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Texas Register

Volume 9, Number 86, November 16, 1984

Pages 5863 - 5954



Highlights

The Coordinating Board, Texas College and University System proposes new sections concerning televised instruction Proposed date of adoption - January 25, 1985 5877

The Texas Water Development Board proposes repeals and new sections in a chapter

concerning requirements for dams and reservoirs Earliest possible date of adoption - December 17 page 5881

The Texas Adult Probation Commission proposes amendments in a chapter concerning standards Earliest possible date of adoption - December 17 page 5890

**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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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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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.

The Attorney General

Opinions

JM-219 (RQ-176). Request from Raymon L. Bynum, commissioner of education, Texas Education Agency, Austin, concerning the authority of peace officers commissioned by school districts.

Summary of Opinion. The Texas Commission on Law Enforcement Standards has no licensing responsibility concerning "peace officers" commissioned under the Texas Education Code, §21.483. The scope of the powers of §21.483 peace officers depends upon the nature and scope of their duties as defined by their employing school district boards of trustees and upon whether, when they engage in particular activities, they are carrying out the provisions of the Education Code, Chapter 2, Subchapter M, and are "on the property under the control and jurisdiction of [their employing] district or [are] otherwise in the performance of [their] duties."

JM-220 (RQ-353). Request from Randy M. Lee, executive director, Texas Sesquicentennial Commission, Austin, concerning whether a county or city may contribute funds to a local sesquicentennial committee and related questions.

Summary of Opinion. Local sesquicentennial committees are not "extensions" of the Texas Sesquicentennial Commission; they are the agents of, and are controlled by, the local governmental entities which create them. Subject to the limits imposed by the Texas Constitution, Article III, §52, a local

governing body may expend public funds for local sesquicentennial activities which serve a valid public purpose.

JM-221 (RQ-858). Request from Mike Driscoll, Harris County attorney, Houston, concerning whether the Tax Code, §11.431, permits refunds of taxes for homestead exemptions not filed in time.

Summary of Opinion. The Tax Code, §11.431, permits the granting of refunds and the filing of late applications for residence homestead exemptions beginning with the 1982 tax year.

JM-222 (RQ-326). Request from Margaret Moore, Travis County attorney, Austin, concerning whether Texas Civil Statutes, Article 4413(29bb), requires unarmed security personnel who are employees of individual retailers to register with the Texas Board of Private Investigators and Private Security Agencies.

Summary of Opinion. The exclusion from the provisions of Texas Civil Statutes, Article 4413(29bb), granted to certain persons by the Act, §3(a)(1), was not expressly or implicitly repealed by the 68th Legislature, regular session, 1983. Therefore, registration with the Texas Board of Private Investigators and Private Security Agencies is not required for unarmed security personnel employed by individual retailers when they are employed exclusively and regularly by one employer in connection with the affairs of only that employer and the relationship of the retailer and the security personnel is that of an employer and employee.

JM-223 (RQ-386). Request from Henry Wade, district attorney, Dallas, concerning the county clerk's fee for filing and recording a certificate of service under the Probate Code.

Summary of Opinion. A fee may not be collected by a probate court clerk for certifying a court order or filing a certificate as required under the Probate Code, §428. A filing fee may be collected for the filing by an administrator of his receipt from the state treasurer of the escheat payment.

JM-224 (RQ-380). Request from James Smith, Jr., Frio County attorney, Pearsall, concerning whether the Property Code, §52.004, dispenses with the requirement of Texas Civil Statutes, Article 5448, that each county clerk shall keep a separate judgment record and shall immediately file and record all properly authenticated abstracts of judgment.

Summary of Opinion. An abstract of judgment is required to be recorded and filed in a book separate from real property records unless a microfilm method of recordation is in effect pursuant to Texas Civil Statutes, Article 1941(a).

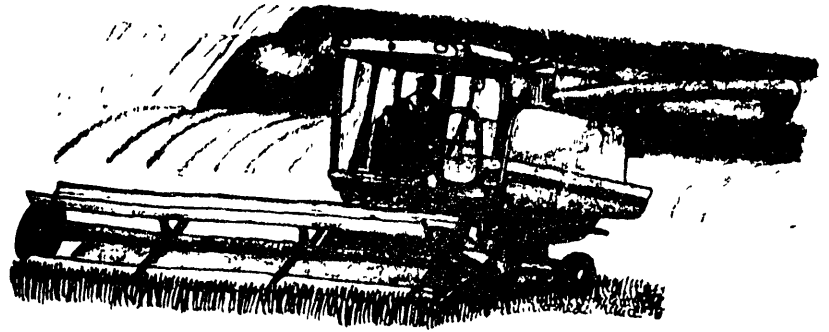
JM-225 (RQ-356). Request from Sam Kelley, commissioner, Office of Consumer Credit Commissioner, Austin, concerning what constitutes the separation and division of a pawn transaction within the meaning of Texas Civil Statutes, Article 5069-51.12.

Summary of Opinion. The attorney general concludes that Texas Civil Statutes, Article 5069-51.12, prohibits pawnbrokers

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from splitting pawn transactions for the purpose of charging a total service charge greater than the service charge on one transaction. It does not prohibit splitting transactions if greater service charges are not assessed on more than one transaction than would be assessed on a single transaction. A single pawn transaction may be secured by more than one item of collateral.

TRD-8411351

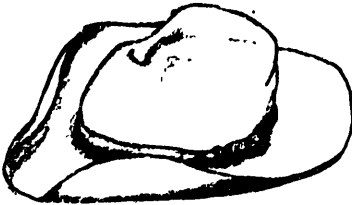


An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less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

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

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

Emergency Rules



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

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act.)

The board's action on an emergency matter may be effective for 120 days and is renewable one time for a period not exceeding 60 days immediately following the 120-day period.

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

The State Board of Insurance has approved a filing by PMI Mortgage Insurance Company for a correction in rates for four owner-occupied mortgage insurance premium plans.

Board Order 45642, dated October 16, 1984, approved a number of mortgage guaranty rates for various premium plans. Among those rates, four were in error. Those four were:

Standard Fixed-Rate—Fixed Payment Mortgages

Loan to Value	Coverage	Single	Rate
		Plan Term	
80.0% and Under	20%	7 Year	1.45%
	17%	7 Year	1.35%
	12%	15 Year	1.55%

Protection Plus II Plan 75%—Normally Amortizing Loans

Loan to Value	Coverage	Policy Term	Rate
80.01%-85.0%	20%	10 Year	2.50%

It is the board's opinion and the board finds that this filing should be approved as an emergency filing under the Insurance Code, Article 5.97, §(j), as there is a clear and compelling necessity that immediate action be taken to permit the amended rates to go into effect by November 15, 1984. This is because the non-amended and erroneous rates will otherwise go into effect on November 15, 1984.

This filing is effective for 120 days from and after the date of its filing for publication in the Office of the Secretary of the State.

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 November 7, 1984.

TRD-8411380 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 15, 1984
Expiration date: March 13, 1985
For further information, please call (512) 475-2950.

Proposed Rules

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

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

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

TITLE 7. BANKING AND SECURITIES Part VI. Credit Union Department Chapter 91. Chartering, Operations, Mergers, Liquidations, Powers of Credit Unions

7 TAC §91.407

The Credit Union Department proposes new §91.407, which will provide the authority for state-chartered credit unions to issue mortgage-backed bonds.

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

Mr. Parsons also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the opportunity for credit unions to enhance their earnings during periods having cautious financial climates and thereby increase the money available for additional mortgage loans and improve their strength and profitability. 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 Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

This new section is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, amend the same.

§91.407 Securities A credit union operating under the laws of the State of Texas and these rules, and/or a credit union service organization (CUSO) owned and operated by such credit unions, are authorized by this rule to issue mortgage-backed bonds, provided that such bonds are issued in accordance with the United States Securities and Exchange Commission laws and rules, and provided that such bonds are issued in accordance with the securities laws of the State of Texas, except for the requirement of registration.

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 November 7, 1984

TRD-8411346 John P. Parsons
Commissioner
Credit Union Department

Earliest possible date of adoption
December 17, 1984

For further information, please call (512) 837-9236.

from Texas residents. Accordingly, all mutual fund shares must be registered and sold through a licensed broker-dealer, which may be the issuer itself. Included are no-load mutual fund shares. Because of the continuous nature of the offering, distributors must conform to the examination requirement of the Texas Securities Act. In all cases, annual [quarterly] sales reports must be filed within 60 [30] days from the end of the registrant's fiscal year [ending date of the quarter].

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

§123.2. *Registration Requirements.* Under the fair, just, and equitable provisions of the Securities Act of Texas, we generally impose the following requirements:

(1)-(17) (No change.)

(18) Single copies of all advertising literature must be filed with this office [at least five business days] prior to any distribution or dissemination in the State of Texas. [Clearance of such material will be automatic if a rejection notice is not received within that time.]

(19) (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 November 7, 1984

TRD-8411293 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption.
December 14, 1984

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

Chapter 133. Forms

7 TAC §133.10

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Securities Board, 1800 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Securities Board proposes the repeal of §133.10, concerning quarterly report of security sales—mutual funds, employee benefit plans, and other continuous offerings, since a new §133.10 is proposed that adopts by reference the form required to be filed annually rather than quarterly

Richard D. Latham, securities commissioner, 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. Latham 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 that the new form in §133.10 will be required to be filed annually instead of quarterly, thereby increasing uniformity with other states as to the frequency with which such forms must be filed. There is no anti-

ipated economic cost to individuals as a result of the repeal.

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

The repeal is proposed under Texas Civil Statutes, Article 581, §28-1, which authorize the board to repeal prior rules and regulations.

§133.10. *Quarterly Report of Security Sales—Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings.*

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 November 7, 1984.

TRD-8411294 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:
December 14, 1984

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

The State Securities Board proposes new §133.10, which adopts by reference the investment company (and other continuous offerings) annual report of sales form. The form reflects that sales reports for open-end investment companies (and other continuous offerings) are required to be filed annually rather than quarterly.

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

Mr. Latham 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 sales reports for open-end investment companies will be required annually rather than quarterly, thereby increasing uniformity with other states as to the frequency with which such forms must be filed. 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 Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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

§133.10. *Investment Company (And Other Continuous Offerings) Annual Report of Sales.* The State Securities Board adopts by reference the investment company (and other continuous offerings) annual report of sales.

of service. If adopted as proposed, utility service may only be disconnected during periods of extreme temperature after a determination has been made by the utility that no life-threatening condition exists or would exist because of disconnection during the extreme weather conditions.

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

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

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

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

§23.46. *Discontinuance of Service.*

(a)-(h) (No change.)

(i) Disconnection during extreme weather. **In zones where an excessive heat alert is in effect, as determined by the National Weather Service and reported by the National Oceanic and Atmospheric Administration (NOAA), or on a day when [the previous day's average temperature has exceeded 92°F, or] the previous day's highest temperature did not exceed 32°F, and the temperature is predicted to remain at that level [those levels] for the next 24 hours, according to the nearest National Weather Service reports, an electric [a] utility cannot disconnect a customer until the utility ascertains that no [whether a] life-threatening condition exists in the customer's household, or would exist, because of disconnection during [the] severe weather conditions.**

(j)-(k) (No change.)

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

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

TRD-8411365 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption.

December 17, 1984

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



TITLE 19. EDUCATION
Part I. Coordinating Board, Texas
College and University System
Chapter 5. Program Development
Subchapter J. Televised Instruction

19 TAC §§5.191-5.197

The Coordinating Board, Texas College and University System proposes new §§5.191-5.197, concerning televised instruction in public institutions of higher education. These new sections set out policies and procedures for the offering of televised instruction for credit by public institutions of higher education.

Bill Sanford, assistant commissioner for universities and research, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Sanford 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 the encouragement of the development and use of television for educational purposes while ensuring a level of quality equivalent to that of regular on-campus resident credit instruction. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The new sections are proposed under the Texas Education Code, §61.051, which provides the Coordinating Board, Texas College and University System with the authority to approve programs and courses at public institutions of higher education.

§5.191. *Scope and Purpose.*

(a) This subchapter is designed to encourage the development and use of television for educational purposes while ensuring a level of quality equivalent to that of regular on-campus resident credit instruction. The rules and regulations in this subchapter apply only to institutions over which the coordinating board has authority under state law.

(b) The coordinating board shall consider an institution's entry into delivery of televised instruction to be a change equivalent to a request for a new degree program, requiring the development of an institutional plan for televised instruction in accordance with §5.195 of this title (relating to Institutional Plan).

(c) Courses offered through televised instruction shall be subject to the approval procedures of Subchapter H of this title (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities) for off-campus and out-of-district courses in order to be eligible for state funding of semester credit/contact hours. These courses must be reported through the coordinating board's uniform reporting sys-

tem under the code for televised instruction as defined in the Educational Data Service *Reporting Manual*.

(d) The commissioner of higher education shall appoint an Advisory Committee on Telecommunications to advise him on the implementation of these rules and regulations and other matters related to present and future delivery of education via communication technologies.

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

Televised instruction—Any form of instruction that uses live and/or preproduced television programs as a primary mode for delivering instruction to the student at a location removed from the physical presence of the instructor. Delivery systems may include, but are not limited to, one or more of the following: open-channel television, closed-circuit television, cable television, low-power television, communication and/or direct broadcast satellite, satellite master antenna system, microwave, videotape, video disc, and telephone line.

Telecourse—The subset of televised instruction that uses preproduced television programs as the primary mode of instructional delivery.

§5.193. Exemptions.

(a) The following courses shall be exempt from the rules and regulations contained herein:

- (1) organized classes offered by television by an institution on its campus or among campuses within its system;
- (2) noncredit extension, correspondence, or continuing education courses; and
- (3) courses which are offered off-campus for resident credit and which are self-supporting, paid for entirely by the students, or do not involve state funding.

(b) Other exemptions to all or part of the rules and regulations contained herein may be made by the commissioner and the coordinating board on recommendation of the Advisory Committee on Telecommunications.

§5.194. Standards and Conditions.

(a) Each course offered through televised instruction must be applicable to a campus-based degree or certificate program approved by the coordinating board for the institution.

(b) Courses to be offered through televised instruction must be included in the institution's current course inventory as approved by the coordinating board.

(c) Reception sites for televised instruction (other than reception in homes or on main campuses) must be recognized as auxiliary locations in advance by the commissioner. Community/junior colleges also must obtain recognition of reception sites within their districts prior to offering televised instruction at those sites.

(d) If an institution proposes to offer televised instruction subject to coordinating board regulations in a community or district in which another institution of higher education is located, the proposing institution must notify the local institution according to procedures described in Subchapter H of this title (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities) for off-campus and out-of-district courses.

(e) If an institution objects to delivery of televised instruction by another institution in what it regards as

its geographic service area, and if an agreement between the two institutions cannot be reached, the coordinating board shall consider the matter in accordance with the procedures in Subchapter H of this title (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities) for off-campus and out-of-district courses.

(f) Funding formulas for community colleges and for senior colleges and universities shall be used for funding of televised courses.

(g) Institutions offering courses through televised instruction shall submit to the coordinating board annual financial reports on direct operating expenditures for televised instruction. These reports shall be used to evaluate current funding procedures and levels.

(h) Courses offered through televised instruction must include print materials and live interactive sessions with the instructor of record. At a minimum, this interaction must include:

- (1) an orientation session or sessions at the beginning of the course;
- (2) periodic scheduled sessions between the student and the instructor of record, either on an individual basis or in a group setting; and
- (3) provision for access by the student for advice or consultation with the instructor of record, by telephone or other means

(i) Students who wish to enroll in courses offered through televised instruction must satisfy the same requirements for admission to the institution, to the program of which the course is a part, and to the course itself, as would be expected of students enrolling in the same course taught in the traditional on-campus manner.

(j) Faculty members teaching courses offered through televised instruction must be regularly employed faculty members or must meet the standards and procedures used by the institution for the appointment of faculty responsible for on-campus resident credit courses. Provision must be made for the review and approval of faculty at the departmental level in the fields affected.

(k) Procedures for evaluation of faculty responsible for courses offered through televised instruction must be equivalent to those used by the institution for the evaluation of faculty teaching on-campus resident credit courses.

(l) Procedures for evaluation of the organization, content, and delivery of courses offered through televised instruction must be equivalent to those used by the institution for evaluation of course organization, content, and delivery in on-campus resident credit courses.

(m) Each course offered through televised instruction must include procedures for monitoring and assessing student performance. These procedures—such as written exercises, papers, and examinations—must be the same as or equivalent to those used in comparable on-campus resident credit courses. Standards for success or failure in televised instruction must be as rigorous as those for on-campus resident credit courses.

(n) Each instructor of record in a course offered through televised instruction must provide timely feedback to students regarding their progress and performance, by methods equivalent to those used in on-campus resident credit courses.

(o) Whenever televised instruction permits the enrollment of substantially greater numbers of students in a course than would normally be taught in a similar class on campus, the institution must ensure that quality is maintained.

(p) Students enrolled in televised instruction must have access to all academic support services which the institution provides for students enrolled in on-campus resident credit courses, including academic advising, counseling, library and other learning resources, tutoring services, financial aid, etc. In addition, students enrolled in televised instruction must have access to campus events and other nonacademic activities on the same terms as students enrolled in on-campus resident credit courses.

(q) Telecourse materials produced outside or within the institution must be evaluated and selected by an institutional team including individuals with competence in the content material, instructional methods, and televised instruction methodology.

§5.195. Institutional Plan.

(a) Any institution seeking authority to offer televised instruction must submit an institutional plan for televised instruction for review by the Advisory Committee on Telecommunications and approval by the coordinating board. An institution previously authorized to offer televised instruction on an experimental basis prior to the adoption of this subchapter shall be required to submit an institutional plan for approval as set out herein. The plan must reflect institutional policies for offering televised courses and maintaining quality in accordance with these rules and regulations. In addition, the plan must include a description of institutional arrangements for operation of the televised instruction program.

(b) The institutional plan must include identification of the courses to be offered by televised instruction. Any additional courses selected for offering by televised instruction after the institutional plan has been approved are subject to the coordinating board's established course update procedures.

