index Advisory Committee.

1 p.m. In Room 214, the Committee for Personnel will consider a career ladder as proposed in new sections in 19 TAC Chapter 149, Subchapter C, concerning appraisal of certified personnel, and proposed new sections for a teacher career ladder; discuss a need for a request for appropriation to implement teacher testing requirements and classes of certificates; and conduct an overview of the textbook adoption process.

1 p.m. In Room 101, the Committee for Students will consider a proposed policy statement on student discipline, student absences, rules for promotion and alternatives to social promotion, a briefing on the accreditation status of Venus Independent School District and Kendleton Independent School District, a report to the 69th Legislature on test results for the 1984 Texas Assessments of Basic Skills, a schedule for development for a test of basic skills for grade 12, and extracurricular activities

Saturday, October 20, 1984, 9 a.m. The State Board of Education of the TEA will meet in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda summary, the board will elect officers; approve the investment program for October; appoint the Advisory Committee for Accountable Costs; autho-

rize the commissioner of education to file for publication in the *Texas Register* proposed sections concerning the Price Differential Index upon receipt of the recommendation from the Price Differential Index Advisory Committee; hear a report from the Committee for Personnel concerning a career ladder and the need for a request for appropriation to implement teacher testing requirements; hear a report from the Committee for Students concerning student discipline and absences, rules for promotion and alternatives to social promotion, and the accreditation status of Venus Independent School District and the Kendleton Independent School District; hear a report from the Committee for Finance and Programs concerning program weights for special, vocational, bilingual, and compensatory education, a progress report on the development of Price Differential Index recommendations, a proposed amendment to Bulletin 679, regarding the financial accounting manual, to implement program accounting requirements by campus, and amendments to 19 TAC Chapter 78, regarding occupational education and technology; hear a report from the Committee for Investment of the Permanent School Fund, act on personnel matters discussed in executive session; and consider agency personnel actions and requests by the staff to hold other positions of honor, trust, or profit. The board also will meet in executive session under provisions of Texas Civil Statutes, Article 6252-17(g), to discuss personnel

Wednesday and Thursday, October 24 and 25, 1984, 9 a.m. daily. The Price Differential Index Advisory Committee of the TEA will meet in the Senate Reception Room, State Capitol, Austin. Items on the agenda include a report of the Subcommittee on the Econometric Model for a Price Differential Index and other items concerning the Price Differential Index which may be suggested by committee members

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

Filed: October 11, 1984, 4:16 p.m.
TRD-8410312-8410317

Wednesday, October 31, 1984, 9:30 a.m. The Advisory Committee for Budgeting, Accounting, and Auditing of the Texas Education Agency will meet in the fourth floor meeting room, Teacher Retirement System Building, 1001 Trinity Street, Austin. Items on the agenda include a State Board of Education committee report concerning the October 19, 1984, meeting

regarding the financial accounting manual, Bulletin 679; and a review of proposed Change 18 to Bulletin 679.

Contact: Ed Randall, 201 East 11th Street, Austin, Texas 78701, (512) 475-3951.

Filed: October 12, 1984, 4:08 p.m.
TRD-8410375

Texas Employment Commission

Tuesday, October 23, 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 the internal procedures of the Office of Commission Appeals; consider and act on higher level appeals in unemployment compensation cases in Docket 43; and set a date for the next meeting.

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

Filed: October 15, 1984, 3:32 p.m.
TRD-8410421

Office of the Governor

Thursday, October 25, 1984. Committees of the Office of the Governor will meet in Room 214, State Capitol, Austin. Times, committees, and agendas follow.

2:30 p.m. The Highway Cost Index Committee will approve the October 21, 1983, minutes; certify the amount of dedicated revenue earned for the state highway fund for fiscal year 1984; certify the highway cost index for fiscal year 1984; certify the difference between the amounts of general revenue funds transferred during fiscal year 1984 and the amounts that would have been transferred if actual revenue and the actual highway cost index had been used to determine the amounts transferred, determine the number of monthly installments to adjust the difference in amount transferred during fiscal year 1984, and other business.

Contact: Tom Griebel, Sam Houston Building, Room 706, 201 East 14th Street, Austin, Texas 78711, (512) 475-6156

Filed: October 15, 1984, 3 31 p m
TRD-8410419

2:45 p.m. The Foundation School Fund Budget Committee will approve the July 26, 1983, minutes; review the Foundation

School Program for fiscal year 1984; certify the amount to be placed in the foundation school fund for fiscal years 1985-1987; and other business.

Contact: Brian Wilson, Sam Houston Building, Room 706, 201 East 14th Street, Austin, Texas 78711, (512) 475-2427.

Filed: October 15, 1984, 3:31 p.m.
TRD-8410420

Thursday, November 1, 1984, 9 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division of the Office of the Governor will meet at the Giddings State Home and School, Giddings. According to the agenda summary, the board will review the state plan and application for Juvenile Justice Act formula grant funds for fiscal year 1985, review and make recommendations regarding a grant application submitted by the Texas Juvenile Probation Commission, and tour the Giddings State Home and School.

Contact: Gilbert Pena, Sam Houston Building, Third Floor, 201 East 14th Street, Austin, Texas, (512) 475-3001.

Filed: October 15, 1984, 11:10 a.m.
TRD-8410390

Texas Department of Health

Saturday, October 20, 1984, 9:30 a.m. The Hemophilia Advisory Committee of the Bureau of Crippled Children's Services of the Texas Department of Health will meet in the second floor conference room, 1101 East Anderson Lane, Austin. According to the agenda, the committee will hear an annual report and a report on bureau activities

Contact: Punam Myer, M.D., M.P.H., 1100 West 49th Street, Austin, Texas 78756, (512) 465-2680

Filed: October 12, 1984, 4:11 p.m.
TRD-8410378

Saturday, October 20, 1984, 9:30 a.m. The Texas Board of Health of the Texas Department of Health will meet at the Holiday Inn, 2929 75th Street, Port Arthur. Items on the agenda summary include approval of the September 22, 1984, minutes; the commissioner's report, the Hospitals Committee report, and the Personnel Committee report on appointments to the Crippled Children's Services General Advisory Committee; approval of a resolution in memo-

nam of Walter W. Kemmerer, M.D.; discussion of public health activities in Port Arthur; final adoption of rules for obtaining approval of preprofessional experience and internship programs for the licensure of dietitians; rules relating to the Early Childhood Intervention Program, contracts, and hearing procedures; Emergency Medical Services (EMS) rules concerning repeal of rules, regulations, guidelines, and application forms; decertification, emergency suspension, suspension, and probation of EMS personnel; certifying of persons with criminal backgrounds to be EMS personnel; adoption by reference of the *WIC Policy and Procedure Manual*; proposed amendments to the Crippled Children's Program rules; board approval of a proposed plan to provide comprehensive health care services to the medically indigent in east Texas, specifically public health Region 7/10; announcements and comments in which no board action is required; and discussion of meeting dates for November and December 1984. The board will also meet in executive session.

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

Filed: October 12, 1984, 4:11 p.m.
TRD-8410377



Texas Health Facilities Commission

Thursday, October 25, 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

Motions for Rehearing/Reconsideration
Piney Woods Acres, Corrigan
AN82-1206-247R(122283)
AN82-1206-247A(120784)
Forest Central Surgi-Center, Dallas
AS83-0706-024
North Texas Day Surgery Center, Dallas
AS83-0927-180
St. David's Community Hospital, Austin
AH84-0109-020

South Texas Surgicare Center, Inc.,
Corpus Christi
AS83-1212-424
Surgical Dental Hospital of South Texas,
Inc., Corpus Christi
AS84-0305-147

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

Filed: October 15, 1984, 9:14 a.m.
TRD-8410383

Texas Historical Commission

Saturday, October 27, 1984, 10:30 a.m. The State Board of Review of the Texas Historical Commission will meet at the Fellowship Hall, Ebenezer Baptist Church, 1010 East 10th Street, Austin. According to the agenda summary, the board will approve the minutes of the last meeting and review the *National Register* nominations.

Contact: Peter Flagg Maxson, P.O. Box 12276, Austin, Texas 78711, (512) 475-3094.

Filed: October 15, 1984, 4:34 p.m.
TRD-8410433

State Board of Insurance

Monday, October 15, 1984, 10 a.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider the repeal of Rules 059.05.36.004 and .005, dealing with nuclear and atomic energy insurance. The emergency status was necessary because the lines of insurance are no longer subject to board regulations and the rules needed to be repealed as soon as possible.

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

Filed: October 12, 1984, 4:08 p.m.
TRD-8410374

Friday, October 19, 1984, 10 a.m. The State Board of Insurance will meet in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider final adoption of Rules 059.21.53.001-007, as proposed at 9 TexReg 4905. The emergency status is necessary to have permanent rules in effect before the emergency rules expire.

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

Filed: October 15, 1984, 4.08 p.m.
TRD-8410423

Tuesday, October 23, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 7798—whether the title insurance agent's license held by Neely's Abstractors, Throckmorton, should be canceled or revoked.

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

Filed: October 15, 1984, 1:44 p.m.
TRD-8410397

Tuesday, October 23, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider motions for rehearing in the appeals of Edward H. Chittuck, Jr., George R. Russell, and William W. Herring from action of the Texas Catastrophe Property Insurance Association; hear the commissioner's and fire marshal's reports, both including personnel matters, and consider board orders on several different matters.

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

Filed: October 15, 1984, 4:08 p.m.
TRD-8410424

Tuesday, October 23, 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, the section will consider Docket 7818—approval of the articles of agreement of Chase Lloyds Insurance Company, Waco

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

Filed: October 15, 1984, 1:44 p.m.
TRD-8410398

Tuesday, October 23, 1984, 2 p.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Rooms and agendas follow

In Room 142, the board will consider Rules 059.18.01.001-004, which include the regulation of lloyds insurers and lloyds attorneys-in-fact, as published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4246)

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

Filed: October 15, 1984, 4:08 p.m.
TRD-8410425

In Room 414, the board will consider final action on new Rules 059.27.01.001 and

.002, 059.27.05.001-007, 059.27.04.001-.007, 059.03.75.001-.007, 059.03.48.001 and .002, 059.03.28.101-.105 and .201-.205, 059.41.92.501-.507, .601-.620, and .701-.712, 059.41.42.109-.113, .115, .116, .118-.122, and .124-.127; amendments to Rules 059.01.15.209, .213, and .218 and 059.05.26.101 and .102; the repeal of Rules 059.03.72.001-.004, 059.05.26.003, 059.05.25.006, 059.21.28.002 and .003, 059.05.43.001-.003 and .005; proposed action on new Rules 059.27.06.001-.007; the withdrawal of a proposed amendment to Rule 059.09.07.003; and the adoption, under the Insurance Code, Article 5.96 and Article 5.97, of current standard and uniform manual rules, rating plans, classification plans, statistical plans, and/or policy and endorsement forms for property and casualty insurance regulated under Subchapters A-D and the Insurance Code, Article 5.77 and Article 5.81.

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

Filed: October 15, 1984, 4:06 p.m.
TRD-8410426

Wednesday, October 24, 1984, 10 a.m. The State Board of Insurance will meet in the hearing room, DeWitt C Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the board will conduct a public hearing to consider private passenger automobile insurance manual rules, rating plans, classification plans, statistical plans, and policy and endorsement forms for both voluntary and Texas automobile insurance plan policies; and consider the revision of private passenger automobile insurance rates

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

Filed: October 12, 1984, 2:30 p.m.
TRD-8410354

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

Thursday, October 25, 1984, 9 a.m. Docket 7735—application for original charter of American Group Life Insurance Company, Austin

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

Filed: October 15, 1984, 1:44 p.m.
TRD-8410399

Thursday, October 25, 1984, 1:30 p.m. Docket 7813—whether the Group I legal reserve life insurance agent's license held by

Alexander Saavedra, Houston, should be canceled or revoked.

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

Filed: October 15, 1984, 1:44 p.m.
TRD-8410400

Friday, October 26, 1984, 11 a.m. Docket 7809—whether the title insurance agent's license held by Truett K. Whitmire II, doing business as Atascosa County Abstract and Title Company, Jourdanton, should be canceled or revoked.

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

Filed: October 15, 1984, 1:44 p.m.
TRD-8410401

Friday, October 26, 1984, 1 p.m. Docket 7810—whether the title insurance agent's license held by J. Collier Adams, doing business as Guarantee Abstract and Title Company, Lubbock, should be canceled or revoked.

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

Filed: October 15, 1984, 1:44 p.m.
TRD-8410402

Friday, October 26, 1984, 2 p.m. Docket 7811—whether the title insurance agent's license held by Jack County Abstract Company, Inc., doing business as Jefferson Title Company, Jefferson, should be canceled or revoked.

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

Filed: October 15, 1984, 1:45 p.m.
TRD-8410403

Friday, October 26, 1984, 3 p.m. Docket 7812—whether the title insurance agent's license held by Texas General Title, Inc., Plano, should be canceled or revoked.

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

Filed: October 15, 1984, 1:45 p.m.
TRD-8410404

Monday, October 29, 1984, 1:30 p.m. Docket 7795—whether the applications for renewal of the Group I legal reserve life insurance agent's license and the Group II health and accident insurance license held by Vic Dean Pierce, Brownwood, should be denied.

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

Filed: October 15, 1984, 1:45 p.m.
TRD-8410405

Legislative Budget Board

Friday, October 26, 1984, 9 a.m. The Legislative Budget Board will meet in Room 309, State Capitol, Austin. According to the agenda, the board will consider appropriation requirements for the 1986-1987 biennium. If necessary, the board will continue its meeting on Saturday, October 27, 1984.

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

Filed: October 15, 1984, 12:24 p.m.
TRD-8410394

Texas Legislative Council

Monday and Tuesday, October 15 and 16, 1984, 7 p.m. and 9 a.m. respectively. The Legislative Oversight Committee on Mental Health and Mental Retardation of the Texas Legislative Council met in emergency session in Lone Star Room A, Sunrise Motor Hotel, IH 35 North and U S Highway 183, Austin. Items on the agenda included reports from the Services Priorities Subcommittee, the Priority Populations Subcommittee, and the Patients Rights Subcommittee; a report on the residential services survey; and a discussion of tabled issues. The emergency status was necessary because additional time was needed to make timely recommendations regarding issues related to a federal lawsuit.

Contact: Karen F. Hale, 4600 Burnet Road, Austin, Texas 78756, (512) 459-6584

Filed: October 11, 1984, 4:51 p.m.
TRD-8410321

Texas Low-Level Radioactive Waste Disposal Authority

Tuesday, October 16, 1984, 8 a.m. The Budget Committee of the Texas Low-Level Radioactive Waste Disposal Authority met in emergency session via conference call originating from Suite 175, 1300-C East Anderson Lane, Austin. According to the agenda, the committee considered authorization of funds for continuation of socioeconomic and site evaluation studies. The committee also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(i), to consider the current status of negotiations for tracts of land in preferred siting areas. The emergency status was necessary because additional funds needed to be authorized immediately to continue the required socioeconomic and site evaluation

work and for the committee to be briefed on the status of all candidate site negotiations to avoid a delay which could result in the loss of potential sites.

Contact: Lawrence R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas, (512) 835-6795

Filed: October 11, 1984, 12:45 p.m.
TRD-8410308

Texas State Board of Medical Examiners

Thursday, November 1, 1984, 10 a.m. The Medical School Committee of the Texas State Board of Medical Examiners will meet at the Texas College of Osteopathic Medicine, Camp Bowie at Montgomery, Fort Worth. According to the agenda, the committee will tour facilities and meet with faculty and students. The committee also will meet in executive session under 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, (512) 452-1078

Filed: October 16, 1984, 9:27 a.m.
TRD-8410447

Texas Board of Licensure for Nursing Home Administrators

Wednesday, November 7, 1984, 9 a.m. The Texas Board of Licensure for Nursing Home Administrators will meet at 3407 IH 35 North, Austin. Items on the agenda summary include board agenda and minutes approval, committee reports, personal appearances, state agency reports, a computer (in-house) issue, and reports by the chair and the executive director.

Contact: Dottie Mathieson, 3407 IH 35 North, Austin, Texas, (512) 479-0922

Filed: October 12, 1984, 2:26 p.m.
TRD-8410356

Board of Pardons and Paroles

Monday-Friday, October 22-26, 1984, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According

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

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

Filed: October 12, 1984, 10:11 a.m.
TRD-8410333

Tuesday, October 23, 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: October 12, 1984, 10:12 a.m.
TRD-8410334

Tuesday, October 30, 1984, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will review and act on the September 17, September 25, and October 2, 1984, minutes, ratify administrative panel substitutions; consider recommendations by the Supervision Committee chairman regarding rules and conditions of release and annual report status, and discuss the policy regarding early release to mandatory supervision and clarification of Oversight Committees.

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

Filed: October 15, 1984, 4:43 p.m.
TRD-8410435



Texas State Board of Pharmacy

Tuesday and Wednesday, October 23 and 24, 1984, 2 p.m. and 8:30 a.m. respectively. The Texas State Board of Pharmacy made an addition to the agenda for a meeting to be held in the Caucus Room, Austin Hilton Inn, 6000 Middle Fiskville Road, Austin. The addition concerns discussion and

amendment of 22 TAC §305.1, concerning pharmacy education requirements.

Contact: Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

Filed: October 11, 1984, 1:52 p.m.
TRD-8410309

State Property Tax Board

Tuesday-Friday, October 23-26, 1984, and Monday-Wednesday, October 29-31, 1984, 9 a.m. daily. The State Property Tax Board will meet in agency conference rooms A and B, 9501 IH 35 North, Austin. According to the agenda, two hearing panels of the board will conduct administrative hearings to determine protests brought by school districts against the preliminary findings of taxable market value pursuant to the Education Code, §11.86. Hearings have been scheduled approximately every 30 minutes. A complete list of hearings is available for inspection at the *Texas Register* office or may be obtained by contacting the State Property Tax Board.

Contact: Ron Patterson, 9501 IH 35 North, Austin, Texas 78761, (512) 834-4800.

Filed: October 15, 1984, 9:21 a.m.
TRD-8410387

The Prosecutor Council

Friday, October 19, 1984, 9 a.m. The Prosecutor Council will meet in emergency session at the AMFAC Hotel, Dallas/Fort Worth Airport. Items on the agenda include consideration of the sunset staff report and setting the date of the next meeting. The emergency status is necessary to consider the sunset report because a hearing is scheduled for October 29, 1984.

Contact: Joyce Hobbs, P O Box 13555, Austin, Texas 78701, (512) 475-6825.