(c) The institution shall stipulate the maximum proportion of the course requirements any student may take by televised instruction for a degree or certificate program and provide a rationale where the proportion stipulated exceeds one-third.

(d) The coordinating board shall provide guidelines to assist institutions in preparation of institutional plans for televised instruction.

(e) Upon review of the plan, the coordinating board staff may request additional information.

(f) The coordinating board shall serve as a clearinghouse for televised instruction to facilitate the exchange of information on materials used in courses offered via television.

§5.196. Institutional Self-Study.

(a) Each institution offering televised courses shall conduct a self-study of its televised instruction within four years of coordinating board approval of a plan and every five years thereafter.

(b) The self-student report shall be available to the coordinating board and its staff if requested.

(c) The coordinating board shall provide guidelines to assist institutions in preparation of their self-study reports.

§5.197. Statewide Review. A statewide review of televised instruction shall be conducted under the auspices of the coordinating board in 1989 and periodically thereafter as determined by the board. The review team shall consist of consultants with expertise in televised instruction. The team shall evaluate and make recommendations to the commissioner concerning the institutional self-study reports, the coordinating board's rules and regulations, and any other topics of interest to the board.

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 November 5, 1984.

TRD-8411306 James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption.

January 25, 1985

For further information, please call (512) 476-2033.

**Chapter 17. Campus Planning and
Physical Facilities Development
Subchapter D. Requesting Coordinating
Board Endorsement of Real Property
Acquisitions**

19 TAC §17.65

The Coordinating Board, Texas College and University System proposes new § 17.65, concerning application for approval of real property acquisitions. The new section establishes a two-step procedure for the approval of real property acquisitions. The first step is optional and involves the partial completion of the application form. The second step is required and involves completion of the entire application form, including costs, source of funds, and two appraisal reports.

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

Mr. Flack also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that when financial restraints or an unwilling seller prevent an agreement at the time of initial application, an institution may receive preliminary approval until all fiscal arrangements are in order. This would allow expeditious action at the time a seller is willing to sell. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The new section is proposed under the Texas Education Code, §61.058, which provides the Coordinating Board, Texas College and University System with the authority to approve real property acquisitions.

§17.65. Application for Approval of Real Property Acquisition.

(a) The application procedure shall consist of two steps, as follows.

(1) The first step, which is optional, involves the partial completion of the application form prescribed in §17.64 of this title (relating to Application Form). Items dealing with financial data, costs, and appraisal reports shall be excluded. The application shall be submitted at least 60 days prior to the board meeting at which the request is to be considered. Board approval of the request at this step will result in coordinating board endorsement of the acquisition with the exception of ultimate cost.

(2) The second step, which would be required in all cases, would involve the completion and submission of the entire application form, including costs, source of funds, and the procurement of two appraisal reports as provided in §17.63 of this title (relating to Real Property Costing More than \$10,000).

(b) Coordinating board consideration of requests for real property acquisitions which had received preliminary board approval under Step 1 is delegated to the Campus Planning and Facilities Development Committee. The committee will act upon requests of an emergency nature between scheduled meetings of the board in accordance with the following guidelines.

(1) The Campus Planning and Facilities Development Committee will be guided in its decision in part by its judgment as to whether or not the full board would approve the cost figures were the request being brought to the board for the first time. The action by the committee will be final, subject to appeal to the full board at its next meeting.

(2) Emergencies arising in close proximity to a board meeting may be taken to the board for board action or board guidance to the committee in its decision an emergency request.

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

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

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

Issued in Austin, Texas, on November 1, 1984.

TRD-8411308 James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption:
January 25, 1985

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

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

Taxes and Fees

059.04.01.003

The State Board of Insurance proposes new Rule 059.04.01.003, concerning rates of assessment on gross premium receipts for the 1984 calendar year to determine maintenance taxes to support certain functions of the State Board of Insurance. The rule applies to automobile insurance; casualty insurance and other lines regulated under the Insurance Code, Chapter 5, Subchapter B; fire and allied lines insurance, including inland marine; workers' compensation insurance; title insurance; and prepaid legal services contracts. The State Board of Insurance is required annually to determine the rate of assessment for the types of insurance specified.

Carroll G. Fuchs, staff services chief, 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. Fuchs also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the promulgation of a rate which will facilitate the proper collection of maintenance taxes to maintain the State Board of Insurance. The anticipated economic cost to individuals who are required to comply with the rule as proposed is payment of the tax at the rate specified. The amount of tax will depend on the amount and particular type of insurance written.

Comments on the proposal may be submitted to Carroll G. Fuchs, Chief of Staff Services, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

This new rule is proposed under the Insurance Code, Articles 5.12, 5.24, 5.49, 5.68, 9.46, and 23.08, which provides the State Board of Insurance with the authority to set the rates for maintenance taxes to be charged each year for the types of insurance specified in the rule.

.003. *Assessment of Maintenance Tax, 1985.* The following rates for maintenance taxes are assessed for the calendar year 1984 for the lines of insurance specified:

(1) for automobile insurance, pursuant to the Insurance Code, Article 5.12, the rate is .024 of 1.0%;

(2) for casualty and other lines of insurance under the Insurance Code, Chapter 5, Subchapter B, pursuant to the Insurance Code, Article 5.24, the rate is .075 of 1.0%;

(3) for fire insurance and allied lines, including inland marine, the Insurance Code, Article 5.49, the rate is .458 of 1.0%;

(4) for workers' compensation insurance, pursuant to the Insurance Code, Article 5.68, the rate is .229 of 1.0%;

(5) for title insurance, pursuant to the Insurance Code, Article 9.46, the rate is .020 of 1.0%; and

(6) for prepaid legal services pursuant to the Insurance Code, Article 23.08, the rate is 1.0 of 1.0%.

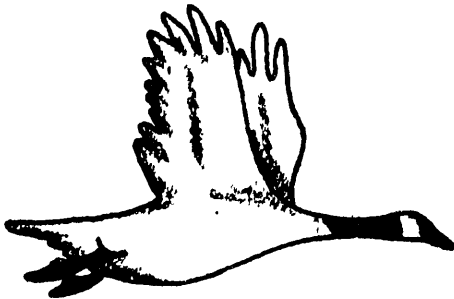
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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

TRD-8411432 James W. Norman
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption:
December 17, 1984

For further information, please call (512) 475-2960.



**TITLE 31. NATURAL RESOURCES
AND CONSERVATION
Part X. Texas Water Development
Board
Chapter 309. Requirements for Dams
and Reservoirs
General Provisions**

31 TAC §§309.1-309.4

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Development Board proposes the repeal of §§309.1-309.4, concerning general provisions.

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 allowance for the enactment and enforcement of revised rules which will better protect the public safety and welfare. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas, (512) 475-6943.

The repeal is proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

§309.1. *Objective.*

§309.2. *Duties, Obligations, and Liabilities.*

§309.3. *Registered Engineer.*

§309.4. *Exception.*

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 November 1, 1984.

TRD-8411319 Susan Plettman
 General Counsel
 Texas Department of Water
 Resources

Earliest possible date of adoption:
December 17, 1984

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

31 TAC §§309.1-309.5

The Texas Water Development Board proposes new §§309.1-309.5, concerning general provisions. The objective of these rules is protection of the public from the consequences of dam failure, an objective which requires professional engineering performance in the design, construction, and maintenance of dams. These rules are necessary for an understanding of additional rules establishing minimum criteria for dam and spillway design and maintenance.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Hodges 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 is a clearer understanding of the department's authority in dam safety. 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 Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

The new sections are proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

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

Dam—Any barrier, including one for flood detention, designed to impound liquid volumes and which has a height of dam greater than six feet. This does not include highway, railroad, or other roadway embankments, including low water crossings, or levee systems that may temporarily detain floodwater.

Effective crest of the dam—The elevation of the lowest point on the crest of the dam, excluding spillways.

Existing dam—

(A) Any dam constructed in accordance with necessary authorizations of the department;

(B) Any existing dam exempt under the Water Code, §11.142.

Freeboard—The vertical distance in feet between the effective crest of the dam and the maximum design water surface elevation in the reservoir.

Height of dam—The vertical distance from the effective crest of the dam to the lowest elevation on the centerline or downstream toe of the dam, including the natural stream channel.

Maximum storage capacity—The volume of the impoundment created by the dam at the effective crest of the dam, usually expressed in acre-feet.

Normal storage capacity—The volume of the impoundment created by the dam, at the lowest uncontrolled spillway crest, usually expressed in acre-feet.

100-year flood—The flood peak discharge of a stream, based upon statistical data, which would have a 1.0% chance of occurring in any given year.

Probable maximum flood (PMF)—The flood magnitude that may be expected from the most severe combination of meteorologic and hydrologic conditions that are reasonably possible for a given watershed.

Probable maximum precipitation (PMP)—The largest magnitude of rainfall that may be expected from the most severe combination of meteorologic conditions that are reasonably possible for a given area.

Proposed dam—Any dam, constructed or to be constructed, which is not included in the definition of existing dam

Spillway design flood (SDF)—The flood criteria that needs to be considered in the design of a proposed project.

Spillway evaluation flood (SEF)—The flood criteria that needs to be considered in the hydrologic evaluation of an existing structure.

§309.2. General

(a) When the executive director finds that a dam or reservoir poses a level of danger to the public which is unacceptable when evaluated in accordance with department rules, he may either refer the matter directly to the attorney general for injunctive relief or he may seek an order from the commission to direct the owner to take appropriate action to remove the danger to life and prop-

erty. An owner who willfully fails or refuses to take appropriate action is liable for a penalty of not more than \$1,000 a day for each day the violation continues.

(b) In determining whether an existing or proposed dam and reservoir constitutes an unacceptable danger to life or property, the department shall evaluate both the hydrologic and, if possible, the structural adequacy of the dam. The department may take into consideration conditions including, but not limited to, the possibility that the dam might be endangered by overtopping, seepage, piping, settlement, erosion, cracking, earth movement, uplift, overturning, or failure of bulkheads, flashboards, gates, spillways, and conduits.

(c) Dams and associated facilities must be adequately maintained throughout their lives, including, as necessary, the operation and maintenance of surveillance and monitoring devices to detect changes in the dam and/or its foundation and appurtenant facilities. If abandoned at any time, a dam must be removed or breached in a manner to eliminate any hazard to life and property downstream.

(d) Dam and spillway adequacy shall be evaluated utilizing standard engineering procedures and techniques, including, but not limited to, those employed and recommended by the Corps of Engineers, Soil Conservation Service, Bureau of Reclamation, and the American Society of Civil Engineers.

§309.3. Duties, Obligations, and Liabilities of Dam Owners. Nothing in these rules or orders made by the department shall be construed to relieve an owner or operator of a dam or reservoir of the legal duties, obligations, or liabilities incident to ownership or operation.

§309.4. Registered Engineer. Preparation of all plans and specifications and the construction, enlargement, alteration, repair, or removal of dams subject to department review shall be under the supervision of an engineer registered in this state, unless a waiver of this requirement is authorized pursuant to §309.5 of this title (relating to Exception).

§309.5. Exception. Written approval of the executive director is required for exception from any or all of the requirements of §309.4 of this title (relating to Registered Engineer), §309.22 of this title (relating to Approval of Plans and Specifications), §309.23 of this title (relating to Content of Construction Plans and Specifications), §309.24 of this title (relating to Maintenance of Records), §309.25 of this title (relating to Construction Progress Report), §309.26 of this title (relating to Construction Inspection), §309.27 of this title (relating to Plan and/or Specification Changes and Amendments), §309.28 of this title (relating to Noncompliance with Approved Plans and Specifications), §309.29 of this title (relating to Deliberate Impoundment), and §309.31 of this title (relating to As-Built Drawings and Permanent Reference Mark). The executive director may grant exception if he determines that the physical conditions involved, when evaluated using standard engineering procedures and techniques, render the requirements unnecessary. Written approval will specify the extent of the exception granted and the executive director's reasons for granting it. In no way does this rule limit the executive director's authority under §309.27 of this title (relating to Plan and/or Specification Changes and Amendments) to require amendments,

modifications, or changes to ensure the safety of a structure.

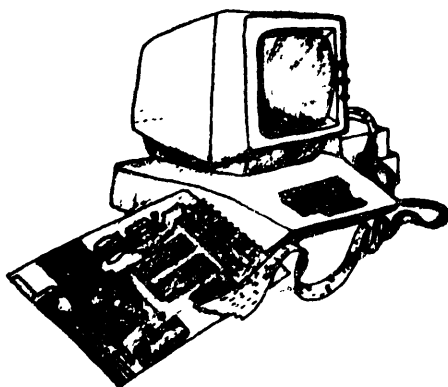
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 1, 1984.

TRD-8411320 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
December 17, 1984

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



Authority of the Department

31 TAC §§309.11-309.13

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Development Board proposes the repeal of §§309.11-309.13, concerning authority of the department.

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 allowance for the enactment and enforcement of revised rules which will better protect the public safety and welfare. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas, (512) 475-6943.

The repeal is proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

§309.11. *Jurisdiction.*

§309.12. *Extent of Investigations.*

§309.13. *Dam Safety Complaints and Other Emergency Action.*

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 November 1, 1984.

TRD-8411322 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
December 17, 1984

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

Design Standards for Dams

31 TAC §§309.11-309.19

The Texas Water Development Board proposes new §§309.11-309.19, concerning design standards for dams.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Hodger 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 is insurance that the design and construction of dams in this state are in accordance with sound engineering and construction practices. The safe and successful lifetime operation of dams is related to the adequacy of their hydrologic and structural designs. The establishment of specific minimum criteria in design standards proposed by these rules allows greater protection of the public welfare and more effective enforcement of department rules.

The anticipated economic cost to individuals who are required to comply with the rules as proposed will not be more than the cost of complying with the previous rules. The proposed new rules establish different standards for proposed and existing dams. The criteria for existing dams recognizes the economic, physical, and legal problems of dealing with existing dams and provides for a more reasonable assessment of these problems as they relate to the safety of the structure. Because this standard is less than that proposed for proposed dams, the proposed rules will have less of an effect on individual dam owners than the previous rules, which made no distinction between proposed and existing dams. Although enforcement of these rules would require some dam owners to expend funds to upgrade or remove inadequate dams, such costs

will be less than those required to upgrade to the present standard. For this reason, it is believed that the possible economic cost to individuals will be decreased by adoption of these rules.

Comments on the proposal may be submitted to Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

The new sections are proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

§309.11. Proposed Dams. The standards contained in §309.16 of this title (relating to Standards for Proposed Dams) are the minimum acceptable spillway design criteria for proposed dams as defined in §309.1 of this title (relating to Definitions), including those to be constructed accordance with the Water Code, §11.142.

§309.12. Existing Dams. Existing dams, as defined in §309.1 of this title (relating to Definitions), are subject from time to time to reevaluation in consideration of continuing downstream development. Standards contained in §309.17 of this title (relating to Evaluation Standards for Existing Dams) are the minimum acceptable criteria for reevaluating dam and spillway capacity for existing dams to determine whether upgrading is required. Existing dams not meeting this minimum criteria are subject to action as necessary under §309.2 of this title (relating to General).

§309.13. Classification of Dams. All dams will be classified or reclassified as necessary to assure appropriate safety considerations. The three size classifications (small, intermediate, and large), based on height of dam or impoundment capacity, and the three hazard classifications (low, significant, and high), are combined to indicate a dam's downstream hazard potential. Thus, the classification assignment reflects the hazard potential associated with assumed failure of the dam. For example, dams located such that resulting failure could be catastrophic are classified so as to require a higher degree of design consideration than would be required for similar dams located in remote areas. Classification does not indicate the physical condition of a dam.

§309.14. Size Classification Criteria. The classification for size based on the height of the dam or maximum reservoir storage capacity shall be in accordance with Table 1. The appropriate size is the largest category determined for either storage or height.

Category	Storage (Acre-feet)	Height (feet)
Small	Less than 1,000	Less than 40
Intermediate	Equal to or greater than 1,000 and less than 50,000	Equal to or greater than 40 and less than 100
Large	Equal to or greater than 50,000	Equal to or greater than 100

§309.15. Hazard Classification Criteria. The hazard potential classification will be in accordance with Table 2. Hazard classification pertains to potential loss of human life and/or property damage within either existing or potential developments in the area downstream of the dam in event of failure or malfunction of the dam or appurtenant facilities. Hazard classification does not indicate any condition of the dam itself. Dams in the low hazard potential category are normally those in rural areas where failure may damage farm buildings, limited agricultural improvements, and county roads. Significant hazard potential category dams are those in predominantly rural areas where failure would not be expected to cause loss of human life, but may cause damage to isolated homes, secondary highways, minor railroads, or cause interruption of service or use (including the design purpose of the facility) of relatively important public utilities. Dams in the high hazard potential category are usually those in or near urban areas where failure would be expected to cause loss of human life, extensive damage to agricultural, industrial, or commercial facilities, important public utilities (including the design purpose of the facility), main highways, or railroads.

Category	Loss of Human Life	Economic Loss
Low	None expected (No permanent structures for human habitation)	Minimal (Undeveloped to occasional structures or agricultural improvements)
Significant	Possible, but not expected (A small number of inhabitable structures)	Appreciable (Notable agricultural, industrial, or commercial development)
High	Expected (Urban development or large number of inhabitable structures)	Excessive (Extensive public, industrial, commercial, or agricultural development)

§309.16. Standards for Proposed Dams.

(a) The safe and successful lifetime operation of dams is directly related to the adequacy of their hydrologic and structural designs and related construction practices, therefore, the following design considerations are provided as minimum requirements.

(b) Hydrologic design. The hydrologic design of a proposed dam can exceed, but must not be less than, that given in Table 3 in accordance with its size and hazard potential classification.

(c) Exemptions to minimum hydrologic criteria. Proposed low hazard small size dams impounding less than 50 acre-feet at maximum storage capacity are exempt from the minimum criteria. Any other proposed structure may be exempt from the minimum criteria if properly prepared dam breach analyses show that existing downstream improvements or known or planned future improvements will not be adversely affected. A properly prepared breach analysis should include at least three events, the static pool or nonflood event, the barely overtopping event, and the PMF event. Data on additional flood magnitudes may be provided as necessary to document other conditions or conclusions. Downstream flooding differentials of one foot or less between breach and nonbreach simulations are not considered to be adverse.

**Table 3
Hydrologic Design Criteria for Proposed Dams**

Hazard Classification	Size	Minimum Design Criteria Spillway Design Flood (SDF)
Low (No. 3)	Small	1/10 PMF to 1/4 PMF
	Intermediate	1/4 PMF to 1/2 PMF
	Large	1/2 PMF to PMF
Significant (No. 2)	Small	1/4 PMF to 1/2 PMF
	Intermediate	1/2 PMF to PMF
	Large	PMF
High (No. 1)	Small	1/2 PMF to PMF
	Intermediate	PMF
	Large	PMF

Note: The spillway design flood (SDF) in this table is the minimum required flood for a given project, i.e., the project will be required to safely pass this SDF hydrograph. Where a range is given, the appropriate SDF magnitude will be determined by straight line interpolation within the given range. Interpolation shall be based on either hydraulic height or impoundment size (Table 1), whichever is greater. The appropriate SDF hydrograph is computed as a percentage of the PMF hydrograph. Interpolation for the low-hazard, large-size project shall be computed based on PMF for 100,000 acre-feet impoundment.

§309.17. Evaluation Standards for Existing Dams.

(a) The safe operation of existing dams is directly related to the adequacy of their hydrologic and structural capability and related annual maintenance practices. The purpose of these standards for existing authorized dams is to provide a basis for determining when an existing dam is below acceptable limits, but in no way can this rule be used to reduce an existing design. Dams not meeting these minimum required standards are considered to be below acceptable limits.

(b) Structural evaluation. Evaluating the structural condition of an existing dam includes, but is not limited to, visual inspections and evaluations of potential problems such as seepage, cracks, slides, conduit and control malfunctions, and other structural and maintenance deficiencies which could lead to failure of a structure. An active and progressive deteriorating condition is sufficient for a finding that an existing dam is structurally inadequate.

(c) Hydrologic evaluation. In accordance with its size and hazard potential classification as given in Table 4, an existing dam not capable of passing the spillway evaluation flood is considered to be hydrologically inadequate.

(d) Exemptions from minimum hydrologic criteria. Any existing structure may be exempt from the minimum hydrologic criteria if properly prepared dam breach analyses show that existing downstream improvements or known or planned future improvements will not be adversely affected. Downstream flooding differentials of one foot or less between breach and nonbreach simulations are not considered to be adverse. A properly prepared breach analysis should include at least three events, the static pool or nonflood event, the barely overtopping event, and the PMF event. Data on additional flood magnitudes may be provided as necessary to document other conditions or conclusions.

**Table 4
Hydrologic Criteria for Evaluating Existing Dams**

Hazard Classification	Size	Minimum Criteria Spillway Evaluation Flood (SEF)
Low (No. 3)	Small	None
	Intermediate	1/4 PMF
	Large	1/2 PMF
Significant (No. 2)	Small	1/10 PMF
	Intermediate	1/2 PMF
	Large	1/2 PMF
High (No. 1)	Small	1/2 PMF
	Intermediate	1/2 PMF
	Large	1/2 PMF

Note: The spillway evaluation flood (SEF) in this table is the minimum required flood for reevaluation of a given project, i.e., an existing dam not capable of safely passing the appropriate SEF hydrograph is considered to be hydrologically inadequate. The appropriate SEF hydrograph is computed as a percentage of the PMF hydrograph. In no way can these criteria be used to reduce the design of an existing dam.

§309.18. Interim Alternatives. At the time the commission considers the permanent upgrading or removal of an inadequate dam, the dam owner may request the commission to consider interim alternatives, including, but not limited to, temporary repairs, reservoir dewatering, insurance coverage, and/or downstream warning and evacuation plans. Consideration shall be given to the time required to overcome economic, physical, and legal restraints to upgrading, the prospect of permanent repair, current use of the facility, degree of risk, and public welfare. The use of interim alternatives shall be limited to a reasonable period of time within which permanent alterations can be accomplished.

§309.19. Emergency Management. As required for emergency management planning, the executive director may request, and/or the commission may order, a dam owner to provide sufficient data to plan for potential effects of failure or malfunction of a dam and/or associated appurtenant facilities.

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 November 1, 1984.

TRD-8411321 Susan Plettman
General Counsel
Texas Department of Water Resources

Earliest possible date of adoption:
December 17, 1984

For further information, please call (512) 475-7846.

Commission Approval of Proposed Construction

31 TAC §§309.21-309.25

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F. Austin Building, 1700

North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Development Board proposes the repeal of §§309.21-309.25, concerning approval of proposed construction.

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 allowance for the enactment and enforcement of revised rules which will better protect the public safety and welfare. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas, (512) 475-6943.

The repeal is proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

§309.21. *Construction Plans and Specifications.*

§309.22. *Construction Plans.*

§309.23. *Specifications.*

§309.24. *Engineering Reports and Additional Information.*

§309.25. *Approval.*

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 November 1, 1984

TRD-8411323 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
December 17, 1984

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

Construction Requirements

31 TAC §§309.21-309.31

The Texas Water Development Board proposes new §§309.21-309.31, concerning construction requirements.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Hodges 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 is a clearer understanding of the plans and specifications required for the approval of construction of a dam. 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 Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

The new sections are proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

§309.21. *Applicability.* This section applies to engineering plans and specifications for the construction, enlargement, repair, or alteration of dams in this state, except as follows:

(1) exceptions approved in accordance with §309.5 of this title (relating to Exception);

(2) dams designed by and constructed under the supervision of federal agencies such as the Corps of Engineers, Bureau of Reclamation, and the Soil Conservation Service; and

(3) exempt dams pursuant to the Water Code, §11.142.

§309.22. *Approval of Plans and Specifications.* Construction of a dam or the enlargement, repair, or alteration of an existing dam requiring commission authorization shall not be commenced prior to the executive director's written approval of final construction plans and specifications. Construction plans and specifications shall be submitted to the executive director and shall be as completely detailed as necessary for submission to the contractors bidding on the proposal. Contractors shall not commence construction until provided with a copy of the plans and specifications evidencing the approval. This does not apply to ordinary maintenance or emergency repair. The executive director may require the filing of additional information and data which, in his opinion, may be necessary for determining the adequacy of operational functions and safety of the structures and works related thereto. The official name of the dam and reservoir by resolution of the governing body or by certificate if individually owned shall be submitted to the department as early as possible, preferably with the construction plans.

§309.23. *Content of Construction Plans and Specifications.*

(a) Construction plans requiring approval by the executive director may include the following, as determined by the executive director:

(1) a topographic map of the dam site with contour intervals of not to exceed five feet. A plan of the dam shall be superimposed on this map showing the location of spillways, outlet conduit, cutoff walls, and other structures;

(2) a profile of the dam site taken on the long axis of the dam and a profile of each spillway along its long axis. The profile shall also show the location of the outlet conduit and spillway. A log showing the classification of materials encountered below the surface as shown by test pits or borings should be included;

(3) a cross section of the dam at maximum section showing complete details and dimensions;

(4) detailed plans showing sections of outlet conduits, control works, and spillways. These sections should be of sufficient number and detail to delineate clearly all features of the structure; and

(5) the location of all permanent instrumentation shall be shown on the plans. All pressure cells, settlement plates, piezometers, slope indicator casing, or other devices shall be noted

(b) Construction plans shall be accompanied by specifications which may include, but are not limited to, the following:

(1) the requirements for the various types of materials to be used in the construction of all pertinent works;

(2) a specified time of completion, i.e., a requirement that the contractor's bid contain a time of completion;

(3) a provision to the effect that plans and specifications shall not be substantially or materially altered without prior written approval of the executive director.

(c) Other engineering reports and additional information are sometimes prepared and may be required by the executive director for review. These reports, applicable to the type of structure (earthfill, rock fill, or concrete) in question, may include details such as geology of the project site and vicinity, location and logs of test borings, pits and shafts, results of field and laboratory tests on structural and foundation materials; seepage studies, and stability analyses of embankments, spillways, retaining walls, etc. Additional information required may include recommendations concerning embankment slopes, crest width, berms, core trench depths, moisture-density and strength requirements, minimum compressive strength for concrete, construction sequence procedures and/or techniques for excavations and embankments, and types of compaction equipment, borrow excavation techniques, and sequence of fill placement.

§309.24. Maintenance of Records.

(a) The owner shall continuously maintain records to insure compliance with the approved plans and specifications during construction. Copies of these records shall be furnished to the executive director at monthly intervals during the construction period, and may include, but not necessarily be limited to, such items as soil moisture-density test results and concrete trial batch designs test and compression test results

(b) Other observations which may be recorded include final bottom width and elevations of core and cutoff trenches, structural excavations, permanent sheet piles or bearing piles, and documentation of foundation groutings, dewatering problems, or observations during the construction period of any instruments installed to measure movements, stresses, and pore pressure.

§309.25. Construction Progress Report. Within 10 days after beginning actual construction of a project, the

executive director shall be notified in writing of the date work began. Thereafter, monthly reports of progress shall be forwarded to the executive director by the 10th of each month during construction. The report shall show the work accomplished during the month, the percent of time used, and the percentage of completion of the project as of the close-out date of the report. In addition, the report shall show the inclusive dates of the reporting period.

§309.26. Construction Inspection. Inspection of construction work shall be conducted by a registered professional engineer experienced in the construction of dams and responsible directly to the owner. Continuous daily inspections shall be made and may be delegated to a qualified technician (inspector) provided he is under the supervision of the owner's engineer. The executive director may make periodic inspections for the purpose of ascertaining compliance with approved plans and specifications. The executive director shall require the owner, at his expense, to perform the work or tests necessary and to disclose information sufficient to enable the executive director to determine that conformity with approved plans and specifications is accomplished.

§309.27. Plan and/or Specification Changes and Amendments. If, after inspection, investigation, or examination, or at any time as the work progresses, the executive director finds that changes or amendments are necessary to ensure safety, he may request the owner to revise his plans and/or specifications. Alterations of the plans and specifications must be approved by the executive director before work commences under the changes, except in emergencies requiring immediate action of which the executive director shall be immediately notified. If the proposed alterations would result in deviation from the permitted right, amendment of the permit must be obtained from the commission.

§309.28. Noncompliance with Approved Plans and Specifications. If, at any time during construction, enlargement, repair, or alteration of any dam or reservoir, the executive director finds that the work is not being done in accordance with approved plans and specifications or in accordance with approved revised plans and specifications, he shall give written notice thereof and direct compliance by certified mail to the owner. If the owner fails to comply with the directive, the executive director may take appropriate action to assure compliance. Failure to comply with approved plans and specifications will be grounds for revocation of the permit and/or civil penalty as provided by law. The commission may order the structure removed to eliminate any safety hazard to life and property.

§309.29. Deliberate Impoundment. Written approval of the executive director must be obtained prior to deliberate impoundment of water in a partly or newly completed reservoir designed to impound more than 1,000 acre-feet at normal storage capacity. Deliberate impoundment shall mean any act which results in the intentional impoundment of water in the reservoir and includes, but is not limited to, closure of the lowest planned outlet or spillway serving the reservoir, blocking the diversion works used during the construction, and beginning backfill within the closure section of a dam. Temporary closing of a valve or spillway gate for operational testing shall not be construed as an act of deliberate impoundment.

§309.30. Certificate of Completion Immediately upon completion of a new dam and reservoir, or enlargement, repair, or alteration of an existing dam and reservoir, the owner shall file a certificate with the executive director, signed by the responsible engineer supervising the work for the owner, certifying that the construction, alterations, or repairs were completed in accordance with the approved plans and specifications. In the case of projects excepted under §309.5 of this title (relating to Exception), the owner shall notify the executive director in writing that construction, alterations, or repairs were completed.

§309.31. As-Built Drawings and Permanent Reference Mark. As soon as possible after completion of construction, the owner or his engineer shall submit to the executive director a complete set of as-built drawings of the project for filing with the permanent records of the department. One or more permanent reference mark(s) shall be established for future use near but separate from the project. Accurate location(s) and elevation(s) above mean sea level shall be shown on the as-built drawings.

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 November 1, 1984

TRD-8411324 Susan Plettman
General Counsel
Texas Department of Water Resources

Earliest possible date of adoption
December 17, 1984

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

Inspection and Construction Requirements

31 TAC §§309.31-309.40

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Development Board proposes the repeal of §§309.31-309.40, concerning inspection and construction requirements.

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 allowance for the enactment and enforcement of revised rules which will better protect the public safety and welfare. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas, (512) 475-6943.

The repeal is proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

- §309.31. Construction Progress Report.
- §309.32. Records of Control During Construction.
- §309.33. Executive Director Inspection.
- §309.34. Construction Inspection.
- §309.35. Amendment, Modification, and Changes.
- §309.36. Noncompliance with Approved Plans and Specifications.
- §309.37. Permanent Reference Mark.
- §309.38. Deliberate Impoundment
- §309.39. Certificate of Completion.
- §309.40. As-Built Drawings.

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 November 1, 1984

TRD-8411325 Susan Plettman
General Counsel
Texas Department of Water Resources

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December 17, 1984

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

Maintenance, Operation, and Removal 31 TAC §309.55

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Development Board proposes the repeal of §309.55, concerning maintenance, operation, and removal.

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 allowance for the enactment of revised rules. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Patrick J. Sullivan, Staff Attorney, Office of the General

al Counsel, Texas Department of Water Resources,
P.O. Box 13087, Austin, Texas, (512) 475-6943.

The repeal is proposed under the Texas Water Code, §§5.131 and 5.132, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

§309.55. Removal or Alteration of Unlawful Dams and Reservoirs.

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 November 1, 1984.

TRD-8411326 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
December 17, 1984
For further information, please call (512) 475-7845.

Removal of Dams

31 TAC §309.55

The Texas Water Development Board proposes new §309.55, concerning the removal of dams.

Mike Hodges, Fiscal Services Section chief, 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. Hodges 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 is clarification of the responsibility of a dam owner to correct any conditions posing a threat to downstream lives and property. 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 Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

The new section is proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

§309.55. Removal of Dams and Reservoirs. Removal or modification of a dam shall be done at the owner's expense, and except for emergency action required to protect lives and property, only after executive director approval. The executive director may require the owner to provide plans and specifications. The executive director may seek an order from the commission or an injunction through the attorney general requiring the removal or modification of dams or reservoirs which are not

authorized by law or which have been determined to pose an unacceptable hazard to downstream lives or property.

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 November 1, 1984.

TRD-8411327 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
December 17, 1984
For further information, please call (512) 475-7845.

Emergency Action

31 TAC §309.61

The Texas Water Development Board proposes new §309.61, concerning emergency action.

Mike Hodges, Fiscal Services Section chief, 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. Hodges also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification of the department's dam safety responsibility. 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 Patrick J. Sullivan, Staff Attorney, Office of the General Counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

The new section is proposed under the Texas Water Code, §§5.131, 5.132, and 12.052, which provides that the Texas Water Development Board shall make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state.

§309.61. Emergency Action. Pursuant to the provisions of the Water Code, §12.052, emergency orders may be issued, without notice to the owner, directing the owner of a dam to take immediate and appropriate action to remedy situations posing serious threat to human life, health, and/or property.

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 November 1, 1984.

TRD-8411328 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
December 17, 1984
For further information, please call (512) 475-7845.

TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter L. Motor Fuels Tax
34 TAC §3.193

The Comptroller of Public Accounts proposes new §3.193, concerning bad debt deductions taken by permitted distributors of gasoline and permitted suppliers of diesel fuel. During the recent special session, the legislature provided that distributors and suppliers who had written off certain types of accounts as uncollectable could take credit against taxes to be paid or claim a refund on taxes paid to the comptroller in an amount equal to the taxes written off as bad debt.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This rule is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the public will be informed of the requirements for claiming credits or refunds of fuel tax written off as bad debt. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, P O Box 13528, Austin, Texas 78711.

This new section is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the motor fuel taxes.

§3.193. Bad Debt Deductions.

(a) Bad debt refund or credit.

(1) A permitted gasoline distributor or diesel fuel supplier may take credit against taxes to be remitted to the comptroller or claim a refund on taxes paid to the comptroller for bad debt on sales made on or after August 1, 1984

(2) To establish bad debt credit or refund, a distributor's or supplier's records must show:

- (A) date of sale(s);
- (B) name and address of purchaser;
- (C) invoices reflecting the tax was assessed;
- (D) taxes were paid by the distributor or supplier;

(E) all payments or credits were applied to the account of the purchaser;

(F) uncollected amounts have been designated as a bad debt in the distributor's or supplier's records.

(3) To determine the amount of bad debt allowance for tax, all payments and credits must be applied ratably against the sales price of the fuel and applicable taxes.

(b) Credit card sales.

(1) A credit card is defined as any card, plate, key, or like device by which credit is extended to and charged to the purchaser's account.

(2) Sales of fuel into the supply tank of a motor vehicle or motorboat when payment is made through the use and acceptance of a credit card may not be taken as a bad debt credit or refund.

(3) All credit sales to commercial or agricultural customers at locations not open to the general public are subject to the bad debt credit or refund.

(c) Penalty and interest.

(1) If an account is collected which has been written off as a bad debt, interest will accrue from the date the credit was taken or refund granted.

(2) Penalty will not be imposed unless the recovered bad debt is not reported and tax paid to the state during the reporting period in which the recovery is made or it is determined by the comptroller that the taxpayer knew or should reasonably have known that the debt was collectible at the time the credit was taken.

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 November 9, 1984.

TRD-8411461 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption.

December 17, 1984

For further information, please call (512) 475-1913.

TITLE 37. PUBLIC SAFETY AND
CORRECTIONS
Part X. Texas Adult Probation
Commission
Chapter 321. Standards

37 TAC §§321.1, 321.11, 321.12

The Texas Adult Probation Commission proposes amendments to §§321.1, 321.11, and 321.12, concerning administration, intensive supervision, and restitution center. The amendments bring travel allowances and budget practices of probation departments into line with state agency practices, provide for uniform practice in preparing presentence investigation reports, and allow restitution center standards to more clearly reflect the intent of the legislature.