Filed: October 11, 1984, 10:07 a.m.
TRD-8410301

Texas State Board of Public Accountancy

Thursday and Friday, October 25 and 26, 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

discuss all items of business, committee meetings, panel hearings, and conferences.

Contact: Bob E Bradley, 1033 La Pasada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: October 16, 1984, 9:29 a.m.
TRD-8410442

Monday, October 29, 1984, 10 a.m. The Ad Hoc Examination Advisory Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will discuss planning matters pertaining to the November 1984 uniform CPA examination

Contact: Bob E Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241

Filed: October 16, 1984, 9:27 a.m.
TRD-8410445

Public Utility Commission of Texas

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

Tuesday, October 16, 1984, 9 a.m. A hearing in Docket 5755—inquiry into whether the certificate of convenience and necessity granted Houston Lighting & Power's Malakoff Generating Station should be canceled. The emergency status was necessary because of statutory deadlines

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

Filed: October 15, 1984, 9:16 a.m.
TRD-8410386

Friday, October 19, 1984, 10 a.m. A prehearing conference in Docket 5940—application of Texas-New Mexico Power Company for a certificate of convenience and necessity for a proposed generating station. The emergency status is necessary to comply with statutory deadlines applicable to this case

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

Filed: October 15, 1984, 9:16 a.m.
TRD-8410385

Tuesday, October 23, 1984, 9 a.m. The Hearings Division of the Public Utility

Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct an open meeting in Docket 5700 and Docket 5747. The division will also meet in executive session to consider pending litigation and personnel matters

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

Filed: October 15, 1984, 2:52 p.m.
TRD-8410415

Wednesday, October 24, 1984, 9 a.m. The Utility Evaluation Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct an open meeting to present a summary of the findings and recommendations in the recently completed management audit of Houston Lighting & Power Company. Representatives of Arthur Young & Company, who performed the six-month-long audit, will present the findings and answer the commissioners' questions.

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

Filed: October 15, 1984, 2:51 p.m.
TRD-8410416

Wednesday, October 24, 1984, 6 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at the city Council Chambers, Rockwall. According to the agenda, the division will conduct a regional hearing in Docket 5954—inquiry into offering extended area service in the City of Rockwall.

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

Filed: October 15, 1984, 2:14 p.m.
TRD-8410412

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

Wednesday, October 24, 1984, 10 a.m. A prehearing conference in Docket 5472—request of Chaparral Water System to terminate service within Gillespie County

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

Filed: October 12, 1984, 9:35 a.m.
TRD-8410324

Tuesday, October 30, 1984, 1:30 p.m. A prehearing conference in Docket 5952—ap-

plication of Southwestern Bell Telephone Company for declaratory relief and for a cease and desist order against HLG&W Telecommunications Corporation and Travis Telecommunications, Inc.

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

Filed: October 12, 1984, 2:25 p.m.
TRD-8410357

Tuesday, November 6, 1984, 10 a.m. A rescheduled hearing 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 October 15, 1984, as published in 9 TexReg 4982.

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

Filed: October 12, 1984, 9:36 a.m.
TRD-8410323

Tuesday, November 13, 1984, 10 a.m. A rescheduled hearing in Docket 5561—application of Water Services, Inc., and Water Services II, Inc., for a rate increase; and Docket 5279—application of Water Services II, Inc., to purchase Bavarian Hills Water Company. The hearing was originally scheduled for November 7, 1984

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

Filed: October 12, 1984, 2:25 p.m.
TRD-8410358

Thursday, November 15, 1984, 10 a.m. A hearing on the merits in Docket 5891—application of Southwestern Bell Telephone Company for a change in rates for the switched access service portion of Intralata Foreign Exchange Service.

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

Filed: October 15, 1984, 2:15 p.m.
TRD-8410409

Thursday, November 15, 1984, 1:30 p.m. A prehearing conference in Docket 5898—petition of the City of San Angelo for removal of the extended service area service charge from General Telephone Company of the Southwest's rates in San Angelo.

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

Filed: October 15, 1984, 2:15 p.m.
TRD-8410410

Texas Register

State Purchasing and General Services Commission

Monday, October 22, 1984, 10 a.m. The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. According to the agenda, the commission will consider a report on the October budget submission and the status of the Amdahl installation, consider progress to date on the Space Management Program future plans; and set a date and time for the next meeting.

Contact: Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211 or STS 822-2211.

Filed: October 12, 1984, 3:04 p.m.
TRD-8410366

Railroad Commission of Texas

Monday, October 22, 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: October 12, 1984, 11:06 a.m.
TRD-8410344

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: October 12, 1984, 11:03 a.m.
TRD-8410340

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: October 12, 1984, 11:02 a.m.
TRD-8410342

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: October 12, 1984, 11:03 a.m.
TRD-8410350

The Office of Information Services direc-

tor's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: October 12, 1984, 11:03 a.m.
TRD-8410341

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: October 12, 1984, 11:05 a.m.
TRD-8410347

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: October 12, 1984, 11:04 a.m.
TRD-8410351

Addition to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: October 12, 1984, 11:04 a.m.
TRD-8410352

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: October 12, 1984, 11:05 a.m.
TRD-8410349

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: October 12, 1984, 11:05 a.m.
TRD-8410348

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 Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: October 12, 1984, 11:02 a.m.
TRD-8410343

The Surface Mining and Reclamation Division director's report on division adminis-

tration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: October 12, 1984, 11:06 a.m.
TRD-8410345

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: October 12, 1984, 11:06 a.m.
TRD-8410346

Addition to the previous agenda:

Consideration of a motion for rehearing in Docket 036522A1N—application of Charles H. Guillory, doing business as Chuck's Wrecker Service, for a new SMC certificate.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: October 12, 1984, 2:41 p.m.
TRD-8410355

State Rural Medical Education Board

Saturday, October 27, 1984, 8:30 a.m. The State Rural Medical Education Board will meet in Room 526, Granada Royale Hotel, Austin. According to the agenda, the board will recognize appointments of new members and reorganization of board, review potential default cases, interview new applicants and award loans, and review requests for renewal and supplemental loans and award if applicable.

Contact: Duane Keeran, 211 East Seventh Street, Austin, Texas 78701, (512) 475-0801.

Filed: October 15, 1984, 4:02 p.m.
TRD-8410422

Texas Savings and Loan Department

The Texas Savings and Loan Department will conduct hearings at 1004 Lavaca Street, Austin. Days, times, and agendas follow.

Tuesday, October 23, 1984, 9 a.m. The department will accumulate a record of evidence in regard to the application of Olney Savings Association to relocate a branch office from the southwest corner of West Third and Eugenia Streets, Baird, Callahan

County, to 1810 West Walker, Breckenridge, Stephens County, from which record the commissioner shall determine whether to grant or deny the application.

Thursday, October 25, 1984, 9 a.m. The department will accumulate a record of evidence in regard to the application for merger of Sunbelt Savings Association of Texas, Stephenville, and The Savings Association of the West, Arlington, with the surviving association being Sunbelt Savings Association of Texas, Stephenville, from which record the commissioner shall determine whether to grant or deny the application

Contact: Angela M Demerle, 1004 Lavaca Street, Austin, Texas, (512) 475-7991.

Filed: October 12, 1984, 3:59 p.m.
TRD-8410371, 8410372

Tuesday, October 30, 1984, 9 a.m. The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of San Antonio Savings Association to establish and operate a branch office at 11149 Research Boulevard, Austin, Travis County, from which record the commissioner shall determine whether to grant or deny the application

Contact: Angela M Demerle, 1004 Lavaca Street, Austin, Texas, (512) 475-7991.

Filed: October 12, 1984, 4:04 p.m.
TRD-8410373

School Land Board

Tuesday, October 16, 1984, 10 a.m. The School Land Board made an emergency addition to the agenda of a meeting held in Room 831, Stephen F Austin Building, 1700 North Congress Avenue, Austin. The addition concerned consideration and approval of the oil, gas, and other minerals lease sale and schedule for April 2, 1985. The emergency status was necessary to give sufficient notice for the April lease sale

Contact: Linda K Fisher, Stephen F Austin Building, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-4307

Filed: October 12, 1984, 1:38 p.m.
TRD-8410359

State Securities Board

Friday, October 26, 1984, 9:30 a.m. The State Securities Board will meet at 1800 San

Jacinto Street, Austin. According to the agenda summary, the board will discuss the previous meeting minutes, a previously published proposal to amend 7 TAC §121 to add amendments adopted by the North American Securities Administrators Association (NASAA); new proposals to 7 TAC §109.1 to reflect the board's interpretation regarding the availability of the Act, §5E, amend 7 TAC §109.4 to accommodate a new uniform limited offering exemption, amend 7 TAC §109.4(11) to provide for a Texas version of NASAA's uniform limited offering exemption and eliminate the current exempt limited offering rule, repeal 7 TAC §133.29 (Form 133.29--Sales under Regulation 109.4(11)), amend 7 TAC §109.9 to allow the use of new §109.4(11) by the types of offerings addressed by the Act, §5Q, amend 7 TAC §107.2 to eliminate the unnecessary definition of business days, amend 7 TAC §113.10 to require annual rather than quarterly sales reports, create new 7 TAC §133.11, a form titled "Sales Report Form for Noncontinuous Offerings," repeal 7 TAC §133.11, the form titled "Standard Quarterly Report Form," amend 7 TAC §137.2 to require that copies of advertising be filed with the commissioner prior to use rather than five days prior to use, amend 7 TAC §123.1 to require open-end investment companies to file sales reports on an annual rather than quarterly basis, create new 7 TAC §133.10, a form titled "Investment Company (and Other Continuous Offerings) Annual Report of Sales," repeal 7 TAC §133.10, a form titled "Quarterly Report of Security Sales," and amended 7 TAC §111.2 to reflect that any registered dealer may utilize the exemption; discuss a petition for a new rule to exempt sales of securities to entities with either a net worth in excess of \$3 million, a class of securities registered under the Securities Exchange Act of 1934, §12, or to entities wholly owned by the previously mentioned exemption; and discuss general agency operations with reports from division directors and the securities commissioner

Contact: Richard D Latham, 1800 San Jacinto Street, Austin, Texas, (512) 474-2233

Filed: October 15, 1984, 4.40 p.m.
TRD-8410434

Sunset Advisory Commission

Monday and Tuesday, October 29 and 30, 1984, 9 a.m. daily. The Sunset Advisory Commission will meet in Room 309, State Capitol, Austin. According to the agenda

summary, on Monday the commission will approve minutes and hear commission decisions, a discussion of the Texas Air Control Board, and commission decisions on legislation. On Tuesday, items on the agenda include a staff presentation and public testimony, other business, and the next meeting date of November 19-21, 1984.