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

Mr. Peterson 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 better determination

of the efficiency and effectiveness of funds expended by local probation departments and better identification of community support for restitution centers and the intensive supervision program. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753.

The amendments are proposed under Texas Civil Statutes, Article 42.121, §301, which provide the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.1. Administration.

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

(h) Automobile allowance. [(Texas Code of Criminal Procedure, Article 42.12, §10(f) and (i).) Probation departments **shall** [should] establish an automobile allowance for the use of personal automobiles on official business by authorized department personnel, to be paid from judicial district funds on the basis of miles actually traveled. Personal automobile allowance **shall be the same as** [should not be less than] the state allowance per mile. [Flat rate monthly payment based on approximate mileage computed at not less than the current state rate per mile is not prohibited.] All departments **shall** [paying flat rate monthly allowance should] maintain written documentation within the probation department of business mileage in the form of monthly mileage logs. Each officer **must complete a log for each month in which he or she claims mileage allowance. In addition to the officer's name and the month, the log must** [This documentation should include the officer's name, month, and officer's signature. The form should] also contain the date, beginning odometer reading, ending odometer reading, total miles driven, and a detailed description of the purpose of trips for each business day. These forms **shall** [should] be available for review by the TAPC [Texas Adult Probation Commission (TAPC)] auditors.

(i) Per diem. [(Texas Code of Criminal Procedure, Article 42.12, §10(i).) Probation departments **shall** [should] establish per diem allowances for employee expenses at the same [a] rate as [not less than] the rate allowed state employees

(j)-(k) (No change.)

(l) Budget. [(Texas Code of Criminal Procedure, Article 42.121, §4.03, §4.04.)] **Each probation department shall** [Probation departments should] prepare and operate from an annual budget developed in a form consistent with good accounting practices and approved by the judge or judges **trying criminal cases in each** [of their] judicial district. A copy of the budget **shall** [should] be provided to the TAPC. **The TAPC will review the budget and comment on it in writing to the chief probation officer and to the district judges trying criminal cases.**

(m)-(w) (No change.)

§321.11. Intensive Supervision Probation (ISP).

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

(c) Court order. **The probation department shall place probationers in and release probationers from the ISP Program only upon written order of a district court**

[The probation department should place a probationer in the ISP Program only after an order by the court, and release a probationer from the ISP Program only by order of the court].

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

(f) Presentence investigation. **If the district court does not order a presentence investigation, the probation department shall have a postsentence investigation report written for each probationer placed in the ISP Program within 30 days of the placement. This report shall be in compliance with TAPC presentence report standards (§321.3 of this title (relating to Supervision)), and shall use the TAPC approved PSIR cover sheet and format.** [The probation department should conduct a presentence investigation or a postsentence investigation on each offender placed in the ISP Program.]

(g)-(u) (No change.)

§321.12. Restitution Center.

(a) **Alternatives to imprisonment. A** [Sentencing alternative. The judicial district court should use the] restitution center **funded by the TAPC shall be used as a sentencing alternative to incarceration in the Texas Department of Corrections (TDC) and;** [not as a sentencing alternative to regular probation or intensive supervision probation. In making restitution center placements, the highest priority shall be given to probationers [in utilizing this sentencing alternative, the district court should give priority to restitution center placements to offenders] on whom there has been a motion to revoke probation or a violation report, and to probationers [offenders] whose presentence investigation reports have indicated the need for incarceration in the TDC [Texas Department of Corrections] were the restitution center [alternative] not available as an alternative to imprisonment.

(b) Reaching capacity **The primary purpose of the restitution center program is to divert population from the TDC. Therefore, every effort shall be made to** [The judicial district court and adult probation department should] ensure that a sufficient number of eligible **probationers** [offenders] are placed in the restitution center so that it will reach at least 50% of its capacity within three months and 90% capacity within six months after commencing operation.

(c) Eligibility for placement. **A defendant who is eligible to be placed on probation by the trier of fact that is determining punishment (the judge or the jury, depending on the nature of the case), but who would be sentenced to the TDC if it were not for the availability of a restitution center, may be placed in a restitution center if** [Offender eligibility requirements for placement in a restitution center include]:

(1) **The district has its own center or has access to the services of a center in another district** [must have been sentenced for a felony offense other than those under the Penal Code, Title 5 (including, but not limited to, murder, capital murder, voluntary manslaughter, involuntary manslaughter, criminally negligent homicide, false imprisonment, kidnapping, rape, sexual abuse, indecency with a child, assault, or robbery) or other than those under the Texas Controlled Substances Act (Texas Civil Statutes, Article 4476-15, including, but not limited to, unlawful manufacture, delivery, or possession of a controlled substance)];

(2) the defendant was not found guilty of a felony offense under: [must not have caused bodily injury as a result of the commission of the offense;]

(A) the Penal Code, Title 5,; or

(B) The Texas Controlled Substances Act, Texas Civil Statutes, Article 4476-15;

(3) before sentencing, the defendant, in writing, requested findings as to whether the defendant: [did not use a deadly weapon during the commission of or flight from the offense;]

(A) caused the bodily injury, serious bodily injury, or death of another as a result of the commission of the offense; or

(B) used a deadly weapon during the commission of or flight from the offense;

(4) the trier of facts answered both the questions in the negative; and [must not have an extensive history of drug or alcohol abuse;]

(5) the trier of facts has determined that the defendant does not have an extensive history of alcohol or drug abuse and is employable. [must be employable; and

[(6)] would have been incarcerated at the TDC if it were not for the availability of the restitution center.]

(d) Court order. The restitution center director shall admit probationers to and release probationers from a center only upon written order of a district court. An order placing a probationer in a center must include the following statements: [The probation department should place an offender in a restitution center only after an order by the court and release a probationer from a restitution center only by order of the court.]

(1) that the probationer requested in writing the findings required by the Code of Criminal Procedure, Article 42.12, §6c(a)(3)(A) and (B);

(2) that the trier of facts answered both issues in the negative;

(3) that the trier of facts determined that the probationer does not have an extensive history of alcohol or drug abuse and is employable;

(4) that the probationer would have been incarcerated in the TDC if it were not for the availability of the restitution center; and

(5) that the probationer had not previously been placed under intensive supervision probation because of failure to meet court-imposed conditions.

(e) Presentence investigation. If the district court does not order a presentence investigation, the probation department shall [should] have a postsentence investigation report written for each probationer [offender] placed in a restitution center within 30 days of the placement. This report shall [should] be in compliance with TAPC presentence investigation report standards (§321.3 of this title (relating to Supervision), and shall use the TAPC approved PSIR cover sheet and format.

(f) Term of residency. The court order initially placing the probationer in the center must require that he or she remain there for a term of not less than six months or more than 12 months. The order is subject to modification at the discretion of the court. [The probationary sentence ordered by the court to be served in a restitution center should be for a period of not less than six months nor more than 12 months.]

(g)-(h) (No change.)

(i) Maximum resident capacity. The [probation department should establish the] maximum resident capacity [limit] of the restitution center shall be established in the TAPC grant funding the center or by amendment thereto [prior to commencing operations at the center]. The limit shall not be exceeded under any circumstances.

(j) Denying admission. The restitution center director shall deny admission to the center to any probationer: [The judicial district court and the Adult Probation Department should give the restitution center director the authority to deny admission of a prospective resident if that offender is not eligible for placement in a restitution center or if the restitution center has reached its capacity.]

(1) who is found guilty of an offense specified in the Code of Criminal Procedure, Article 42.12, §6c(a)(2);

(2) who is not accompanied by a court order which complies with subsection (d) of this section; or

(3) whose admission would cause the population of the center to exceed its approved capacity.

(k) Prohibited uses. A [The judicial district court and the probation department should not use the] restitution center funded by the TAPC shall not be used as a diagnostic facility to determine offender eligibility for restitution center services, [or] as an emergency shelter for probationers experiencing crisis situations, [or] to alleviate overcrowding at the county jail, or as a residential treatment facility.

(l)-(x) (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 November 8, 1984.

TRD-8411344 David Spencer
General Counsel
Texas Adult Probation
Commission

Earliest possible date of adoption:
December 17, 1984

For further information, please call (512) 834-8188.

Chapter 323. Per Capita Funding

37 TAC §323.1.

The Texas Adult Probation Commission proposes amendments to §323.1, concerning per capita funding. The amendment establishes uniform practices for per capita payments.

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

Mr. Peterson 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 better determination of the efficiency and effectiveness of funds expended by lo-

cal probation departments. 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 Virginia Grote, Texas Adult Probation Commission, 8100 Cameron Road, Building B, Suite 600, Austin, Texas 78753.

The amendments are proposed under Texas Civil Statutes, Article 42.121, §301, which provide the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§323.1. Per Capita Funding.

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

(c) Second quarter. The per capita payments in December will be distributed at a rate to be determined by the Texas Adult Probation Commission (TAPC), **but which will not exceed the rate paid in the first quarter.** The caseload will be determined from the monthly reports supplied to the TAPC by averaging the number of adults under direct supervision on the last working days of July, August, and September.

(d) Third quarter. The per capita payments in March will be distributed at a rate determined by the TAPC, **but which will not exceed the rate paid in the first quarter.** The caseload will be determined by averaging the number of adults under direct supervision on the last working days of October, November, and December.

(e) Fourth quarter. The per capita payments in June will be distributed at a rate determined by the TAPC, **but which will not exceed the rate paid in the first quarter.** The caseloads will be determined by averaging the number of adults under direct supervision on the last working days of January, February, and March.

(f)-(g) (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 November 8, 1984.

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 General Counsel
 Texas Adult Probation
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December 17, 1984

For further information, please call (512) 834-8188.

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE
Part I. Texas Department of
Human Resources
Chapter 3. Income Assistance
Services**

(A notice appeared in the November 13, 1984, issue of the Texas Register indicating that the following

proposals would be serialized in this issue. Earliest possible date of adoption for the documents is December 14, 1984.)

The Texas Department of Human Resources proposes in new §§3.101-3.103, 3.201, 3.202, 3.301-3.307, 3.401-3.404, 3.501, 3.601-3.604, 3.701-3.706, 3.801, 3.901, 3.902, 3.1001-3.1004, 3.1101-3.1104, 3.1201, 3.1202, 3.1301, 3.1401, 3.1501, 3.1601, 3.1701, 3.1801, 3.1901, 3.2001, 3.2002, 3.2101, 3.2201, 3.2205, 3.2301, 3.2401-3.2407, 3.2501-3.2503, 3.2601-3.2605, 3.2701-3.2712, 3.2801-3.2803, 3.2901, 3.3001, 3.3002, 3.3101, 3.3201, 3.3202, 3.3301, 3.3401, 3.3402, 3.3501-3.3503, 3.3601, 3.3701, and 3.3702. The rules constitute a new Chapter 3, concerning income assistance services. The new Chapter 3 rules will take the place of both the aid to families with dependent children (AFDC) and Food Stamp Program chapters. The department is proposing the new chapter as part of its effort to consolidate AFDC and Food Stamp Program policies and procedures.

The department's effort to consolidate AFDC and Food Stamp Program policies has been to simplify and reorganize existing materials. This effort includes producing a new income assistance handbook for use by caseworkers that replaces the AFDC and food stamp handbooks. To coincide with implementation of the income assistance handbook, the department has also consolidated and rewritten existing AFDC and Food Stamp Program rules. In the new chapter, the department is consolidating the rules to eliminate duplication when they apply to both programs and cite federal regulations in preference to restating them. The rules in Chapter 3 are applicable to both the AFDC and Food Stamp Programs unless otherwise noted at the beginning of the subchapter or section.

The department simultaneously filed the proposed repeal of AFDC and Food Stamp Program rules, Chapters 3 and 9, which were published in the November 13 issue of the *Texas Register*.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Hawes also has determined that for each year of the first five years the rules as proposed are in effect the anticipated public benefit is one set of rules applicable to both AFDC and food stamps which reflect program similarities; uniformity of service delivery; and elimination of duplication and different standards, when permitted by federal law. There is no anticipated economic cost to individuals who are required to comply with the rules.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support

Division—512, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The department has scheduled a public hearing to accept comments on the proposal. The hearing will begin at 9 a.m. on November 27, 1984, in the Public Hearing Room, John H. Winters Human Services Center, 701 West 51st Street, Austin.

Subchapter A. Program Purpose

40 TAC §§3.101-3.103

The new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.101. Aid to Families with Dependent Children (AFDC) Program Purpose and Scope. The AFDC Program was established by Title IV-A of the Social Security Act. The purpose of the program is to furnish financial assistance for the care of needy dependent children in their own home or home of relatives. Aid to Families with Dependent Children recipients also receive Medicaid coverage under Title XIX of the Social Security Act.

§3.102. Food Stamp Program Purpose and Scope. Congress passed the Food Stamp Act of 1977 to provide eligible households an opportunity to obtain a more nutritious diet. The Food Stamp Program enables eligible households to purchase food through the redemption of food stamps in ordinary channels of trade. The number of stamps a household receives is determined by the level of need.

§3.103 Programs Governed by Rules in Chapter 3. The rules in Chapter 3, Income Assistance Services, are applicable to both the AFDC and Food Stamp Program unless otherwise noted at the beginning of the subchapter or section.

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 November 5, 1984.

TRD-8411155 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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

Subchapter B. Administration

40 TAC §§3.201, §3.202

The new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.201. Aid to Families with Dependent Children (AFDC) Program Administration. The AFDC Program

is a joint operation of the United States Department of Health and Human Services (HHS) and the Texas Department of Human Resources (DHR). The DHR is responsible for the certification of eligible clients for the AFDC Program. The HHS provides guidelines and approval for the state plan for aid and services to needy families with children. Program funding sources are both state and federal.

§3.202. Food Stamp Program Administration. The Food Stamp Program is a joint operation of the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), and the Texas Department of Human Resources (DHR). The DHR is responsible for the certification and issuance of food stamps. The USDA, FNS provides guidelines and approval for the Food Stamp Program state plan of operation and is responsible for authorization and supervision of participating retailers, participating institutions, and meal delivery services. Program funding is federal except for administrative costs paid for by the state.

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

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

Subchapter C. The Application Process

40 TAC §§3.301-3.307

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.301. Responsibilities of Clients and DHR.

(a) To apply, the client must complete the application process. This includes:

(1) filling out an application. Clients must answer the questions on the application before DHR can certify them.

(2) giving the application to DHR. Except for households with all SSI recipients, clients must file their applications at the office DHR designates. Applications may be filed in person, by mail, or through an authorized representative. Clients may file an application anytime during office hours and on the same day they get the form.

(3) participating in an interview. The DHR does not require clients to be interviewed before they file their application.

(4) providing proof of some information. Clients have the primary responsibility for providing proof needed by DHR to determine their eligibility and benefits. The DHR allows clients 10 calendar days to provide requested proof.

(b) The DHR mails or gives applications for AFDC and food stamps to clients on the same day they are requested. The DHR must take the application when the client gives it if it contains the information specified in §3.303 of this subchapter (relating to Receipt of Application—Acceptability Factors).

(c) If required proof is incomplete, DHR offers, or attempts to offer, reasonable help.

§3.302. *Definitions Relating to the Application Process.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

File date—The file date is the day the correct office receives an application containing the applicant's name, address, and appropriate signatures. Day one of the application processing period is the day after the file date.

Opportunity to participate—Providing an eligible household with an ATP when an issuing office is open and the household will actually be able to obtain its food stamps. An eligible household which completes the eligibility determination process must have an opportunity to participate as soon as possible but not later than 30 days following the date its application was filed. When the 30th day falls on a nonworkday, the processing period ends on the last previous workday. The first day of the 30-day period is the day after the application is received in the appropriate food stamp office.

Cooperation—Clients agree to provide necessary information, agree to designate a suitable collateral contact, and agree to satisfy other eligibility requirements. Clients must cooperate during the application process and any later reviews, such as quality control reviews and audits. The DHR denies clients who do not cooperate. When denied, clients may be certified again according to the requirements of 7 Code of Federal Regulations §273.2(d).

§3.303. *Receipt of Application—Acceptability Factors.*

(a) **Aid to Families with Dependent Children.** The DHR must accept an application which contains the applicant's name, address, and signature.

(b) **Food stamps.** The DHR must accept an application which contains the applicant's name and address, and signature of the applicant, other responsible household member, or authorized representative.

§3.304. *Application Interview*

(a) **Aid to Families with Dependent Children.** The DHR must conduct a face-to-face interview with the applicant in the DHR office or in the applicant's home.

(b) **Food stamps.** The DHR must conduct in the DHR office a face-to-face interview with the applicant, the applicant's authorized representative, or another responsible household member. The DHR may conduct a face-to-face interview in the applicant's home if:

(1) the applicant does not have an authorized representative, and

(2) no household member can come to the DHR office because of age, disability, illness, transportation difficulties, employment, or similar reasons.

(c) The DHR may conduct a telephone interview with the applicant if

(1) it is impossible to make a home visit due to unusual circumstances, such as impassable roads, or

(2) the applicant is a resident of a shelter for battered women and would be in danger if she left the shelter.

§3.305. *Joint AFDC-Food Stamp Application—Food Stamps.*

(a) Joint AFDC and food stamp applications in which some or all household members are applying for AFDC are processed using a joint application for both programs as stipulated in 7 Code of Federal Regulations §273.2(j).

(b) Households that file joint applications for food stamps and AFDC and whose AFDC applications are later denied do not have to file new applications to have their eligibility for food stamps determined or continued, as stipulated in 7 Code of Federal Regulations §273.2(j)(1)(iv).

(c) The DHR must ensure that the food stamp certification period expires the same month as the next AFDC periodic review.

§3.306. *Identity.* The DHR verifies identity of the person interviewed for food stamps according to the requirements stipulated in 7 Code of Federal Regulations §273.2(f)(1)(vii).

§3.307. *Authorized Representative.* Food stamp applicants may designate an authorized representative according to the requirements stipulated in 7 Code of Federal Regulations §§273.1(f)(1), 273.1(f)(2), 273.1(f)(3), and 273.1(f)(4).

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

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Commissioner
Texas Department of Human
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For further information, please call (512) 450-3766.

Subchapter D. Expedited Services

40 TAC §§3.401-3.404

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.401. *Definition.* The term "expedited services" is defined as special faster processing of food stamp applicants who qualify for an emergency food stamp allotment.

§3.402. *Postponed Verifications.* The DHR may postpone verifications for food stamps in expedited services cases according to procedures stipulated in 7 Code of Federal Regulations §273.2(i)(4).

§3.403. *Time Limits.* The DHR must provide food stamp benefits for households eligible for expedited services according to the processing standards stipulated in 7 Code of Federal Regulations §273.2(i)(3).

§3.404. *Eligibility Criteria for All Applicants Except Migrant and Seasonal Farm Workers.* Applicants for food stamps are entitled to expedited services if:

- (1) their countable liquid resources are \$100 or less; and
- (2) their countable gross monthly income is less than \$150.

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

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Subchapter E. Household Determination 40 TAC §3.501

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs

§3.501. *AFDC and Food Stamp Household Determination.*

(a) Aid to Families with Dependent Children. The following persons are included in an AFDC certified group.

(1) Caretaker. This is a financially eligible relative within the required degree of relationship who is physically present in the home and who supervises and cares for the children. Caretakers of SSI children are eligible for AFDC if they meet all other AFDC requirements.

(2) Second parent. This is the spouse of a child's caretaker. Inclusion of a second parent in the grant is based on need and incapacity of either the caretaker or his spouse. The second parent must meet all AFDC eligibility requirements.

(3) Eligible child. This is an unmarried person under 18 years old. He is also eligible if he is under 19 years old, regularly attends high school or training on a full-time basis, and expects to graduate before or during the month of his 19th birthday. The DHR includes in the certified group all brothers and sisters, including legally adopted and half-brothers/sisters, unless the sibling does not meet one of the age, relationship, citizenship, deprivation, domicile, or employment services requirements. The caretaker cannot choose to exclude a child from the certified group because of the child's income or resources. A minor parent is a person under 19 years old who has a child and has never married, or had been married but whose marriage has been annulled. When a minor parent lives with her parents she is not eligible to be certified as a caretaker for her child. The income of the minor parent's parents must be applied to determine eligibility for the minor parent's child.

(4) Stepparent. This is the spouse of a child's parent. Inclusion of a stepparent in the grant is based on need and incapacity of either the child's parent or stepparent.

(5) Persons in nursing homes. If a member of the AFDC certified group enters a nursing facility, his needs are left in the AFDC budget during his temporary stay in the facility or until he is certified for SSI.

(b) Aid to Families with Dependent Children. The following persons are not included in an AFDC certified group:

(1) Payee. This is a person in the household within the same degree of relationship required of a caretaker whose needs are not included in the AFDC grant. The AFDC warrant is issued to the payee when no one in the household qualifies or wants to be a caretaker.

(2) Protective payee. This is a person selected by DHR to receive and manage the AFDC warrant if the caretaker does not comply with child support regulations or employment services requirements, or if the caretaker is not using the AFDC payment for the children's benefit.

(3) Disqualified legal parents. The DHR does not include the needs of legal parents disqualified because they do not meet citizenship requirements, refuse to cooperate with child support requirements, or refuse to comply with work registration requirements.

(4) SSI recipients. The DHR does not count resources or income of an SSI recipient toward the needs of the AFDC household.

(5) Resident of state schools for the mentally retarded.

(6) Strikers. The DHR does not certify a household for AFDC for any month in which the caretaker is participating in a strike on the last day of that month. DHR does not include the needs of other members who participate in a strike on the last day of a month.

(c) Food stamps. Persons included in a food stamp household are those identified in 7 Code of Federal Regulations §273.1(a)(1) and §273.1(a)(2).

(d) Food stamps. The DHR allows separate households according to the requirements stipulated in 7 Code of Federal Regulations §273.1(a)(3).

(e) Food stamps. Persons who are not included in a food stamp household are identified in the Code of Federal Regulations, Title 7, in the following sections.

- (1) roomers, §273.1(b)(1);
- (2) live-in attendants, §273.1(b)(1)(ii);
- (3) ineligible aliens, §273.1(b)(2)(i);
- (4) students, §273.1(b)(1)(iv);
- (5) disqualified individuals, §273.1(b)(2);
- (6) other individuals, §273.1(b)(1)(v);
- (7) boarders, §273.1(c)(1); and
- (8) residents of institutions, §273.1(e).

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

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Commissioner
Texas Department of Human
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For further information, please call (512) 450-3766.

Subchapter F. Citizenship

40 TAC §§3.601-3.604

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.601. Requirements.

(a) Aid to Families with Dependent Children. Requirements for citizenship are those stipulated in 45 Code of Federal Regulations §233.50.

(b) Food stamps. Requirements for citizenship are those stipulated in 7 Code of Federal Regulations §273.4(a).

§3.602. Reporting Illegal Aliens to Immigration and Naturalization Service (INS). For Food Stamp Program purposes, DHR reports to INS only those illegal aliens who have a final order of deportation.

§3.603. Disqualification because Verification of Questionable Citizenship is Pending.

(a) A person with a questionable citizenship claim must not be certified for benefits until proof of citizenship is received.

(b) Food stamps. The DHR disqualifies a person with a questionable claim and counts the disqualified person's pro rata share of income and all resources as household income and resources.

§3.604. Disqualification because Verification of Alien Status is Pending.

(a) The DHR does not certify a person who does not provide proof of alien status.

(b) Aid to Families with Dependent Children. The remaining members of the group can be certified if they meet all eligibility requirements.

(c) Food stamps. Until proof of alien status is provided, DHR counts the aliens' pro rata share of income and all resources as household income and resources.

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

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 Commissioner
 Texas Department of Human
 Resources

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

Subchapter G. Resources

40 TAC §§3.701-3.706

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

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

Equity—The actual amount of money available to the owner after the sale of a resource. The DHR determines equity by subtracting from the fair market value any money owed on the item, and the costs usually associated with the sale and transfer of the item.

Fair market value—The amount the resource would bring if sold on the current local market.

Inaccessible resources—Resources not legally available to the applicant.

Personal possessions—These include furniture, appliances, jewelry, clothing, livestock, and farm equipment if the applicant uses them to meet personal needs.

Resources—Assets or possessions which an applicant can convert to cash to meet immediate needs.

§3.702. Determining Value. The value of a non-exempt resource will be its equity value, except for licensed vehicles which for food stamps is specified in 7 Code of Federal Regulations §273.8(h).

§3.703. Limits.

(a) Aid to families with dependent children. The resource limit is \$1,000 as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(i)(B).

(b) Food stamps. Resource limits are those stipulated in 7 Code of Federal Regulations §273.8(b).

§3.704. Types.

(a) Aid to families with dependent children. The following are countable resources in AFDC.

(1) income-producing property. The DHR counts any personal possession retained for business purposes as an available resource.

(2) Individual Retirement Accounts (IRAs). The DHR counts IRAs as resources, even if there is a penalty for early withdrawal. The DHR deducts the early withdrawal penalty and counts the remainder as a resource.

(3) Keogh plans. The DHR counts Keogh plans as resources, even if there is a penalty for early withdrawal, and counts the remainder as a resource. The DHR does not count Keogh plans as resources if there is a contractual withdrawal agreement among other people who are not household members who share the same fund. The DHR considers this an inaccessible resource.

(4) Life insurance. The DHR counts the cash value of life insurance policies.

(5) Liquid resource. The DHR counts liquid resources which are readily negotiable. Examples include cash, checking or savings accounts, savings certificates, stocks or bonds.

(6) Nonliquid resources. The DHR counts nonliquid resources such as personal property, licensed and unlicensed vehicles, buildings, land, and any other property not specifically exempt.

(b) Aid to families with dependent children. Exclusions from resources in AFDC are:

(1) burial plot. The DHR exempts one burial plot for each household member.

(2) homestead. The DHR exempts the usual residence and surrounding property which is not separated by property owned by others.

(A) The exemption remains in effect if the surrounding property is separated from the home by public right of way, such as roads.

(B) The home and surrounding property remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, casualty, or natural disaster and the household intends to return.

(C) Households which currently do not own a home, but own or are purchasing a lot on which to build or are building a permanent home, receive an exemption for the lot, and if partially completed, for the home.

(D) A rural homestead cannot be more than 200 acres

(E) An urban homestead may include one or more lots, but the land value must have been no more than \$10,000 when designated as the client's homestead. The DHR does not count the value of improvements, including the house.

(3) sale of a homestead. The DHR disregards homestead sale proceeds for six months after they become available to the seller. This gives the applicant time to acquire a new homestead. If the applicant acquires a new homestead, DHR considers any balance from the original sale as an available resource. If the applicant does not intend to acquire another homestead, DHR counts the proceeds from the sale as an available resource.

(4) inaccessible resources. The DHR exempts cash values of resources that are not legally available to the household.

(5) lump sum payments. The DHR counts lump sum payments as resources unless they are monthly maintenance benefits received in a lump sum payment. The DHR does not count earned income credit lump sum payments as resources.

(6) prepaid burial insurance. The DHR exempts one prepaid burial insurance policy with a cash value of \$1,500 or less for each member of the certified group.

(7) personal possessions. The DHR exempts personal possessions such as clothing, jewelry, furniture, livestock, farm equipment, and livestock.

(8) resources of an alien's sponsor. The DHR determines the sponsor's countable resources in the same manner as the applicant's. The DHR reduces the total value of the sponsor's resources by \$1,500 and considers the remainder available to the alien.

(9) resources exempted by federal law. The DHR exempts government payments by the Individual and Family Grant Program or the Small Business Administration provided to rebuild a home or replace personal possessions damaged in a disaster, if the household is subject to legal sanction if the funds are not used as intended. The DHR exempts payments made under the following Acts:

- (A) Alaska Native Claims Settlement Act,
- (B) Sac and Fox Indian Claims Agreement,
- (C) Grand River Bank of Ottawa Indians,
- (D) Passamagoddy Tribe and the Penobscot

Nation received according to the Maine Indian Claims Settlement Act of 1980.

(E) Confederated Tribes and Bands of the Yakima Indian National and the Apache Tribe of the Mescalero Reservation received from the Indian Claims Commission.

(F) The DHR exempts payments from Indian lands held jointly with the tribe or land that can be sold only with approval of the Bureau of Indian Affairs.

(G) The DHR exempts reimbursements from the Uniform Relocation Assistance and Real Properties Acquisition Policy Act of 1970.

(H) The DHR exempts payments or allowances made under any federal law for the purpose of energy assistance.

(10) The DHR exempts the value of one vehicle owned and used by the certified group for transportation if the equity is less than \$1,500. If the equity exceeds \$1,500, the DHR counts the excess as a resource. The DHR counts the equity of all other vehicles.

(c) Food stamps. Countable resources for food stamps are those listed in 7 Code of Federal Regulations §273.8(c) and §273.8(d).

(d) Food stamps. Exclusions from resources for food stamps are those listed in the Code of Federal Regulations, Title 7:

- (1) §273.8(e),
- (2) §273.8(f),
- (3) §273.9(g),
- (4) §273.9(h).

§3.705. Selling of Real Property. Aid to families with dependent children applicants who have real property which exceeds the resource limits can be certified for assistance for up to six months if they agree to make a good faith effort to sell the property and sign an agreement to reimburse the DHR for AFDC benefits received during the six-month period.

§3.706. Transferring Resources.

(a) Aid to families with dependent children. Applicants are ineligible if within the last five years they transferred a countable resource for less than its fair market value so that they could qualify for AFDC or increase their grant. The length of denial is equal to the time the individual's needs would have been met by the resource.

(b) Food stamps. The DHR disqualifies applicants for transferring resources according to the requirements stipulated in 7 Code of Federal Regulations §273.8(i).

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

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Subchapter H. Monthly Reporting

40 TAC §3.801

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.801. Criteria.

(a) Status report. To receive benefits, any client who receives a status report form must correctly complete and return the form according to the form's instructions so that the department receives it within the dates indicated on the form. To determine which clients receive the form, the department identifies classes of recipients who have a high probability of frequent changes in eligibility factors and a potential for errors. Each client who must submit a status report form is entitled to an explanation of the report requirements. The status report form includes questions about factors affecting eligibility and benefit amount. When the department changes eligibility or benefits because of status report information or submittal requirements, the client has the right to receive adequate notice. Notice is adequate when the department mails or gives the notice to the client on the same date the department makes the change. The client is entitled to continued or reinstated benefits if a fair hearing is requested within 10 days of the date of the notice. Benefits are not continued or reinstated, however, if the change was caused by the client's failure to return a correctly completed status report form. Clients who do not comply with the status report form requirements receive a notice indicating the corrective actions needed and the due date for these actions. If the client returns the status report form after the due date, the report is not timely and he may lose the right to receive timely benefits. Households that are required to complete monthly status reports are not required to report changes within 10 days of the change.

(b) Aid to families with dependent children. If a client does not report income changes in a timely manner, he is not eligible for the AFDC earned income deductions.

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

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Subchapter I. Income

40 TAC §3.901, §3.902

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

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

Earned income—This is income from employment.

Income—This is any type of payment that is of gain or benefit to a household.

Unearned income—This is income received without performing work-related activities.

§3.902. Types.

(a) Aid to families with dependent children. The DHR counts the following as income:

(1) alien sponsor's income. The DHR counts all the sponsor's (and spouse's) gross countable income as available to the alien's household. If several aliens are sponsored, the DHR prorates the sponsor's income evenly among all the aliens who apply for or receive benefits. An alien sponsored by an organization is not eligible unless the alien can prove the organization no longer exists, or the alien provides income and resource information for the organization. The DHR subtracts only the following deductions:

(A) the lesser of:

(i) 20% of the total earned income and the total costs incurred in producing self-employment income for the month, or

(ii) \$175.

(B) the recognizable needs figure for caretaker cases for the sponsor's family size, including other members of the household the sponsor claims as tax dependents.

(C) total amounts the sponsor pays to anyone not living in the household but whom the sponsor claims as a dependent for income tax purposes.

(D) total alimony or child support the sponsor pays to persons not living in the household.

(2) cash contributions. The DHR counts these as income if regular and predictable.

(3) child support. The DHR counts child support as stipulated in requirements in 45 Code of Federal Regulations §233.20(a)(4)(iii)(j) disregarding up to \$50 per AFDC household, provided that the client has not violated the assignment of support agreement as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(v)(B). The DHR counts lump sum child support payments received by a certified client for child support arrearage, because of a court order or from an absent parent's IRS tax refund, according to the policy for countable lump sum payments.

(4) children's earned income. The DHR counts this income in the 185% and 100% needs tests for applications and the 185% needs test for reviews but exempts this income in the remaining needs tests if the child is a full-time student or a part-time student employed less than 30 hours a week. The DHR exempts earned income from Job Training Partnership Act (JTPA) for six months each calendar year.

(5) contractual earnings. This refers only to wages and salaries and never includes self-employment or unearned income. The DHR defines the two types of contractual earnings as seasonal employment, which is available only during certain months of the year and recurs each year, and employment which is contracted for a specific amount of time.

(6) disability insurance benefits.

(7) disqualified persons. The DHR counts the income of a disqualified parent but does not count the income of other disqualified persons.

(8) dividends.

(9) earned income credits. The DHR counts earned income credits according to requirements in 45 Code of Federal Regulations §233.20(a)(6)(ix).

(10) educational benefits. The DHR counts educational benefits from VA or other federal, state, fraternal or alumni associations, except it exempts the part of the benefits that is for educational expenses.

(11) government-sponsored programs.

(12) interest, dividends, royalties.

(13) Job Training Partnership Act of 1982. The DHR counts as income the payment received from JTPA for on-the-job training and classroom instructions. The DHR exempts JTPA payment clearly identified as reimbursements for job training-related expenses.

(14) loans. The DHR counts noneducational loans and grants if there are no restrictions on the use of the money and the principal is available to meet monthly living expenses.

(15) nonrecurring lump sum payments. The DHR counts lump sum payments as income as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(ii)(F) except when shortening the period of ineligibility. For this procedure DHR shortens the ineligibility period only if the family faces a life-threatening situation. Life threatening is defined as dire financial need. The family has dire financial need if the amount remaining from the lump sum payment, plus other countable net income and resources, are less than the budgetary needs figure for the family's size. The family must prove that the lump sum payment was or will be spent on the items included in the department's standard of need (excluding recreation), medical expenses, or both.

(16) military pay and allowances. The DHR counts military pay and allowances for quarters, housing, food, base and flight pay.

(17) minor parent income. The DHR counts the earned or unearned income of a minor parent.

(18) disqualified legal parent. The DHR counts the income of a legal parent in payee only cases.

(19) pensions.

(20) retirement, survivors and disability insurance (RSDI).

(21) reimbursements. The DHR counts reimbursements as income unless the reimbursement is irregular and unpredictable or the reimbursement is for a special item not included in DHR's standard of need.

(22) retirement benefits.

(23) royalties.

(24) self-employment income. The DHR counts self-employment income according to requirements in 45 Code of Federal Regulations §233.20(a)(6)(v)(B).

(25) stepparents. The DHR counts stepparents' income according to requirements in 45 Code of Federal Regulations §233.20(a)(3)(xiv).

(26) trust funds. The DHR counts as income trust withdrawals or dividends which could be received by the applicant.

(27) unemployment compensation.

(28) veteran's benefits. The DHR counts veterans' benefits as income but exempts benefits that meet a special need not included in the DHR's standard of need.

(29) wages, salaries, and commissions. The DHR considers as earnings the cash value of an in-kind item

received from an employer if the applicant has the option of receiving his earnings in cash or in-kind.

(30) worker's compensation. The DHR exempts any amount of the benefits that is for payment of medical expenses incurred before Medicaid eligibility began if the client uses the benefit to pay these expenses.

(b) Aid to families with dependent children. Exclusions from income for AFDC are:

(1) diverted income for noncertified children. The DHR diverts the legal parent's income for noncertified mutual children in stepparent cases.