Contact: Cindy Unsell, John H. Reagan Building, 105 West 15th Street, Room 305, Austin, Texas, (512) 475-1718.

Filed: October 15, 1984, 3:16 p.m.
TRD-8410417

Monday and Tuesday, October 29 and 30, 1984, 9 a.m. daily. The Sunset Advisory Commission revised the agenda of a meeting to be held in Room 309, State Capitol, Austin. According to the revised agenda summary, on Monday the commission will consider approval of the minutes, commission decisions, Texas Air Control Board decisions, and commission decisions on legislation. On Tuesday, the commission will hear a staff presentation and public testimony, consider other business, and set the next meeting date for November 19-21, 1984

Contact: Cindy Unsell, John H. Reagan Building, Room 305, 105 West 15th Street, Austin, Texas, (512) 475-1718

Filed: October 16, 1984, 9:40 a.m.
TRD-8410446

Teacher Retirement System of Texas

Tuesday, November 13, 1984, noon. The Medical Board of the Teacher Retirement System of Texas will meet in the board room, fourth floor, 1001 Trinity Street, Austin. According to the agenda, the board will discuss member's files that are due a reexamination report.

Contact: James Preston, 1001 Trinity Street, Austin, Texas, (512) 397-6400

Filed: October 16, 1984, 9:13 a.m.
TRD-8410441

Texas Tech University

Thursday, October 18, 1984, 11 a.m. The Board of Regents of Texas Tech University met in the Board Suite, Administration Building, Texas Tech University campus, Lubbock. According to the agenda, the board passed a resolution regarding a posi-

Texas Register

tion on tenure and the president and met in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: October 12, 1984, 9:38 a.m.
TRD-8410326

Texas Tourist Development Agency

Monday, November 5, 1984, 10 a.m. The Board of the Texas Tourist Development Agency will meet in the Sul Ross Room, Driskill Hotel, 117 East Seventh Street, Austin. According to the agenda, the board will consider media creative and placement for the January/August 1985 timeframe

Contact: Margaret Younger, Employees Retirement System Building, Room 513, Austin, Texas, (512) 475-4326

Filed: October 16, 1984, 9:26 a.m.
TRD-8410448

Texas Water Commission

The Texas Water Commissioner will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin Days, times, and agendas follow.

Tuesday, October 23, 1984, 10 a.m. The commission will consider water district bond applications, release from escrow, use of surplus funds, change orders, conversion, water quality proposed permits, amendments and renewals, production area authorization, a water use permit amendment, voluntary abandonment, and the filing and setting of hearing dates.

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

Filed: October 12, 1984, 2:13 p m
TRD-8410360

Thursday, October 25, 1984, 9 a.m. The commission will consider an application of Southwestern Refining Company, P.O. Box 9217, Corpus Christi, Texas 78408, to the Texas Department of Water Resources for a temporary order to authorize a discharge of 20,000 gallons per day maximum daily flow of regenerant brine water through Outfall 003 rather than Outfall 001 because the regenerant brine water currently passes through the treatment plant before reaching Outfall 001, but the brine water is uncontaminated and does not require treatment. The bypass is requested to reduce the use of city water during the current water short-

age in the Corpus Christi area. This reduction will result from the fact that the treatment plant effluent can be reused in plant operations if the regenerant brine water is not part of the influent

Addition to the previous agenda

The commission will consider an application of the Saber Refining Company, P O. Box 9370, Corpus Christi, Texas 78408, to the Texas Department of Water Resources for a temporary order to authorize the reuse of 864,000 gallons per day of effluent as cooling tower make-up to maintain plant operations while complying with a water conservation ordinance recently adopted by the City of Corpus Christi. The effluent currently passes through Outfall 003 and Outfall 005, but under the requested temporary order would be discharged through Outfall 007. The applicant has stated that all three of its outfalls discharge into the Corpus Christi Inner Harbor via drainage ditches, that there will be no increase in pollutant mass loading in the harbor as a result of this modification, and that Outfall 007 will be monitored for all the parameters required in existing Permit 0190 for Outfalls 003, 005, and 007

Contact: Scott Peterson, P O Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: October 15, 1984, 1:58 p.m.
TRD-8410406, 8410407

Wednesday, November 14, 1984, 2 p.m.

The commission will consider an application of the City of Webster, 311 Pennsylvania, Webster, Texas 77598, Attention: S. I. Velez, P.E., Civil Engineer, Engineering and Inspection Department, to the Texas Department of Water Resources for a temporary order to authorize the construction of additional waste treatment facilities at the site of the existing plant authorized under Permit 15020-01, which is located on the east corner of Texas Street and Magnolia Street, Webster, Harris County

Contact: Scott Peterson, P O Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: October 12, 1984, 2:15 p m
TRD-8410361

Addition to the previous agenda:

The commission will consider an application of the City of Cleveland, 203 East Booth Street, Cleveland, Texas 77327, to the Texas Department of Water Resources for a temporary order to authorize the discharge of 1.5 million gallons of partially treated domestic wastewater effluent from its sewage treatment facility located approximately 1.7 miles east of the intersection of

U.S. Highway 59 and State Highway 321 in Liberty County. The applicant proposes to clean out existing treatment facilities.

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

Filed: October 12, 1984, 2:14 p.m.
TRD-8410362

Tuesday, November 20, 1984, 9 a.m. The Texas Water Commission will meet at the Emergency Medical Services Training Building, 7411 Park Place, Houston. According to the agenda summary, the commission will consider an application of the City of Houston, P O Box 1562, Houston, Texas 77001, to the Texas Department of Water Resources for an amendment to Permit 10495-99 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of two million gallons per day to four million gallons per day. The applicant proposes to construct additional treatment facilities to accommodate growth in the service area. The proposed permit would also revise effluent limits for biochemical oxygen demand and total suspended solids from 20 mg/l to 10 mg/l for biochemical oxygen demand and 15 mg/l for total suspended solids and would add requirements for monitoring nitrogen levels

Contact: Joseph W O'Neal, P O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: October 12, 1984, 10:21 a.m.
TRD-8410339

Addition to the previous agenda:

The commission will consider an application of Bay Ridge Utility District, in care of Smith & Murdaugh, 1811 Houston Natural Gas Building, 1200 Travis Street, Houston, Texas 77002, to the Texas Department of Water Resources for renewal of Permit 11169-01, which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 150,000 gallons per day from the wastewater treatment plant which is located in the City of League City on Gum Bayou, ¼ mile south of FM Road 1266 and west of State Highway 146 in Galveston County.

Contact: Joseph W O'Neal, P O Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: October 12, 1984, 2:13 p.m.
TRD-8410338

Tuesday, November 20, 1984, 10 a.m. The Texas Water Commission will meet in the district courtroom, second floor, Karnes County Courthouse, Panna Maria Street, Karnes City. According to the agenda sum-

mary, the commission will consider an application of the City of Falls City, P.O. Box 399, Falls City, Texas 78113, to the Texas Department of Water Resources for an amendment to Permit 10398-01 to revised its existing permit from disposal by irrigation of treated domestic wastewater effluent at a volume not to exceed an average flow of 32,000 gallons per day to discharge into the waters of the state at a volume not to exceed an average flow of 85,000 gallons per day. The applicant proposes to upgrade and expand existing facilities to handle the increased flow. Until completion of the facilities described herein, the permittee shall comply with the terms and conditions of Permit 10398-01 issued January 23, 1984.

Contact: Darcy A. Frownfelter, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317

Filed: October 12, 1984, 10:20 a.m.
TRD-8410337

Wednesday, November 21, 1984, 10 a.m.

The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application of Ken Burge, P.O. Box 275, Round Rock, Texas 78680, to the Texas Department of Water Resources for proposed Permit 12972-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day from the proposed Carson Creek Wastewater Treatment Plant, which is to provide wastewater collection and treatment service for a planned residential development.