(2) Domestic Volunteer Service Act. The DHR exempts payments received by volunteers for services performed in programs stipulated in the Domestic Volunteer Service Act of 1973, Title II (Public Law 93-113). The DHR exempts payments made to applicants serving as VISTA volunteers under Title I.

(3) educational assistance. The DHR exempts general educational assistance payments which includes aid for the U.S. Office of Education for undergraduate, vocational, or education courses such as basic educational opportunity grant (BEOG), supplemental educational opportunity grant, national direct student loans, College Work Study Program.

(4) energy assistance. The DHR exempts financial assistance from federally funded state-administered programs (Home Energy Assistance Program, Weatherization, Energy Crisis Intervention). The DHR exempts utility supplement payments from Department of Housing and Urban Development (HUD) or local housing authorities, whether they are in the form of vendor payments, in-kind, or cash payments. The DHR exempts energy assistance from private, nonprofit or governmental agencies that make payments based on need and that are certified by the DHR.

(5) food stamp value.

(6) foster care payments.

(7) irregular and unpredictable income.

(8) job training and training allowances. The DHR exempts monthly incentive payments paid by Texas Employment Commission to participate in institutional and work-experience training. The DHR also exempts training-related expenses payments received from TEC. The DHR exempts supplemental payments from other state agencies that are for training-related expenses.

(9) native and Indian claims. The DHR exempts tax-exempt portions of payments made under the Alaska Native Claims Settlement Act and funds distributed or held in trust by the Indian Claims Commission for members of Indian tribes under Public Law 92-254 or Public Law 93-135.

(10) nutrition program assistance. The DHR exempts the value of supplemental food assistance under the Child Nutrition Act of 1966 and special food service program for children under the National School Lunch Act. The DHR exempts benefits received under the Older American Act of 1965, Title VII, Nutrition Program for the Elderly.

(11) relocation assistance benefits. The DHR exempts benefits received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Act.

(12) SSI.

(13) **third-party funds.** The DHR exempts money received and used for care and maintenance of a third-party beneficiary who is not a household member.

(14) **vendor payments.** The DHR does not count payments made by a person or organization outside the household directly to the applicant's creditor or person providing the service.

(c) **Food stamps.** The DHR counts as income the types of income stipulated in 7 Code of Federal Regulations §273.9(b).

(d) **Food stamps.** DHR excludes as income the types of income stipulated in 7 Code of Federal Regulations §273.9(c).

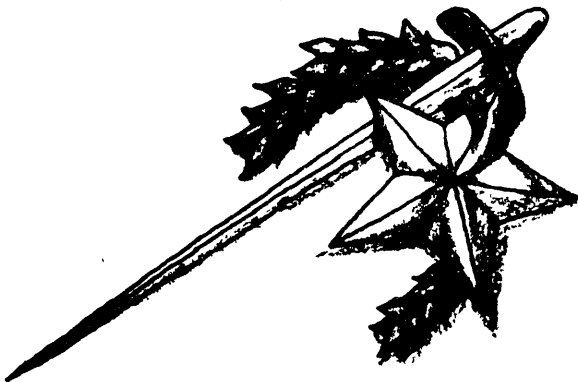
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Subchapter J. Budgeting

40 TAC §53.1001-3.1004

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.1001. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

Budgeting—The method used to determine eligibility and benefits for AFDC and food stamps by calculating income and deductions.

Budget month—The month from which the DHR uses income and other information to compute the benefits the household receives in a future payment month.

Payment month—The month in which the household receives benefits based on income and circumstances in the budget month.

Process month—The month between the budget month and the payment month. In the process month, DHR receives and processes information from the budget month to determine eligibility and benefits the household receives in the payment month.

Prospective budgeting—The best estimate of the household's current and future income and circumstances.

Retrospective budgeting—The household's income and circumstances from a previous month used by the DHR to determine benefits for a future month.

§3.1002. *Income Limits.*

(a) **Aid to families with dependent children.** The DHR has three eligibility tests for AFDC.

(1) **Maximum income standard.** This is 185% of the AFDC budgetary need standard. All applicants and certified clients must pass this needs test. The total countable gross income of all members in the certified group may not exceed the maximum income standard for each household size.

(2) **Budgetary needs.** The amount of money DHR determines is necessary to provide 100% of the basic needs to the certified group. Applicants who have not received AFDC in the last four months must pass the budgetary needs test.

(3) **Recognizable needs.** The maximum grant amount for the household size. Applicants and certified clients must pass this needs test.

(b) **Food stamps.** The DHR has two eligibility tests for food stamps.

(1) **Gross income test.** Total countable food stamp income. A household subject to the gross income test is ineligible if unrounded gross income exceeds the limit by one cent or more. Households exempt from the gross income test include those with:

(A) elderly or disabled members, or

(B) a member who is 59 but will turn 60 before the end of the application month.

(2) **Net income test.** This is gross income minus allowable deductions. A household is eligible if its income is equal to or less than the net income limits after rounding. All households must pass the net income test.

§3.1003. *Deductions.*

(a) **Aid to families with dependent children.** The DHR allows the following deductions from income which are stipulated in the Code of Federal Regulations, Title 45:

(1) work-related expenses deduction, §233.20(a)(11)(i)(B).

(2) dependent care deduction, §233.20(a)(11)(i)(C). The DHR fulfills the federal directive to establish a deduction of less than \$160 for persons employed less than full time by establishing that maximum monthly amount at \$150.

(3) earned income disregard, §233.20(a)(11)(i)(D) and §233.20(a)(11)(ii)(B).

(4) eligibility for earned income disregard, §233.20(a)(11)(iii).

(b) **Food stamps.** The DHR allows deductions from income as stipulated in 7 Code of Federal Regulations §273.9(d).

§3.1004. *Prospective-Retrospective Budgeting.*

(a) The DHR uses a best estimate of the client's future income and circumstances to determine:

(1) eligibility for all months, and

(2) benefit amount for the first two months benefits are received.

(b) The DHR bases the amount of benefit received in the third and following payment months on the client's

income and circumstances that existed two months before the payment month

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

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Subchapter K. Employment Services 40 TAC §§3.1101-3.1104

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs

§3.1101. Participation Requirement.

(a) Each AFDC applicant who is at least 16 years old but not older than 64 years old, who is not exempt, must register for employment services. Exempt applicants may volunteer for employment services at any time. They are eligible for the same services as mandatory registrants.

(b) Exemptions. An applicant is not required to register for employment services if he is.

- (1) under age 16 or age 65 or older;
- (2) receiving AFDC foster care;
- (3) age 16 or 17 and attending elementary, secondary, vocational, or technical school full time;
- (4) age 18 and attending secondary, vocational, or technical school full time and will graduate by his 19th birthday;
- (5) a parent or caretaker of children five years old and under,
- (6) needed at home to care for an ill or disabled member of the household, even if that person is not a member of the certified group,
- (7) temporarily or permanently disabled, including clients in the sixth through ninth months of pregnancy, or clients who claim a disability because of pregnancy before the sixth month;
- (8) employed for 30 hours or more a week;
- (9) too remote from available employment services.

§3.1102. Reporting Change in Status. Aid to families with dependent children clients must report any changes that could effect employment services. Monthly reporting clients include the change on their status report. All others must report within 10 days of the change

§3.1103. Failure/Refusal to Register If an AFDC nonexempt applicant or client does not accept registration for employment services, DHR excludes his needs from the AFDC grant

§3.1104. Failure to Comply If an AFDC client does not cooperate with work registration requirements and

cannot establish good cause, he is ineligible for AFDC for three consecutive AFDC payment months. A client who does not cooperate a second time is ineligible for six consecutive AFDC payment months. After the sanction period, a client must accept registration for and agree to participate in employment services before being included in the AFDC grant

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Subchapter L. Work Registration 40 TAC §3.1201, §3.1202

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs

§3.1201. Participation Requirements Each food stamp household member age 18 through 59 must meet work registration requirements stipulated in 7 Code of Federal Regulations §273.7(a) and §273.7(b).

§3.1202. Failure to Comply The DHR disqualifies households for failure to comply with work registration according to requirements stipulated in 7 Code of Federal Regulations §273.7(g)

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

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

Subchapter M. Clients Who Voluntarily Quit 40 TAC §3.1301

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.1301. Food Stamp Disqualification Food stamp clients who voluntarily quit a job are ineligible for food

stamps as stipulated in 7 Code of Federal Regulations §273.7(u).

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

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Subchapter N. Residence

40 TAC §3.1401

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.1401. *Aid to Families with Dependent Children and Food Stamp Residence Requirements.*

(a) Aid to families with dependent children. Clients must meet residence requirements as stipulated in 45 Code of Federal Regulations §233.40(a). If the client leaves Texas, but returns within 90 days and declares his stay was not permanent, the client may be eligible for retroactive benefits.

(b) Food stamps. Clients must meet residence requirements as stipulated in 7 Code of Federal Regulations §273.3.

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

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Subchapter O. Age

40 TAC §3.1501

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs

§3.1501. *Aid to Families with Dependent Children Age Requirements.* Aid to families with dependent children clients must meet age requirements stipulated in 45 Code of Federal Regulations §233.39(a) and (b)(1)(ii).

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

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Subchapter P. Relationship/Domicile

40 TAC §3.1601

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.1601. *Aid to Families with Dependent Children Relationship/Domicile Requirements.* Aid to families with dependent children clients must meet relationship/domicile requirements stipulated in 45 Code of Federal Regulations §233.90(c)(1)(v).

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

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Subchapter Q. Deprivation

40 TAC §3.1701

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.1701. *Eligibility Requirements* To receive AFDC a child must be deprived because of death of parent(s), absence of parent(s) from the home, or physical or mental incapacity of parent. The DHR determines deprivation in regard to either the child's legal parent or stepparent.

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

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Subchapter R. Child Support

40 TAC §3.1801

This new sections is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.1801. Requirements. The DHR adheres to the requirements and procedures as stipulated in the following sections of 45 Code of Federal Regulations §§232.11-232.20, 232.40-232.47, and 232.49.

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

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§3.2001. Eligibility Requirements.

(a) Aid to families with dependent children clients must meet requirements for Social Security numbers as stipulated in 45 Code of Federal Regulations §232.10.

(b) Food stamp clients must meet requirements for Social Security numbers as stipulated in 7 Code of Federal Regulations §273.6.

§3.2002. Expedited Services. Food stamp expedited services clients must meet requirements for Social Security numbers as stipulated in 7 Code of Federal Regulations §273.2(i)(4)(i)(B).

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

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Subchapter S. School Attendance

40 TAC §3.1901

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs

§3.1901 Aid to Families with Dependent Children School Attendance Requirements. Aid to families with dependent children clients must meet school attendance requirements as stipulated in 45 Code of Federal Regulations §233.90(b)(2) and (3). Handicapped children may attend fewer hours than other students or receive instructions from a visiting teacher at home.

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

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Subchapter U. Management

40 TAC §3.2101

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs

§3.2101. Household Responsibility to Explain. The household must provide a reasonable explanation and verification required by DHR to explain how the household meets its expenses.

(1) The DHR denies AFDC assistance for the certified group if the household cannot provide consistent information about management.

(2) The DHR denies food stamp assistance for the household if the household fails or refuses to cooperate in clearing a management discrepancy.

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

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Subchapter T. Social Security Numbers

40 TAC §3.2001, §3.2002

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs

Subchapter V. Medicaid Eligibility

40 TAC §§3.2201-3.2205

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33,

which authorizes the department to administer public assistance programs.

§3.2201. Eligibility Requirement. Aid to families with dependent children clients must meet requirements for Medicaid eligibility as stipulated in the Social Security Act, §1902(a)(10).

§3.2202. Three Months Prior. Aid to families with dependent children clients must meet requirements for three months prior Medicaid as stipulated in the Social Security Act, §1902(a)(34).

§3.2203. Four Months Post. Aid to families with dependent children clients must meet requirements for four months post Medicaid as stipulated in the Social Security Act, §1902(e)(1).

§3.2204. Nine Months Post. If DHR denies an AFDC certified group because an employed group member or a disqualified legal parent is no longer eligible for the earned income disregard, the certified group is eligible for Medicaid benefits for the nine-month period following denial of benefits.

§3.2205. Third-Party Resources. Aid to families with dependent children clients must report third-party resources as stipulated in the Social Security Act, §1902(a)(25).

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

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Subchapter W. Reminders

40 TAC §3.2301

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.2301. Notice of Expiration. The DHR must notify food stamp clients of the expiration of their certification period as stipulated in 7 Code of Federal Regulations §273.14(b).

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

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Commissioner
Texas Department of Human
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For further information, please call (512) 450-3766.



Subchapter X. Case Disposition

40 TAC §§3.2401-3.2407

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.2401. Notice to Applicant.

(a) The DHR must provide AFDC applicants with the following notices as stipulated in the Code of Federal Regulations, Title 45:

- (1) eligibility requirements and rights and obligations, §206.10(a)(1) and (2);
- (2) authorization or denial of assistance, §206.10(a)(4);
- (3) timely and adequate notice, §206.10(a)(7).

(b) The DHR must provide food stamp applicants with the following notices as stipulated in the Code of Federal Regulations, Title 7:

- (1) initial applications, §273.10(g)(1);
- (2) applications for recertification, §273.10(g)(2).

§3.2402. Date Eligibility for Benefits Begins.

(a) Aid to families with dependent children. If the applicant is eligible for assistance, the date of eligibility for financial assistance must be no later than 30 days after the receipt date of the signed application if the applicant met all eligibility requirements on that date.

(b) The DHR determines when food stamp eligibility begins according to requirements stipulated in 7 Code of Federal Regulations §273.10(a)(1)(i).

§3.2403. Proration of Benefits.

(a) The DHR prorates AFDC benefits according to requirements stipulated in 45 Code of Federal Regulations §206.10(a)(6)(i)(D).

(b) The DHR prorates food stamp benefits according to requirements stipulated in 7 Code of Federal Regulations §273.10(a)(1)(ii).

§3.2404. Redetermining Eligibility—AFDC. The DHR redetermines the eligibility of certified AFDC clients according to the requirements stipulated in 45 Code of Federal Regulations §206.10(a)(9).

§3.2405. Length of Certification—Food Stamps. The DHR determines the length of food stamp certification of clients' benefits according to requirements stipulated in 7 Code of Federal Regulations §273.10(f) and §273.21(a)(3).

§3.2406. Right to Appeal. Aid to families with dependent children and food stamp clients may appeal DHR decisions according to DHR's fair hearings rules contained in Chapter 79 of this title (relating to Legal Services).

§3.2407. *Reopened Application.* The DHR reopens denied food stamp applications according to requirements stipulated in 7 Code of Federal Regulations §273.2(h)(2)(i)(A).

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

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Subchapter Y. Issuing Benefits

40 TAC §§3.2501-3.2503

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs

§3.2501. *Benefit Amounts under \$10.*

- (a) The DHR does not issue prorated or ongoing AFDC warrants for less than \$10.
- (b) The DHR does not issue prorated or initial month food stamp benefits for less than \$10.

§3.2502. *Replacing Benefits.*

- (a) If an AFDC client does not receive a warrant, he must notify the appropriate DHR office which will initiate procedures to locate or replace the warrant.
- (b) The DHR will replace food stamp benefits according to requirements stipulated in 7 Code of Federal Regulations §273.11(i).

§3.2503. *Eligibility for Warrant.* If an AFDC payee or certified child dies or leaves the home, the household is still eligible for the warrant if the household was eligible the first of the month

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

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Subchapter Z. Direct Mail Issuance

40 TAC §§3.2601-3.2605

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33,

which authorizes the department to administer public assistance programs.

§3.2601. *Eligibility Requirements.* The following food stamp households are eligible for direct mail issuance:

- (1) households with a 1 adult member 60 years old or older or receiving federal disability benefits such as SSI, Social Security disability, or veterans benefits.
- (2) households that live more than 30 miles from the nearest issuance facility. Households that have a general delivery or post office box cannot receive mail issuance unless the post office does not deliver or does not redeem ATPs.

§3.2602. *Repeated Reports of Nondelivery.*

- (a) After two consecutive reports of nondelivery by the same client, the department either:
 - (1) arranges for the client to receive his mail issuance at a different, more secure, mailing address. The designation of an alternate address must be in writing.
 - (2) cancels mail issuance; the client will receive his benefits through the ATP system.
- (b) If, after one attempt to designate a secure alternate mailing address, the household's issuances continue to be lost in the mail in consecutive months, the department converts the client's case to the ATP system.

§3.2603. *Reinstatement of Mail Issuance.*

- (a) Households whose mail issuance has been canceled the first time for repeated failure to return the receipt card, or repeated nondelivery of benefits, may apply to have this service reinstated after a minimum interval of at least one benefit month.
- (b) Before reinstating mail issuance, the department must determine that the factors which caused the previous cancellation have been resolved.
- (c) After the first reinstatement, any further requests for reinstatement of mail issuance may be granted only if six months have passed since the last cancellation. Reinstatements may be granted sooner if the supervisor concurs.
- (d) Clients whose mail issuance was canceled at their own request may be reinstated immediately.

§3.2604. *Receipt for Mail Issuance.*

- (a) The client must sign and return the receipt card to continue receiving food stamps through the mail. The household head, spouse, or authorized representative may sign the card. The client must mail the card to the department in time to be received before cutoff of the following month.
- (b) The department automatically cancels mail issuance for clients who fail twice in six months to return their receipt card. These clients are automatically converted to the regular ATP system.
- (c) Clients who do not receive their mail issuance are not penalized for failing to return a signed receipt card. If the client reports nondelivery, the issuance of a replacement manual ATP automatically exempts him from the return receipt requirement for that month.

§3.2605. *Client Reports Nondelivery of Stamps.*

- (a) When a client reports that he has not received a mail issuance, he or his authorized representative must sign an affidavit for lost food stamp benefits to certify that he has not received his mail issuance.

(b) The department is required to issue replacement benefits to the client within five workdays after the client reports nondelivery to the appropriate certification office.

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Subchapter AA. Special Households 40 TAC §§3.2701-3.2712

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.2701. Alcoholic/Narcotic Treatment Centers. The DHR determines food stamp eligibility and benefits for residents of alcoholic/narcotic treatment centers according to requirements stipulated in 7 Code of Federal Regulations §273.11(e).