Contact: James K. Rourke, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317

Filed: October 12, 1984, 10:20 a.m.
TRD-8410336

Texas Department of Water Resources

Thursday, October 18, 1984, 1:30 p.m. The Texas Water Development Board of the Texas Department of Water Resources made an emergency addition to the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned authorizing the executive director to execute an interagency contract with the Office of the Attorney General in an amount not to exceed \$120,000 to provide additional resources for hazardous waste enforcement. The emergency status was necessary because the department needed to finalize a memo-

randum of understanding with the U.S. Environmental Protection Agency relating to enforcement of the Hazardous Waste Program.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: October 12, 1984, 10:17 a.m.
TRD-8410335

Regional Agencies Meetings Filed October 11

The Central Texas Council of Governments, Transportation Planning Committee, will meet at 302 East Central, Belton, on October 19, 1984, at 9:30 a.m. Information may be obtained from GERALD B. BUNKER, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, met at 408 Mulberry Drive, Brownwood, on October 16, 1984, at 4:30 p.m. Information may be obtained from RANDY K. HARKEY, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574.

The Deep East Texas Private Industry Council will meet at K-Bob's Restaurant, 235 North University Drive, Nacogdoches, on November 8, 1984, at 1 p.m. Information may be obtained from CHARLENE MEADOWS, Box 1463, Lufkin, Texas 75901, (409) 634-4432.

The Region X Education Service Center, Board of Directors, met in the boardroom, 400 East Spring Valley Road, Richardson, on October 17, 1984, at 12:30 p.m. Information may be obtained from DR. JOE FARMER, 400 East Spring Valley Road, Richardson, Texas, (214) 231-6301.

The Region XX Education Service Center, Board of Directors, will meet in the boardroom, Conference Center, 1314 Hines Avenue, San Antonio, on October 24, 1984, at 3 p.m. Information may be obtained from DR. JUDY M. CASTLEBERRY, 1500 Northeast Loop 410, San Antonio, Texas 78209, (512) 271-7611.

The Henderson County Appraisal District, Board of Directors, met at 101 East Corsicana, Athens, on October 15, 1984, at 7:30 p.m. Information may be obtained from LINDA HAGAR, 101 East Corsicana, Texas, (214) 675-9296.

The Jasper County Appraisal District, Appraisal Review Board, met at the Court-

house Annex, 102 North Austin, Jasper, on October 18, 1984, at 9 a.m. The Board of Directors met at Evadale Independent School District Building on the same day at 7 p.m. Information may be obtained from DAVID W. LUTHER, County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Limestone County Appraisal District, Board of Directors, met at the Limestone County Courthouse, Groesbeck, on October 17, 1984, at 7 p.m. Information may be obtained from CLYDENE HYDEN, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Lower Colorado River Authority, Audit and Budget Committee, met at the Old Schoolhouse Building, Festival Institute near Round Top, Fayette County, on October 17, 1984, at 8:30 a.m. The following committees met at the same location on the same date at the following times:

- Finance and Administration Committee—9:30 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 October 18, 1984, at 9 a.m. Information may be obtained from ELOF H. SODERBERG, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The Nolan County Central Appraisal District, Board of Directors, rescheduled a meeting held at the Holiday Inn Restaurant, Sweetwater, on October 15, 1984, at 7 a.m. The meeting was originally scheduled for October 10, 1984. Information may be obtained from PATRICIA DAVIS, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on October 25, 1984, at 4 p.m. Information may be obtained from CARL W. RIEHN, Drawer C, Wylie, Texas 75098, (214) 442-5405.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at the Outpatient Clinic, 104 Charles Street, Granbury, on October 17, 1984, at 8 a.m. Information may be obtained from THERESA MULLOY, Ed.D., P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The San Antonio River Authority, Board of Directors, met at the Armadillo Club, between Kenedy and Karnes City on Highway 181, Karnes County, on October 17, 1984, at 1:30 p.m. The Board of Trustees, Em-

ployees Retirement Trust met at the same location on the same day at 2.30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204.

TRD-8410306

Meetings Filed October 12

The Central Texas Council of Governments, Central Texas Private Industry Council, will meet at 302 East Central, Belton, on October 24, 1984, at 1:30 p.m. Information may be obtained from Walton B. Reedy, P O Box 729, Belton, Texas 76513, (817) 939-1801

The Coryell County Appraisal District, Board of Directors, met at 105 North Seventh, Gatesville, on October 18, 1984, at 7 p.m Information may be obtained from Darrell Lisenbe, P O Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Region VI Education Service Center, Executive Committee, will meet at the Ramada Tower, College Station, on October 22, 1984, at 11 a m Information may be obtained from M. W Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Region XIV Education Service Center, Board of Directors, will meet at 1850 State Highway 351, Abilene, on October 25, 1984, at 5.30 p m Information may be obtained from Bettye Evans, Route 1, Box 70A, Abilene, Texas 79601, (915) 676-8201.

The Edwards Underground Water District, Executive Committee, will meet in the conference room, 1615 North St. Mary's, San Antonio, on October 23, 1984, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St Mary's, San Antonio, Texas 78212, (512) 222-2204

The Jack County Appraisal District, Board of Directors, met at the Los Creek Office Building, 258 South Main, Jacksboro, on October 16, 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

TRD-8410327

Meetings Filed October 15

The Bastrop County Apraisal District, Appraisal Review Board, will meet at 1200 Ce-

dar Street, Bastrop, on October 22, 1984, at 7:30 p.m. The board also will meet at the same location on October 23, 1984, and October 24, 1984, at the same time. Information may be obtained from Clifton L. Kessler, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925

The Dallas Area Rapid Transit Authority, Communications and Community Involvement, met at 601 Pacific Avenue, Dallas, on October 18, 1984, at 4:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room, Administration Facility, 4101 South Medford Drive, Lufkin, on October 23, 1984, at 5 p.m Information may be obtained from Jim McDermott, Ph.D., 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Region VI Education Service Center, Board of Directors, met at 3332 Montgomery Road, Huntsville, on October 18, 1984, at 5 p m Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas, (409) 295-9161.

The Region XV Education Service Center, Board of Directors, met at 612 South Irene Street, San Angelo, on October 18, 1984, at 1:30 p.m Information may be obtained from Clyde Warren, P O. Box 5199, San Angelo, Texas 76902, (915) 658-6571

The Grayson Appraisal District, Appraisal Review Board, will meet at 124 South Crockett, Sherman, on October 26, 1984, at 9 a.m Information may be obtained from Sandra Bollher, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Heart of Texas Region Mental Health and Mental Retardation, Board of Trustees, will meet at 110 South 12th Street, Waco, on October 23, 1984, at 11.30 a m Information may be obtained from Jan Baty, P.O. Box 890, Waco, Texas 76703, (817) 752-3451.

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main, Cleburne, on October 24, 1984, at 7:30 p m Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

The Kendall County Appraisal District, Board of Directors, met at 207 East San Antonio Street, Boerne, on October 18, 1984, at 7:30 p.m. Information may be obtained from Sue R Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Leon County Central Appraisal District, Board of Directors, will meet in the Leon County Courtroom, Centerville, on October 29, 1984, at 7.30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, will meet in the Uvalde City Council Chambers, Uvalde, on October 24, 1984, at 2 p m Information may be obtained from Ramon S Johnston, P O Box 702, Carrizo Springs, Texas 78834, (512) 876-3533

The Nortex Regional Planning Commission, Executive Committee, will meet in the Clipper Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on October 25, 1984, at noon Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet in the Marshall Sheltered Workshop, Route 9, Box 1, Airport Road, Marshall, on October 25, 1984, at 7 p.m Information may be obtained from Ronald R. Cookston, Ed D , P O Box 6800, Longview, Texas 75608, (214) 297-2191.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the General Office, Filter Plant, Proctor Lake, Comanche County, on October 25, 1984, at 6:30 p.m Information may be obtained from Zollie Skaggs, Box 67, Comanche, Texas, (817) 879-2258

The West Texas Council of Governments, Board of Directors, will meet in the conference room, first floor, University of Texas—El Paso School of Nursing, 1101 North Campbell Street, El Paso, on October 19, 1984, at 9:30 a m M.S T Information may be obtained from Bernie Guy, 2 Civic Center Plaza, Second Floor, El Paso, Texas

TRD-8410384

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of October 2-5, 1984.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Kimstock Southwest, Inc., Hutchins; fiberglass-spray up laminate; 913 North Main Street, Dallas County; 9524; new source

Intercontinental Energy Corporation, George West; yellow cake dryer facility; George West, Live Oak County; 4923C; modification

Intercontinental Energy Corporation, George West; uranium solution mining and processing plant; George West, Live Oak County; 4923B; modification

Alkamet-Texas, Inc., Trinidad; fertilizer dryer; Highway 31, Navarro County; 9525; new source

Texas Industries, Inc., Pittugerville; concrete batching plant; 1510 Three Points Lane, Travis County; 9526; new source

U.S. Brick, Inc., Tiffany Division, Elmendorf; alamo clay products, kilns; Elmendorf, Bexar County; 9527; new source

Motorola, Inc., Austin; integrated circuit facility—Phase II; William Cannon at U.S. 290 West, Travis County; 9528; new source

Hume Roofing Tiles, Inc., Lewisville; concrete roofing tile plant; North Main Street, Denton County; 9529; new source

Issued in Austin, Texas, on October 10, 1984.

TRD-8410299 Paul M. Shinkawa
Director of Hearings
Legal Division
Texas Air Control Board

Filed: October 11, 1984
For further information, please call (512) 451-5711,
ext. 354.

Public Hearings

Notice is given pursuant to the requirements of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §§3.12 and 3.15-3.17 (hereinafter referred to as the Act); the procedural rules of the Texas Air Control Board (TACB), 31 TAC §103.31; and the Federal Clean Air Act, §110 and §113(d)(1), 42 United States Code §7401 *et seq.*, that an examiner for the TACB will conduct a public hearing at 6 p.m. on November 14, 1984, at the Dallas Public Library, 1515 Young Street, Dallas.