§3.2702. Boarders. The DHR determines food stamp eligibility and benefits for households with boarders according to requirements stipulated in 7 Code of Federal Regulations §273.11(b).

§3.2703. Disqualified Members. The DHR determines food stamp eligibility and benefits for households with disqualified members according to requirements stipulated in 7 Code of Federal Regulations §273.11(c).

§3.2704. Elderly or Disabled Households. The DHR determines food stamp eligibility and benefits for elderly or disabled households according to the following requirements stipulated in Code of Federal Regulations, Title 7:

- (1) definition, §271.2;
- (2) separate household status, §273.1(a)(1)(iv) and §273.1(a)(3);
- (3) income tests, §273.9(a);
- (4) medical deductions, §273.9(d)(3);
- (5) excess shelter, §273.9(d)(5); and
- (6) exemption from status reporting, §273.21(b)(2)(B).

§3.2705. Farm Workers—Expedited Services. The DHR provides food stamp expedited services for farm workers according to requirements stipulated in 7 Code of Federal Regulations §273.10(e)(3).

§3.2706. Group Living Arrangements. The DHR determines food stamp eligibility and benefits for persons in group living arrangements according to requirements stipulated in 7 Code of Federal Regulations §273.11(f).

§3.2707. Prepared Meal Services. Food stamp clients may use food stamps to purchase prepared meals through

communal dining or meal delivery service if they meet requirements stipulated in 7 Code of Federal Regulations §274.10(b) and §274.10(c).

§3.2708. Residents in Shelters for Battered Women. Residents in shelters for battered women may receive food stamps according to requirements stipulated in 7 Code of Federal Regulations §273.11(g).

§3.2709. Sponsored Aliens.

(a) The DHR counts the income and resources of an AFDC alien's sponsor according to requirements stipulated in 45 Code of Federal Regulations §233.51.

(b) The DHR counts the income and resources of a food stamp alien's sponsor according to requirements stipulated in 7 Code of Federal Regulations §273.11(h).

§3.2710. Strikers. The DHR determines the food stamp eligibility of strikers according to requirements stipulated in 7 Code of Federal Regulations §273.1(g).

§3.2711. Students. The DHR determines the food stamp eligibility of students according to requirements stipulated in 7 Code of Federal Regulations §273.5.

§3.2712. SSI—Food Stamp Joint Processing. Households composed entirely of persons who are applying for or receiving SSI may apply for food stamps at the Social Security Administration office unless they already have a food stamp application pending.

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

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Subchapter BB. Changes 40 TAC §§3.2801-3.2803

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.2801. Reporting Requirements.

- (a) Changes that AFDC clients must report include:
- (1) source of income;
 - (2) changes in the amount of nonexempt income of any household member;
 - (3) changes in household composition;
 - (4) ownership of a licensed vehicle;
 - (5) available cash, stocks, bonds, or money in a bank or savings account if the total is \$1,000 or more;
 - (6) receipt of any lump sum payment or settlement;
 - (7) change of address;
 - (8) information related to the absent parent, such as change of address and job;

- (9) change in school attendance of any child 16 years old or older;
- (10) changes in private medical insurance coverage.
- (b) Changes that food stamp clients must report include:
 - (1) source of income;
 - (2) changes in the amount of the household's total gross monthly income if the amount of change exceeds \$25;
 - (3) changes in household composition;
 - (4) ownership of a licensed vehicle unless the vehicle is excluded as a resource;
 - (5) available cash, stocks, bonds, or money in a bank or savings account if the total is \$1,500 or more or \$3,000 for applicable households;
 - (6) monthly medical expenses if the amount changes by more than \$25;
 - (7) change of address and the resulting change in shelter costs.

§3.2802. Time Limits for Reporting.

- (a) Aid to Families with Dependent Children. Non-monthly reporters must report changes within 10 days after the change occurs.
- (b) Food Stamps. Nonmonthly reporters must report changes within 10 days after they know about the change.
- (c) Monthly reporters must report changes on their status report and return the status report to DHR by the date indicated on the form.

§3.2803. Effective Date. The department makes changes effective no later than the second month after the month in which the change occurred provided the client supplies verification of the 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.

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**Subchapter CC. Claims
40 TAC §3.2901**

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.2901. Client Responsibility to Repay. Clients must repay any benefits they receive that they are not entitled to.

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

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**Subchapter DD. Restored Benefits
40 TAC §3.3001, §3.3002**

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3001. Entitlement.

(a) Aid to Families with Dependent Children households are entitled to restored benefits when:

- (1) the DHR makes an error in their benefits and the household was not at fault.
- (2) legislation, federal regulations, or court actions require restoration.
- (3) actual income is less than projected in a prospective month.
- (4) households are not entitled to restored benefits for unreported changes or household errors. Except through an appeal, households must be currently receiving a grant to receive restored benefits.

(b) Food stamp households are entitled to restored benefits as stipulated in 7 Code of Federal Regulations §273.17.

(c) The DHR restores AFDC benefits as directed by a court, or if the loss occurred within 12 months of the date the household:

§3.3002. Qualifying Time Limits.

(a) The DHR restores AFDC benefits as directed by a court, or if the loss occurred within 12 months of the date the household:

- (1) asks for a restoration;
- (2) contests an adverse action;
- (3) attends a disqualification hearing; or
- (4) notifies DHR that it believes it has lost benefits, or DHR discovers that the household may be entitled to a restoration.

(b) The DHR restores food stamp benefits according to the time limits stipulated in 7 Code of Federal Regulations §273.17(a).

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

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Subchapter EE. Confidentiality

40 TAC §3.3101

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3101. Disclosure of Information.

(a) Case information may be released only under the following circumstances.

(1) Food stamp case information is available routinely only to those persons or agencies directly connected with the administration or enforcement of the Food Stamp Program; with food distribution programs for households on Indian reservations; or with other federally aided, means-tested assistance programs.

(2) Names and addresses of participating clients may be made available to persons or agencies connected with nutrition education.

(3) A food stamp client's most recent address and place of employment may be disclosed to the Parent Locator Services, established according to the Child Support Program, in the state office or local field offices.

(4) Food stamp clients may review all information in the case record which entered into the eligibility determination. The DHR may withhold confidential information, such as names of persons who have disclosed information about the household without the household's knowledge; or the nature or status of pending criminal prosecution. The DHR provides, without charge, the specific materials necessary for a household or its representative to determine whether a fair hearing should be requested or to prepare for a hearing.

(5) The DHR releases case record information in other than the previously mentioned situations only on written authorization of the head of the household or certified spouse. A case information release form or other correspondence containing the same information may be used for this purpose. The recipient's release must include:

- (A) the date of the release;
- (B) the name of the person or agency to whom the information will be released;
- (C) what information will be released, either itemizing specific items or time periods, or a general release;
- (D) the expiration date of the release;
- (E) signature of head of household, or spouse if a certified household member.

(b) Authorized government agencies may review cases for audit purposes and to obtain medical information. Agencies requesting the information must be subject to same confidentiality standards as the department.

(c) Workers must notify AFDC clients' employers of their status for the purpose of claiming the welfare employment incentive tax credit.

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

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Subchapter FF. Civil Rights

40 TAC §3.3201, §3.3202

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3201. Nondiscrimination. The DHR does not discriminate against any applicant or participant in any aspect of program administration. Benefits are extended to all eligible households without regard to age, race, color, sex, handicap, religious creed, national origin, or political beliefs.

§3.3202. Discrimination Complaints. Food stamp clients who believe they have been subject to discrimination may file a complaint with the United States Department of Agriculture, Food and Nutrition Services (FNS) and with DHR. The DHR must explain both the FNS and DHR complaint procedures to each client who expresses interest in filing a discrimination complaint and must advise them of their right to file a complaint in either or both systems. A complaint must be filed within 180 days of the alleged discriminatory action.

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

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Subchapter GG. Hotline

40 TAC §3.3301

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33,

which authorizes the department to administer public assistance programs.

§3.3301. Telephone Number and Purpose.

(a) The DHR operates a toll-free hotline during normal office hours. The Income Assistance hotline number is (800) 252-9330.

(b) Through the hotline, DHR:

- (1) provides information to clients about their rights and responsibilities;
- (2) sends applications, if requested;
- (3) refers complaints to appropriate staff;
- (4) refers clients who request other DHR services to Special Services or the child abuse hotline;
- (5) provides information about monthly reporting requirements and answers questions about completing the monthly status report form

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

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Subchapter HH. Program Violations

40 TAC §3.3401, §3.3402

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3401. Fraud. Aid to Families with Dependent Children and food stamp clients are subject to the department's rules in Chapter 79 of this title (relating to Legal Services) about fraud involving recipients.

§3.3402. Food Stamps as Obligations of the United States. Any unauthorized issuance, use, transfer, acquisition, alteration, possession, or presentation of food stamps or authorization to participate cards may subject any person, partnership, corporation, or other legal entity to prosecution under the Food Stamp Act or under any other applicable federal, state, or local law, regulation, or ordinance.

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Subchapter II. Redemption Procedures

40 TAC §§3.3501-3 3503

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3501. Redemption Procedures for Authorization to Participate Cards.

(a) Clients must use the food stamp identification card furnished by DHR to obtain food stamps at an issuing office.

(b) Clients must redeem authorization to participate cards issued by DHR at issuance centers designated by DHR.

(c) The issuance center redeems the client's authorization to participate card according to requirements stipulated in 7 Code of Federal Regulations §274.2(e)(8).

§3.3502. Redemption of Food Stamps.

(a) Clients must use the food stamp identification card furnished by DHR to obtain food stamps if the grocer asks to see the identification card.

(b) Clients may redeem food stamps at retail food stores authorized by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), according to requirements stipulated in 7 Code of Federal Regulations §274.10

(c) Clients may purchase with food stamps the types of foods stipulated in 7 Code of Federal Regulations §271.2.

§3.3503. Other Rules Governing the Use and Redemption of Food Stamps.

(a) Food stamps may be used only by the household or other persons the household selects to purchase food for the household. The persons selected may use the household's stamps if the person has the household's identification card and the full knowledge and consent of the household. The selected person's name or signature does not have to be shown on the household's identification card

(b) Uncanceled and unendorsed one dollar food stamps returned as change by authorized retail food stores may be presented as payment for eligible foods. All other detached stamps are accepted only if they are presented with the book which bears the same serial numbers as the detached stamps. It is the right of the household or the person selected by the household to purchase food to detach the stamps from the book.

(c) Stamps may be used by certain eligible household members to purchase authorized delivered meals, meals prepared at authorized communal dining facilities or authorized group living arrangements, and food prepared as part of a drug or alcoholic treatment and rehabilitation program

(d) Upon request, the household or authorized representative must present the household's identification card to the retail food store or meal service when exchanging food stamps for eligible food

(e) Stamps may not be used to pay for food previously purchased on credit

(f) When change of less than one dollar is required in a stamp transaction, the household receives the change in cash not to exceed \$.99.

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

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thorized under the Disaster Relief Act of 1974, §302(a) and the Food Stamp Act of 1977, §5(h)(1), as amended.

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

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Subchapter JJ. Food Stamp Assistance in Disasters

40 TAC §3.3601

The new section is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3601. Emergency Food Stamp Assistance. The Department of Human Resources will operate an Emergency Food Stamp Program under the conditions and procedures established by the United States Department of Agriculture. An Emergency Food Stamp Program is au-

Subchapter KK. Support Documents

40 TAC §3.3701, §3.3702

These new sections are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.3701. Aid to Families with Dependent Children Standard Budgetary Allowances. For October 1984 and future months, the needs allowance for each size family group for aid to families with dependent children (AFDC) is as follows:

Family Size	Non-caretaker Cases			Caretaker Cases without Second Parent			Caretaker Cases with Second Parent		
	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (34%)	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (34%)	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (34%)
1	\$ 314.50	\$ 170.00	\$ 57.00	\$ 379.50*	\$ 205.00*	\$ 69.00*	---	---	---
2	444.00	240.00	81.00	786.50	425.00	144.00	\$ 623.50**	\$ 337.00**	\$ 114.00**
3	625.50	338.00	114.00	914.00	494.00	167.00	1027.00	555.00	188.00
4	745.50	403.00	137.00	1097.00	593.00	201.00	1149.00	621.00	211.00
5	962.00	520.00	176.00	1223.00	661.00	224.00	1328.50	718.00	244.00
6	1038.00	561.00	190.00	1406.00	760.00	258.00	1456.00	787.00	267.00
7	1297.00	701.00	238.00	1526.50	825.00	280.00	1630.00	881.00	299.00
8	1424.50	770.00	261.00	1739.00	940.00	319.00	1757.50	950.00	323.00
9	1633.50	883.00	300.00	1863.00	1007.00	342.00	1966.50	1063.00	361.00
10	1759.50	951.00	323.00	2074.00	1121.00	381.00	2092.50	1131.00	384.00
11	1970.50	1065.00	362.00	2201.50	1190.00	404.00	2301.50	1244.00	422.00
12	2098.00	1134.00	385.00	2407.00	1301.00	442.00	2429.00	1313.00	446.00
13	2307.00	1247.00	423.00	2536.50	1371.00	466.00	2640.00	1427.00	485.00
14	2433.00	1315.00	447.00	2745.50	1484.00	504.00	2766.00	1495.00	508.00
15	2642.00	1428.00	485.00	2873.00	1553.00	528.00	2975.00	1608.00	546.00
Per each additional member	209.00	113.00	38.00	209.00	113.00	38.00	209.00	113.00	38.00

*Caretaker of SSI Child (child not included in family size)

** Caretaker and Second Parent of SSI Child (child not included in family size)

§3.3702. *Food Stamp Basis of Issuance Tables.* The Texas Department of Human Resources adopts by reference the food stamp rules and appendix contained in *Federal Register* Document 84-13555, Volume 49, No. 99, page 21388, which amends 7 Code of Federal Regulations Part 272 and Part 273.

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

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Chapter 16. ICF/SNF

The Texas Department of Human Resources proposes new §16.1511 and amendments to §16.1101 and §16.3805 in its Intermediate Care Facility/Skilled Nursing Facility (ICF/SNF) Program rules. These rules will require all Medicaid contracted beds in Texas to meet the definition of the Social Security Act, 1861(j)(1), as determined by the Health Care Financing Administration.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The estimated additional costs to the state for each fiscal year are \$946,852 for fiscal year 1985; \$1,677,985 for fiscal year 1986; \$1,791,189 for fiscal year 1987; \$2,046,401 for fiscal year 1988; and \$2,214,199 for fiscal year 1989. There is no anticipated economic cost to units of local government.

Some costs in the form of lost revenue may result for those suppliers of durable medical equipment (small businesses) that lease equipment to nursing facility patients. The costs will vary widely from supplier to supplier, depending upon the share of business that equipment rental to nursing facility patients represents for a particular supplier. Costs will range from \$0 to as high as \$90 per \$100 of sales depending upon a supplier's particular marketing situation. There are no significant differences in costs, that is, loss of revenue, between small and large businesses. The cost impact on a particular supplier is solely dependent upon the percentage of business that equipment rental to nursing facility patients represents for that supplier. The relative size of the supplier has no bearing on this factor.

Mr. Hawes also has determined that for each year of the first five years the rules are in effect the public benefit will be that facilities' compliance with the Social Security Act, §1861(j)(1), requirements will contribute to improved quality of care for nursing fa-

cility patients. There is no anticipated economic cost to individuals required to comply with these rules. There is also no cost to nursing facility providers to comply with these rules as they will be reimbursed for additional expenses through the nursing facility rates.

The department will hold a hearing to accept comments on the proposal at 9 a.m. on Tuesday, December 11, 1984, in the public hearing room, 701 West 51st Street, Austin.

Written comments are invited and may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—747, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Terms

40 TAC §16.1101

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

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

1861(j)(1) facility—A skilled nursing facility, as defined in the Social Security Act, §1861(j)(1). This type of facility should not be confused with the SNF defined elsewhere in this rule [these rules]. **The state survey agency gathers information about the facility's ability to meet the definition of 1861(j)(1). The Health Care Financing Administration makes the final determination.** [An ICF or SNF participating in Medicaid may or may not be an 1861(j)(1) facility depending on the ratio of medical personnel to licensed beds. Any facility with a ratio of one medical care employee to less than 15 licensed beds on a 24-hour basis meets the definition of an 1861(j)(1) facility. The determination is started by the state survey agency during the annual survey. Final determination is made by the Department of Health and Human Services. The ratio is calculated for a two-week period just before the recertification date or during the initial survey.]

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 November 9, 1984.

TRD-8411409 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption
December 17, 1984

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

Compliance with State and Local Laws

40 TAC §16.1511

The new section is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32,

which authorizes the department to administer public assistance programs.

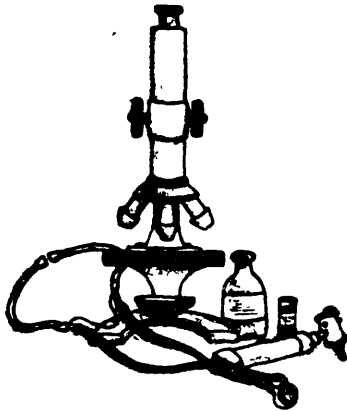
§16.1511. Additional Participation Requirements. Each entity must ensure that all Medicaid contracted beds in a facility meet the definition of an 1861(j)(1) facility as specified in §16.1101 of this title (relating to Definitions).

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 November 9, 1984.

TRD-8411410 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 17, 1984
For further information, please call (512) 450-3766.



**Services and Supplies Included in the
Vendor Payment**

40 TAC §16.3805

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

§16.3805. Provision of Certain Medical Equipment, Supplies, and Prosthetic Devices.

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

(c) Payment for these types of equipment and supplies is an allowable cost and is reimbursable under the cost-related reimbursement methodology [if the recipient-patient occupies a bed in the facility that meets the definition of 1861(j)(1) of the Social Security Act. If the recipient-patient does not occupy a bed that meets the definition of 1861(j)(1) and the recipient-patient is a beneficiary of Part B Medicare, the recipient-patient must use Title XVIII, Part B as a third-party resource to provide this equipment].