The purpose of the hearing is to consider proposed orders revising the provisions of Board Order 81-7, adopted on August 14, 1981, and the state implementation plan (SIP) regarding the Dallas operations of Dixico, Inc. (hereinafter referred to as the company). Board Order 81-7 was issued because the company was unable to comply with the requirements of 31 TAC §115.201, relating to control of flexographic printing processes. Board Order 81-7 requires compliance with 31 TAC §115.201 no later than December 1, 1985. The revisions are proposed to satisfy the requirements of the Federal Clean Air Act, §113, relating to delayed compliance orders. The orders, if adopted, will required compliance with 31 TAC §115.201 or an approved alternate means of control by December 31, 1985.

The orders as proposed will require the company to achieve compliance by December 31, 1985, in one of three ways:

- (1) an alternate means of control approved pursuant to 31 TAC §115 401;
- (2) the development of water-based or high-solids inks; or
- (3) the installation of incineration or other add-on control equipment

Alternative (1) represents a proposed revision to the SIP. The record of this hearing, including written comments submitted pursuant to this notice, will be used to determine if the proposed order meets the applicable state and federal requirements

Copies of the proposed orders and background information are available for public inspection at the central office of the TACB, 6330 Highway 290 East, Austin, and the regional office, 6421 Camp Bowie Boulevard, Suite 312, Fort Worth.

Comments on the proposed orders, both oral and written, are invited at the public hearing

Issued in Austin, Texas, on October 11, 1984

TRD-8410363 Bill Stewart, P E
Executive Director
Texas Air Control Board

Filed: October 12, 1984

For further information, please call (512) 451-5711, ext. 354.

Notice is given pursuant to the requirements of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §§3.12 and 3.15-3.17, (hereinafter referred to as the Act); the procedural rules of the Texas Air Control Board (TACB), 31 TAC §103.31; and the Federal Clean Air Act, §110 and §113(d)(1), 42 United States Code §7401 *et seq.*, that an examiner for the TACB will conduct a public hearing at 7:30 p.m. on November 14, 1984, at the Dallas Public Library, 1515 Young Street, Dallas

The purpose of the hearing is to consider proposed orders revising the provisions of Board Order 81-9, adopted on August 14, 1981, and the state implementation plan (SIP) regarding the Dallas operations of Princeton Packaging Inc., formerly owned by St. Regis, Inc (hereinafter referred to as the company) Board Order 81-9 was issued because the company was unable to comply with the requirements of 31 TAC §115 201, relating to control of flexographic printing processes Board Order 81-9 requires compliance with 31 TAC §115 201 no later than December 1, 1985 The revisions are proposed to satisfy the requirements of the Federal Clean Air Act, §113, relating to delayed compliance orders The orders, if adopted, will required compliance with 31 TAC §115 201 or an approved alternate means of control by December 31, 1985

The orders as proposed will require the company to achieve compliance by December 31, 1985, by either an alternate means of control approved pursuant to 31 TAC §115.401 or the installation of incineration or other add-on control equipment. The first alternative represents a

proposed revision to the SIP The record of this hearing, including written comments submitted pursuant to this notice, will be used to determine if the proposed order meets the applicable state and federal requirements.

Copies of the proposed orders and background information are available for public inspection at the central office of the TACB, 6330 Highway 290 East, Austin, and the regional office, 6421 Camp Bowie Boulevard, Suite 312, Fort Worth.

Comments on the proposed orders, both oral and written, are invited at the public hearing.

Issued in Austin, Texas, on October 11, 1984

TRD-8410364 Bill Stewart, P E
Executive Director
Texas Air Control Board

Filed: October 12, 1984

For further information, please call (512) 475-5711, ext. 354

Texas Commission on Alcoholism Meeting Notice

The Advisory Council of the Texas Commission on Alcoholism will meet on November 1, 1984, at 1 p.m., and on November 2, 1984, at 9 a.m. The meetings will be held in the Philip V Room, La Posada Hotel, Laredo.

Issued in Austin, Texas, on October 12, 1984

TRD-8410379 Ross Newby
Executive Director
Texas Commission on
Alcoholism

Filed: October 12, 1984

For further information, please call (512) 475-2577.



Banking Department of Texas Applications to Acquire Control of State Banks

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 September 24, 1984, the banking commissioner received an application to acquire control of Medina Valley State Bank, Devine, by William T. Bain, Martha Bain McGill, and Frank L. Bain, Jr.

On October 10, 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 October 10, 1984

TRD-8410328 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed October 12, 1984

For further information, please call (512) 475-4451.

On September 20, 1984, the banking commissioner received an application to acquire control of Coleman Bancshares, Inc /Coleman Bank, Coleman, by Virginia Straughan of Austin and Ben Scott and Mack Sampson, both of Coleman

On October 10, 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 October 10, 1984

TRD-8410329 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: October 12, 1984

For further information, please call (512) 475-4451.

Texas Department of Community Affairs Consultant Contract Awards

The Texas Department of Community Affairs (TDCA) announces that the following units of general local government have been selected as contract recipients for economic development under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413(201), §4A

City of Weslaco	\$200,000
City of Childress	186,000
City of Nolanville	499,975
Bowie County	500,000
City of Mathis	432,300
City of LaMarque	135,420

A contract is not effective until executed by the unit of general local government and the executive director of the TDCA.

Issued in Austin, Texas, on October 11, 1984

TRD-8410320 Douglas C. Brown
General Counsel
Texas Department of Community Affairs

Filed: October 11, 1984

For further information, please call (512) 475-6903.

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)		
10/22/84-10/28/84	20.25%	20.25%
Monthly Rate—		
Article 1.04(c)⁽¹⁾		
10/01/84-10/31/84	21.00%	21.00%
Standard Quarterly		
Rate—Article 1.04(a)(2)		
10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card		
Quarterly Rate—		
Article 1.11⁽³⁾		
10/01/84-12/31/84	21.00%	N/A
Lender Credit Card		
Quarterly Rate—		
Article 15.02(d)⁽³⁾		
10/01/84-12/31/84	21.19%	N/A
Standard Annual		
Rate—		
Article 1.04(a)(2)⁽²⁾		
10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card		
Annual Rate—		
Article 1.11⁽³⁾		
10/01/84-12/31/84	21.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983,		
Retail Credit Card and		
Lender Credit Card		
Balances with Annual		
Implementation Dates		
from		
10/01/84-12/31/84	19.32%	N/A
Judgment Rate—		
Article 1.05, §2		
11/01/84-11/30/84	10.32%	10.32%

(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 October 15, 1984

TRD-8410389 Sam Kelley
Consumer Credit Commissioner

Filed: October 15, 1984

For further information, please call (512) 475-2111

Texas State Board of Examiners of Professional Counselors Public Hearing

A public hearing will be conducted on the board's proposed new rules published in the October 5, 1984, issue of the *Texas Register* (9 TexReg 5131). Sections 681.241-681.244 concern the criteria for determining fitness of applicants for examination and licensure, and §§681.251-681.260 concern the establishment of continuing education requirements for relicensure as a professional counselor.

The hearing will be held at 2 p.m. on Thursday, October 25, 1984, in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin.

For further information contact Daniel L. Boone, Executive Secretary, Texas State Board of Examiners of Professional Counselors, 1100 West 49th Street, Austin, Texas.

Issued in Austin, Texas, on October 15, 1984

TRD-8410380 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 15, 1984
For further information, please call (512) 458-7511.

Texas Commission for the Deaf Request for Proposals

This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Commission for the Deaf (TCD), desiring to provide a program of skills training for the deaf and hearing-impaired populations residing within the State of Texas, hereby announces a request for proposals (RFP) to select organizations capable of designing and conducting a comprehensive service program under contract for the provision of either a job seeking skills session or a basic living skills session of the commission's Skills Training Program.

The primary objectives of the commission's Skills Training Program is to provide a means and opportunity for deaf and hearing-impaired individuals to develop and/or improve the skills necessary to independently seek, obtain, and maintain meaningful employment and employee-employer relationships; and provide a means whereby deaf and hearing-impaired individuals may improve their skills and awareness regarding aspects of daily living, such as budgeting and money management, nutrition and food preparation, consumer information, etc.

For the purpose of achieving its primary goals of providing a program of skills training, the TCD desires to contract for services with select community-based organizations, geographically located statewide, to conduct a session of skills training to consist of at least 18 hours of

classroom instruction for either area of selection identified by submitted proposals. For example, a contracting organization could hold a one-hour class per week for 18 weeks to fulfill this requirement.

Job-seeking skills should address, but not be limited to, such areas as work ethics, resume writing, interviewing, identifying potential employment opportunities, employer-employee roles, and employer-employee relationships.

Basic life skills should address, but not be limited to, topics relevant to daily activities, such as budgeting and money management, nutrition and food preparation, consumer information, community resources, insurance information, etc.

Organizations wishing to contract with the commission for the operation of a skills training session are encouraged to give careful consideration to a preference of selecting an area of the skills training for which it feels it can best provide (only one session selection will be awarded; however, an organization may submit two separate proposals if it desires to be considered for selection to operate either of the two areas of skills training), ensure its qualifications and capability for the overall design and implementation of the selected area of skills training, submit the proposal(s) to the commission in accordance with the attached guidelines for submitting proposals, submit the proposal(s) so that it is received by this commission prior to the deadline identified in the request for proposals.

Description of Recommended Services. In its intent to contract for services for the operation of a session of the Skills Training Program and for the purposes of obtaining its objectives, the TCD recommends that any organization submitting a proposal(s):

(a) be an organization with which this commission contracts for the provision of services to the deaf and hearing-impaired, or an organization which has or has had experience in the provision of similar services to the deaf. These two types of organizations will receive preference,

(b) be willing to cooperate with the TCD regarding its goals, standards, requirements, and recommendations;

(c) possess the necessary skills, knowledge, and expertise for the planning, development, and implementation of the selected area of the Skills Training Program,

(d) be capable of operating the selected area of skills training within a fiscally conservative budget, and submit such budget to the commission for review,

(e) be capable of effectively providing

(1) at least 18 hours of classroom instruction in the selected area of skills training for a minimum number of 10 persons per session,

(2) well-structured lesson plans for review by this commission prior to implementation of training sessions;

(3) activities and support materials that are well-planned and effectively incorporated into the training sessions so as to provide increased understanding of each lesson plan and class meeting.

Contact Person. Further information regarding skills training and procedures for submitting proposals may be obtained by contacting William F. Eckstein, Coordinator of Direct Services, (512) 475-2492 (voice/TTY).

Deadline for Proposals. The deadline for submission of proposals for the operation of a skills training program is 5 p.m. on Monday, November 26, 1984. Proposals received after this established deadline cannot be considered for selection.

Proposal Evaluation Criteria. Proposals received for the operation of a skills training program will be evaluated and determined for contract award according to the following criteria:

- (a) submission of a proposal identifying the selected area of program on or before the established deadline;
- (b) operation of the selected skills training session within a fiscally conservative budget;
- (c) submission of proposals as requested by use of the proposal format provided;
- (d) proposal program plan;
- (e) proposer's ability to provide a program of training compatible with the objectives of this commission;
- (f) proposer's knowledge and qualifications in the area of the selected training program area; and
- (g) dates of program operation.

Issued in Austin, Texas, on October 11, 1984

TRD-8410330 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Filed October 12, 1984

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

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 May 29, 1984, issue of the *Texas Register* (9 TexReg 2928), on July 12, 1984, the Texas Education Agency executed an amendment to a contract with W. C. Andrews, P. O. Box 336, Gregory, Texas 78359. This is an amendment to the contract originally executed September 1, 1983. The amendment increased the scope of work of the contractor by providing that the commissioner of education may also direct the contractor to serve as the commissioner of education's monitor of school districts other than those named in the original contract. The amendment of the contract also increased the amount of the contract from \$9,900 to \$14,900. All other terms and conditions of the original contract remain unchanged.

Period of Contract. The beginning date was September 1, 1983, and the ending date was August 31, 1984. The beginning date of the amendment was July 15, 1984.

Due Dates of Documents. Reports from the contractor to the commissioner of education are due whenever required by the commissioner.

Issued in Austin, Texas, on October 10, 1984

TRD-8410278 Raymon L. Bynum
Commissioner of Education

Filed October 10, 1984

For further information, please call (512) 475-7077.

Consultant Proposal Request

This notice is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

Description. The State Board of Education is requesting proposals for an executive search for an individual to fill the position of Texas state commissioner of education. The individual or firm selected to conduct the search will be directly responsible to the chairman of the State Board of Education.

Procedure for Selections of a Consultant. Proposals submitted in response to this request must include a description of the proposed methodology to be used in the executive search, the estimated cost of the search, and the relevant experience and qualifications of the consultant. Proposals will be evaluated based on previous experience of the consultant, ability to perform the work required in a timely and capable fashion, and estimated cost.

Contact. Further information may be obtained by writing to Jon Brumley, Chairman, State Board of Education, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701.

Deadline. Proposals must be received no later than 5 p.m. on November 16, 1984, at the previously mentioned address.

Issued in Austin, Texas, on October 12, 1984

TRD-8410376 Raymon L. Bynum
Commissioner of Education

Filed October 12, 1984

For further information, please call (512) 475-7077.

Texas Department of Health Intent to Revoke a Certificate of Registration

Notice is given that the Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 5-06729, issued to Levitt Dental Supply, Inc., 3221 Gaston Avenue, Dallas, Texas 75226, because the registrant failed to respond to a certified letter from the agency dated February 24, 1984, and the agency determined that the registrant is no longer located at 3221 Gaston Avenue, Dallas, Texas 75226. The registrant has not notified the agency of a change of address, and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, inspections, and certified mail have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration issued to Levitt Dental Supply, Inc., be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* (TRCR), Part 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such writ-

ten request must be filed with David K Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked 14 days after the end of the 30-day period of notice.

Issued in Austin, Texas, on October 10, 1984

TRD-8410279 Robert A MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 10, 1984
For further information, please call (512) 835-7000.

**Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The sub-heading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Houston	Fondren Imaging Center	11-3691	Houston	0	09/07/84
Houston	Poblete-Montojo Diagnostic Clinic	11-3693	Houston	0	09/20/84
San Antonio	O'Neill and Associates, P A	09-3710	San Antonio	0	09/10/84
San Antonio	Nutopes	09-3709	San Antonio	0	09/27/84
Throughout Texas	Step Rate Testers, Inc	12-3700	Odessa	0	09/20/84
Throughout Texas	Well Analysis Company, Inc	07-3682	Tyler	0	09/24/84
Throughout Texas	Smith Energy Services	12-3667	Golden, CO	0	09/25/84
Throughout Texas	Harmony Drilling Company, Inc	11-3595	Houston	0	09/25/84
Throughout Texas	RAE Medical Corporation of Texas	11-3702	Houston	0	09/25/84

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Abilene	Abilene Christian University	04-1460	Abilene	10	09/20/84
Abilene	Humana Hospital-Abilene	04-2434	Abilene	14	09/21/84
Austin	Scientific Measurement Systems, Inc	06-2696	Austin	12	09/14/84
Austin	Holy Cross Hospital	06-2751	Austin	12	09/21/84
Bonham	Fannin County Hospital	05-3331	Bonham	2	09/20/84
Brenham	Bohne Memorial Hospital	06-3334	Brenham	3	09/14/84
Fort Worth	X-Ray Equipment Company	05-1485	Fort Worth	14	09/14/84
Fort Worth	City of Fort Worth	05-2888	Fort Worth	4	09/17/84
Henderson	Henderson Memorial Hospital	07-3466	Henderson	2	09/20/84
Houston	Offenhauser Company	11-3109	Houston	5	09/13/84
Houston	Shell Development Co	11-2116	Houston	15	09/17/84

Houston	Hermann Hospital	11-650	Houston	25	09/20/84
Houston	Rice University Department of Chemistry	11-104	Houston	12	09/20/84
Jasper	Jasper Memorial Hospital	10-3075	Jasper	12	09/21/84
Kingsville	Kleberg Memorial Hospital	08-2917	Kingsville	5	09/21/84
Littlefield	Littlefield Medical Center	02-3241	Littlefield	3	09/20/84
Lubbock	Highland Hospital	02-2467	Lubbock	2	09/21/84
Midland	James W McGee, M D	12-2690	Midland	5	09/21/84
Nacogdoches	Stephen F Austin State University	10-1839	Nacogdoches	10	09/21/84
Odessa	El Paso Products Company	12-547	Odessa	20	09/13/84
Richmond	W-K-M Valve Division	11-312	Richmond	23	09/13/84
Robstown	Riverside Hospital, Inc	08-2977	Robstown	2	09/20/84
San Antonio	Dr. Norman, Branson, Riley, Works, Stewart & Assoc	09-325	San Antonio	61	09/10/84
Seymour	Seymour Hospital Authority	04-3229	Seymour	3	09/21/84
Three Rivers	Intercontinental Energy Corporation	08-2538	Three Rivers	20	09/18/84
Throughout Texas	AMF Tuboscope, Inc	11-287	Houston	55	09/13/84
Throughout Texas	Perman Non-Destructive Testing Production	12-3683	Odessa	1	09/13/84
Throughout Texas	Logging, Inc	04-2698	Snyder	7	09/17/84
Throughout Texas	Karl F Edmonds, Inc	07-1607	Kilgore	15	09/20/84
Throughout Texas	OTI, Inc	11-2610	Farmington, NM	7	09/20/84
Throughout Texas	Di-Com Services, Inc	08-3146	Refugio	5	09/20/84
Throughout Texas	Southwest Research Institute	09-775	San Antonio	29	09/20/84
Throughout Texas	H & G Inspection Company, Inc	11-2181	Houston	24	09/20/84
Throughout Texas	Metals, Inc	08-2924	Houston	4	09/20/84
Throughout Texas	Royal Wireline, Inc	08-3110	Corpus Christi	4	09/24/84
Waller	Progressive Metals	11-2831	Houston	7	09/20/84
Webster	Diagnostic X-Ray of Clear Lake	11-3500	Webster	1	09/06/84

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Dublin	Dublin Medical Center	05-3221	Dublin	4	09/14/84
Three Rivers	Westinghouse Electric Corporation	08-2538	Three Rivers	19	09/13/84

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Longview	Purselley Industries, Inc	07-2776	Longview	1	08/30/84

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the appli-

cants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county, and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on October 10, 1984

TRD-8410318 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 11, 1984

For further information, please call (512) 835-7000.

Order of Annulment

Notice is given that the Bureau of Radiation Control, Texas Department of Health, has ordered the annulment *ab initio* of Radioactive Material License 10-2169, issued to Solution Engineering, Inc., Falls City, on the basis of a mutual mistake of the licensee and the agency with respect to the nature and extent of Solution Engineering, Inc.'s, control of uranium mill tailings.

The agency also has ordered that the licensee shall not, be reason of annulment of the license, be liable for any enforcement action due to prior violation of Texas Civil Statutes, Article 4590f, §13, provided that, within 90 days of the date the order was issued, Solution Engineering shall either

(a) apply for a license for the possession of radioactive materials in accordance with the provisions of *Texas Regulations for Control of Radiation* (TRCR) Part 43, or

(b) submit a closure plan to the bureau for its approval, which shall provide for covering with soil those portions of the premises as may require cover prior to reclamation, stabilizing such soil with vegetation; and salvaging, disposing of, or transferring to the State of Texas all buildings, equipment, and materials located at the

premises. Implementation of the closure plan must prepare the premises for reclamation as contemplated by provisions of Public Law 95-604, and shall include the licensee's agreement to transfer title to the premises to the State of Texas upon the approved completion of the reclamation.

The agency has further ordered that Solution Engineering, Inc., shall not transfer title to the premises to any person other than the State of Texas or the United States of America, unless it shall first have reclaimed, decommissioned, and decontaminated the same in compliance with the limitations of levels and concentrations of radioactive materials set out in TRCR Part 21 and Part 43 and the premises have been released by the agency.

Issued in Austin, Texas, on October 10, 1984

TRD-8410280 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 10, 1984

For further information, please call (512) 835-7000.

Public Hearing

The Texas Department of Health will conduct a public hearing on Application 1660 of Evergreen Development to operate a proposed Type I municipal solid waste disposal site to be located northeast of Houston, approximately 300 yards south of North Belt Drive (Beltway 8) at a point 3.4 miles east of U.S. Highway 59, in Harris County.

The hearing will be held at 10 a.m. on Wednesday, November 14, 1984, in the Stafford Room of the Holiday Inn, 3702 North Belt East, Houston.

Issued in Austin, Texas, on October 10, 1984

TRD-8410319 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 11, 1984

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

State Department of Highways and Public Transportation Extensions of Proposal Dates

In the September 18, 1984, issue of the *Texas Register* (9 TexReg 4936), the State Department of Highways and Public Transportation published a consultant proposal request. The contractor was to perform a study to examine the impact of Houston's existing and future priority busway/park-and-ride network on land use in the Houston metropolitan area to allow a more accurate prediction of costs, benefits, and land-use impacts associated with planned or proposed HOV transitways. The Texas Transportation Institute will conduct a majority of the land-use portion of the project. The consultant shall perform

a majority of the turnkey park-and-ride portion of the project.

The response date for this study was to be September 30, 1984. This notice is to advise that the response date has been extended to 5 p.m. on October 31, 1984.

Issued in Austin, Texas, on October 5, 1984

TRD-8410264 Diane L. Northam
Administrative Technician
State Department of Highways
and Public Transportation

Filed: October 10, 1984
For further information, please call (512) 475-2141.

In the September 21, 1984, issue of the *Texas Register* (9 TexReg 4991), the State Department of Highways and Public Transportation (SDHPT) published a consultant proposal request 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 to be funded jointly by the Urban Mass Transportation Administration, the Federal Highway Administration, and the SDHPT.

The response date for this study was to be September 30, 1984. This notice is to advise that the response date has been extended to 5 p.m. on October 31, 1984.

Issued in Austin, Texas, on October 5, 1984

TRD-8410369 Diane L. Northam
Administrative Technician
State Department of Highways
and Public Transportation

Filed: October 10, 1984
For further information, please call (512) 475-2141

Texas Housing Agency Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Housing Agency (THA) is requesting proposals for consultant services.

Description of Services. The contractor will assist the THA staff in developing an 18-month plan for enhancing the agency's current mortgage loan monitoring system, finance and accounting systems, and administrative functions system. Specific objectives of the project are to determine the requirements for system support, evaluate current system capabilities and associated problems, identify alternative hardware and software approaches, and develop a detailed plan for improving the existing system.

Evaluation Criteria. The consultant demonstrating the most relevant experience and background and having the most expert knowledge and plan of the service to be performed will be awarded the contract. This contract will not necessarily be awarded to the lowest bidder. Payments under the contract are not expected to exceed \$50,000,

plus certain reimbursable expenses, for the entire contract term.

Contract Term. The contract begins on November 23, 1984, and ends on March 1, 1985. The consultant must provide a written report on the services as of March 15, 1985. This report will provide as a minimum a description of all services provided and evaluations and recommendations made.

Contact Person. Individuals or firms interested in submitting proposals may contact Charles G. Hoskins, EDP Director, Texas Housing Agency, P O Box 13941, Austin, Texas 78711, (512) 475-0812.

Closing Date. The deadline for receipt of proposals is 4 p.m. on November 12, 1984.

Intent to Award Contract Unless Presented a Better Offer. The THA considers past performance of similar services, familiarity with agency operations, and a demonstrated ability to provide services in a timely manner to be important criteria. The THA intends to award this contract to the agency's independent auditors unless a superior proposal is submitted.

Issued in Austin, Texas, on October 12, 1984

TRD-8410368 Earline Jewett
Executive Administrator
Texas Housing Agency

Filed: October 12, 1984
For further information, please call (512) 475-0812.

Texas Department of Human Resources Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) furnishes this notice of contract award. The request for proposals was published in the August 14, 1984, issue of the *Texas Register* (9 TexReg 4423). The DHR announces the award of the following contracts for the Nutrition Education and Training (NET) Program.

Description of Service. The DHR is contracting with a program coordinator to implement the state plan of activities.

Contractor. The contract has been awarded to Alexa Sparkman, R D., L D., 4210 Adelphi Lane, Austin, Texas 78727.

Total Value. The total value of this contract is not to exceed \$38,000.

Beginning and Ending Dates. This contract began on October 1, 1984, and ends September 30, 1985.

Due Dates of Reports. Reports are due monthly.

Description of Services. The DHR is contracting with a workshop coordinator to plan and conduct statewide nutrition education training.

Contractor. The contract has been awarded to Linda Fox Simmons, R D., L D., 3706 Tarragona Lane, Austin, Texas 78727.

Total Value. The total value of this contract is not to exceed \$39,000.

Beginning and Ending Dates. This contract began on October 1, 1984, and ends September 30, 1985.

Due Dates of Reports. Reports are due monthly.

Previous Employment. Within the past two years, Ms. Simmons has worked for the Texas School for the Deaf as a nutritionist.

Description of Services. The DHR is contracting with a systems coordinator to maintain the NET library.

Contractor. The contract has been awarded to Ann Buller, R.D., L.D., 3114 Thousand Oaks Drive, Austin, Texas 78746.

Total Value. The total value of this contract is not to exceed \$39,000.

Beginning and Ending Dates. This contract began on October 1, 1984, and ends September 30, 1984.

Due Dates of Reports. Reports are due monthly.

Issued in Austin, Texas, on October 15, 1984.

TRD-8410382 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 15, 1984
For further information, please call (512) 450-3786.

Issued in Austin, Texas, on October 10, 1984

TRD-8410266 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed: October 10, 1984
For further information, please call (512) 445-1186.

A public hearing will be held by the Railroad Commission of Texas on proposed 16 TAC §§3.28, 3.30, 3.31, and 3.34, at 9 a.m. on October 29, 1984, at the Wyndham Hotel, 4140 Governor's Row, south of IH 35 South and Ben White Boulevard, Austin. The text of the proposed sections appeared in the September 11, 1984, issue of the *Texas Register* (9 TexReg 4808).

The deadline for written comments on the proposed sections has been changed to October 30, 1984.

There will be no hearing on October 22, 1984. The subject of that hearing has been consolidated with the October 29, 1984, hearing.

Questions may be referred to Patrick Thompson, Legal Examiner, Oil and Gas Division, (512) 445-1286.

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

TRD-8410353 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed: October 12, 1984
For further information, please call (512) 445-1186.

Railroad Commission of Texas Public Hearings

The Railroad Commission of Texas will conduct a public hearing on the application of Burstly Company, doing business as The Link (Docket 02886BA1N) to transport passengers and their baggage from the Dallas/Fort Worth Airport to all points in Dallas, Collin, and Tarrant Counties. The applicant requests emergency temporary authority to fill the public need created by the withdrawal of Surtran, Inc., from Dallas/Fort Worth Airport. Without the proposed service of the applicant, passengers who used Surtran, Inc., would be without comparable bus service in the Dallas/Fort Worth area, which can impact the public safety and welfare.

The commission also will take evidence pertaining to the applicant's request for approval of its proposed rates and charges to be used in conjunction with its proposed service.

The public hearing will be held at 1 p.m. on October 11, 1984, at the Railroad Commission of Texas Building, 1124 IH 35 South, Austin

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

For further information, please contact Holly C. Noelke, Hearings Examiner, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1309.



Office of the Secretary of State Public Information

The Corporations Section of the Statutory Filings Division of the Office of the Secretary of State has revised its filing guide for corporation, limited partnership, and assumed name documents. The updated version of this useful guide is available from the Corporations Section for \$10.50. Interested parties should use the following order form to obtain their copy (copies) of the guide. This form will be published once a week in the *Register* throughout the month of October

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