(d)-(g) (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 November 9, 1984

TRD-8411411 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 17, 1984
For further information, please call (512) 450-3766.

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

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

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

Withdrawn Rules

TITLE 7. BANKING AND SECURITIES Part VI. Credit Union Department Chapter 91. Chartering, Operations, Mergers, Liquidations Powers of Credit Unions

7 TAC §91.407

The Credit Union Department has withdrawn from consideration for permanent adoption proposed new §91.407, concerning powers of credit unions. The text of the new section as proposed appeared in the June 12, 1984, issue of the *Texas Register* (9 Tex-Reg 3148).

Issued in Austin, Texas, on November 7, 1984

TRD-8411347 Harry L. Elliott
Staff Service Officer
Credit Union Department

Filed November 8, 1984
For further information, please call (512) 837-9236.

TITLE 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas Chapter 23. Substantive Rules Energy Efficiency

31 TAC §23.82

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), proposed new §23.82

submitted by the Public Utility Commission of Texas has been automatically withdrawn, effective November 9, 1984. The proposed new section appeared in the May 8, 1984, issue of the *Texas Register* (9 Tex-Reg 2516).

TRD-8411378
Filed November 9, 1984

TITLE 28. INSURANCE Part I. State Board of Insurance

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

Texas Title Insurance Act Texas Title Insurance Statistical Plan 059.09.07.003

The State Board of Insurance has withdrawn from consideration for permanent adoption proposed amendments to Rule 059 09 07 003, concerning the Texas title insurance statistical plan. The text of the amended rule as proposed appeared in the September 18, 1984, issue of the *Texas Register* (9 TexReg 4904).

Issued in Austin, Texas, on November 7, 1984

TRD-8411366 James W. Norman
Chief Clerk
State Board of Insurance

Filed: November 8, 1984
For further information, please call (512) 475-2950.

Adopted Rules

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

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

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

TITLE 16. ECONOMIC REGULATION Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Division General Requirements

16 TAC §69.125

The Texas Department of Labor and Standards adopts amendments to §69.125, with changes to the proposed text published in the July 24, 1984, issue of the *Texas Register* (9 TexReg 3989).

Adoption of the amendments provides a better system of issuing licenses and more confidence by the general public in the person who is being licensed by the department.

The section requires license applicants to disclose in their applications if the applicant has a criminal background. If the applicant discloses a criminal background, a hearing to determine whether the department will issue a license to the applicant will probably be required.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5221f, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

§69.125. *Registration Requirements.*
(a)-(h) (No change.)

(i) denial, suspension, or revocation of registration: criminal background.

(1) The following criteria shall be utilized to determine whether an applicant shall be issued a registration if that applicant states in his/her application for said license that he/she has previously been or is presently under conviction for a criminal offense:

(A) the nature and seriousness of the crime;
(B) the relationship of the crime to the purpose of requiring a registration to engage in the occupation or industry;

(C) the extent to which a registration might offer an opportunity to engage in further criminal activity of the same or similar type as that in which the applicant previously had been involved,

(D) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the functions and responsibilities of the licensed registrant's occupation or industry.

(2) In addition to the factors that may be considered in paragraph (1) of this subsection, the department, in determining the present fitness of a person who has been convicted of a crime, may consider the following:

(A) the extended nature of the person's past criminal activity;

(B) the age of the person at the time of the commission of the crime;

(C) the amount of time that has elapsed since the person's last criminal activity;

(D) the conduct and work activity of the person prior to and following the criminal activity;

(E) evidence of the person's rehabilitation or attempted rehabilitation effort while incarcerated or following release; and

(F) other evidence of the person's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who

prosecuted, arrested, or had custodial responsibility for the person; the sheriff and chief of police in the community where the person resides; and any other persons in contact with the convicted person.

(3) It shall be the responsibility of the applicant to the extent possible to secure and provide to the department the recommendations of the prosecution, law enforcement, and correctional authorities as required by this subsection

(4) The applicant should also furnish proof in any form, as may be required by the department, that he/she has maintained a record of steady employment and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which the applicant had been convicted.

(5) If the department suspends or revokes a valid registration, or denies a person a registration or the opportunity to be examined for a registration in accordance with this subsection because of the person's prior conviction of a crime and the relationship of the crime to the license, the department shall:

(A) notify the person in writing stating reasons for the suspension, revocation, denial, or disqualification; and

(B) use the review procedure provided by Texas Civil Statutes, Article 6252-13c and Article 6252-13d.

(6) The department will be concerned with those offenses defined as crimes of moral turpitude by statute or common law from Class A misdemeanors to first, second, and third degree felonies carrying fines and/or imprisonment or both. Special emphasis shall be given to the crimes of robbery, burglary, theft, embezzlement, and conversion

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 November 6, 1984

TRD-8411315 Robert R. Busse
Acting Commissioner
Texas Department of Labor and
Standards

Effective date November 28, 1984

Proposal publication date July 24, 1984

For further information, please call (512) 475-0155.

Chapter 75. Air Conditioning Contractor License Law

16 TAC §75.11

The Texas Department of Labor and Standards adopts new §75.11, with changes to the proposed text published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3906)

Adoption of this new section provides a better system of issuing licenses and more confidence by the general public in the person who is being licensed by the department.

The section requires license applicants to disclose in their applications if the applicant has a criminal background. If the applicant discloses a criminal background, a hearing to determine whether the department will issue a license to the applicant will probably be required.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 8861, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act

§75.11. Denial, Suspension, or Revocation of License: Criminal Background.

(a) The following criteria shall be utilized to determine whether an applicant shall be issued a license if that applicant states in his/her application for said license that he/she has previously been or is presently under conviction for a criminal offense:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purpose of requiring a license to engage in the occupation or industry;

(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same or similar type as that in which the applicant previously had been involved;

(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the functions and responsibilities of the licensed occupation or industry.

(b) In addition to the factors that may be considered in subsection (a) of this section, the department, in determining the present fitness of a person who has been convicted of a crime, may consider the following:

(1) the extended nature of the person's past criminal activity;

(2) the age of the person at the time of the commission of the crime;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person prior to and following the criminal activity;

(5) evidence of the person's rehabilitation or attempted rehabilitation effort while incarcerated or following release; and

(6) other evidence of the person's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff and chief of police in the community where the person resides; and any other persons in contact with the convicted person.

(c) It shall be the responsibility of the applicant to the extent possible to secure and provide to the department the recommendations of the prosecution, law enforcement, and correctional authorities as required by this rule.

(d) The applicant should also furnish proof in any form, as may be required by the department, that he/she has maintained a record of steady employment and has

otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which the applicant had been convicted.

(e) If the department suspends or revokes a valid license, or denies a person a license or the opportunity to be examined for a license in accordance with this rule because of the person's prior conviction of a crime and the relationship of the crime to the license, the department shall:

(1) notify the person in writing stating reasons for the suspension, revocation, denial, or disqualification;

(2) use the review procedure provided by Texas Civil Statutes, Article 6252-13c and Article 6252-13d.

(f) The department will be concerned with those offenses defined as crimes of moral turpitude by statute or common law, from Class A misdemeanors to first, second, and third degree felonies carrying fines and/or imprisonment or both. Special emphasis shall be given to crimes of robbery, burglary, theft, embezzlement, and conversion

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 November 6, 1984

TRD-8411316 Robert R. Busse
Acting Commissioner
Texas Department of Labor and
Standards

Effective date: November 28, 1984
Proposal publication date: July 20, 1984
For further information, please call (512) 475-0155

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

Chapter 5. Program Development

Subchapter D. Criteria for Approval of New Doctoral Degree Programs

19 TAC §5.73

The Coordinating Board, Texas College and University System adopts an amendment to §5.73, with changes to the proposed text published in the August 17, 1984, issue of the *Texas Register* (9 TexReg 4432)

The amendment provides for a more careful and thorough evaluation of new doctoral degree programs. One change was made to the proposed text. The words "appropriate board committee" were substituted for the words "committee on senior colleges and universities."

The section, as amended, requires that, before a proposed new doctoral program may be approved, it must be considered at two quarterly meetings by the appropriate committee, with the decision by the board being made at the second of the two meetings.

No comments were received regarding adoption of the amendments.

The amendment is adopted under the Texas Education Code, §61.051, which provides the coordinating board with authority to promulgate rules for the implementation of new doctoral degree programs.

§5.73. Specific Steps for Implementation.

(a) Strong support from the governing board, administration, and faculty for the proposed program must be demonstrated, and the following specific steps must be taken before a new doctoral program can be initiated:

(1) (No change.)

(2) approval of the program by the Coordinating Board, Texas College and University System with such approval requiring consideration of the proposal by the appropriate board committee at two quarterly meetings and the decision by the board being made at the second of the two meetings; and

(3) (No change.)

(b) (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 November 2, 1984

TRD-8411307 James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Effective date: November 28, 1984
Proposal publication date: August 17, 1984
For further information, please call (512) 475-2033.

TITLE 28. INSURANCE

Part I. State Board of Insurance

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

Life, Health, and Accident Insurance Standard Valuation Law

059.03 28.101-.105

The State Board of Insurance adopts new Rules 059.03 28.104 and 105, with changes to the proposed text published in the September 11, 1984, issue of the *Texas Register* (9 TexReg 4813). Rules 059.03 28.101-103 are adopted without changes and will not be republished.

These rules permit the same minimum nonforfeiture standards for individual life insurance used in employer pension plans for men and women insureds under the commissioners 1980 standard ordinary (1980 CSO) and the commissioners 1980 extended term (1980 CET) mortality tables. The rules give insurance companies the option of substituting a mortality table which is a blend of the 1980 CSO Table (M) and the

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

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

These rules deal with nonforfeiture values. Since nonforfeiture values are benefits that arise from contributions under individual life insurance policies, the court's ruling poses a dilemma for those insurers who wish to use the 1980 CSO and 1980 CET mortality tables to calculate nonforfeiture values under individual life insurance policies that are sold in the employer pension market. Those mortality tables generate minimum nonforfeiture values which differ by sex.

Since the Norris decision, employer pension plans may need to be funded by life insurance products that have identical nonforfeiture values for men and women. It is very difficult, if not impossible, for insurers to determine actual nonforfeiture values that are identical for men and women and also satisfy a sex-differentiated minimum standard. These rules permit the same minimum nonforfeiture standards for men and women under the 1980 CSO and 1980 CET mortality tables. This will make it possible for insurers to legally offer products under which employers will be able to comply with federal law.

Home Life Insurance Company suggested that the rules be expanded to permit blended unisex tables in all situations and not only those where the Norris decision is known to be applicable or where there is a bona fide concern that Norris is applicable. The company states that it is not always possible to know whether a contract falls within the scope of Title VII

The company also believes that Congress will eventually mandate unisex pricing. The board disagrees with this comment, noting that traditionally the cost for insurance and annuity products has been different for men and women based on reasonable actuarial assumptions. The board believes it should not speculate on the future actions of Congress or the courts but should await further legal developments on the matter, if any.

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

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

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

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 November 9, 1984

TRD-8411433 James W. Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984
Proposal publication date September 11, 1984
For further information, please call (512) 475-2950.

059.03.28.201-.205

The State Board of Insurance adopts Rule 059.03.28.203, with changes to the proposed text published in the September 11, 1984, issue of the *Texas Register*

(9 TexReg 4815) Rules 059.03.28.201, 202, .204, and .205 are adopted without changes and will not be republished. The only significant change in Rule 059.03.28.203 is in subsection (e), where the word "table" is made plural in several places.

These rules adopt smoker and nonsmoker mortality tables derived from composite mortality tables for use in determining minimum reserve liabilities and nonforfeiture benefits in individual life insurance policies. The rules permit insurers to substitute the commissioners 1958 standard ordinary (1958 CSO) smoker and nonsmoker mortality tables for the commissioners 1980 standard ordinary (1980 CSO) mortality table, and permit insurers to substitute the commissioners 1958 extended term (1958 CET) smoker and nonsmoker mortality tables for the commissioners 1980 extended term (1980 CET) mortality table for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision.

Certain additional procedures and conditions are specified in the rules for the use of the 1958 CSO and 1958 CET smoker and nonsmoker mortality tables. The rules also permit the substitution of the 1980 CSO smoker and nonsmoker mortality tables, with or without 10-year select mortality factors, for the 1980 CSO table, with or without 10-year select mortality factors, and permit insurers to substitute the 1980 CET smoker and nonsmoker mortality tables for the 1980 CET table for use in calculating benefits under any extended term insurance provision.

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

No comments were received regarding adoption of the new rules.

These new rules are adopted under the authority of the Insurance Code, Article 3.44a, §8(e)(6), which provides that all adjusted premiums and present values shall, for all policies of ordinary insurance covered by these rules, be calculated on the basis of the 1980

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

203. *Alternate Tables*

(a) For any policy of insurance delivered or issued for delivery in this state after the operative date of the Insurance Code, Article 3.44a, §8, for that policy form and before January 1, 1989, at the option of the company and subject to the conditions stated in Rule 059.03.38.204 of this title (relating to Conditions)

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

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

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

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

(1) the 1980 CSO smoker and nonsmoker mortality tables, with or without 10-year select mortality fac-

tors, may be substituted for the 1980 CSO table, with or without 10-year select mortality factors; and

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

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

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

- (1) 1958 CSO nonsmokers and smokers mortality tables;
- (2) 1958 CET nonsmokers and smokers mortality tables;
- (3) 1980 CSO female nonsmokers and smokers mortality tables;
- (4) 1980 CSO male nonsmokers and smokers mortality tables;
- (5) 1980 CET female nonsmokers and smokers mortality tables; and
- (6) 1980 CET male nonsmokers and smokers mortality tables.

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 November 9, 1984.

TRD-8411434 James W. Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984
Proposal publication date: September 11, 1984
For further information, please call (512) 475-2950.

Rating and Policy Forms Fixing Rate of Automobile Insurance

059.05.01.001

The State Board of Insurance adopts the repeal of Rule 059.05.01.001, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4234).

Rule 059.05.01.001 adopted by reference the manual rules and rates governing the insuring of automobiles and standard endorsements. This is the Texas automobile insurance manual in effect immediately preceding the current manual. The automobile manual is subject to adoption under the Insurance Code, Article 5.96. Article 5.96 is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the current automobile manual is being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result

of this repeal. An appropriate savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Articles 5.01, 5.06, and 5.10, which provides the State Board of Insurance with the authority to prescribe manual rules, forms, and endorsements for automobile insurance.

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 November 8, 1984.

TRD-8411435 James W. Norman
Chief Clerk
State Board of Insurance

Effective date, November 30, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950.

059.05.01.005

The State Board of Insurance adopts the repeal of Rule 059.05.01.005, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4234).

Rule 059.05.01.005 adopted by reference the rules governing the insuring of automobiles and standard endorsements II (*Texas Automobile Manual*). The *Texas Automobile Manual* is subject to adoption under the Insurance Code, Article 5.96. Article 5.96 is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the automobile manual is being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. An appropriate savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Articles 5.01, 5.06, and 5.10, which provides the State Board of Insurance with authority to prescribe manual rules, forms, and endorsements for automobile insurance.

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 November 8, 1984.

TRD-8411436 James W. Norman
Chief Clerk
State Board of Insurance

Effective date, November 30, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950.

Reports on Experience

059.05.05.001-.005

The State Board of Insurance adopts the repeal of Rules 059.05.05 001-.005, without changes to the proposal published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2740).

Rule 059.05 05 001 adopted by reference the Insurance Services Office statistical plan for private passenger automobiles, Rule .002 adopted by reference the National Association of Independent Insurers automobile insurance statistical plan; Rule .003 adopted by reference the National Independent Statistical Service automobile insurance statistical plan, Rule .004 adopted by reference the Texas automobile liability experience rating plan, and Rule 005 adopted by reference the Insurance Services Office commercial statistical plan. Rule 001 has been replaced; the other statistical plans and rating plan are subject to adoption under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, current statistical plans and a rating plan are adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.05, pursuant to which the board may adopt standard and uniform statistical plans for automobile insurance, and Article 5.01 and Article 5.10, pursuant to which the board may promulgate standard and uniform rating plans for automobile insurance.

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 November 8, 1984

TRD-8411437 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 475-2950.

Policy Forms and Endorsements

059.05.06.001

The State Board of Insurance adopts the repeal of Rule 059.05.06 001, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4236).

Rule 059.05.06 001 adopted by reference the standard provisions for automobile policies written on and after October 1, 1974. Changes in automobile policies are now adopted under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously

with this repeal, the current standard provisions for automobile policies, June 1, 1981, edition, is adopted under Article 5.96. No agency practice, procedure, or requirement is changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under authority of the Insurance Code, Article 5.06 and Article 5.10, which provide the State Board of Insurance with authority to prescribe policy forms and endorsements for automobile insurance.

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 November 8, 1984.

TRD-8411438 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
Proposal publication date: August 7, 1984
For further information, please call (512) 475-2950.

059.05.06.003

The State Board of Insurance adopts the repeal of Rule 059.05.06.003, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4236).

Rule 059.05.06.003 adopted by reference the standard provisions for automobile policies, June 1, 1981, edition. Changes in automobile policy forms and endorsements are now adopted under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the current standard provisions for automobile policies, June 1, 1981, edition, is adopted under Article 5.96. No agency practice, procedure, or requirement is changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.06 and Article 5.10, which provide the State Board of Insurance with the authority to prescribe policy and endorsement forms for automobile insurance.

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 November 8, 1984.

TRD 8411439 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
Proposal publication date: August 7, 1984
For further information, please call (512) 475-2950.



Rate Administration**059.05.19.001-.005, .009-.013**

The State Board of Insurance adopts the repeal of Rules 059.05.19.001-.005 and .009-.013, without changes to the proposals published in the May 18, 1984, and June 8, 1984, issues of the *Texas Register* (9 TexReg 2745 and 3092).

Rule 059.05.19.001 adopted by reference the Insurance Services Office statistical plan for general liability, burglary, glass, and boiler and machinery insurance. These statistical plans have been replaced by the Insurance Services Office personal lines statistical plan (other than automobile). Rule 059.05.19.002 adopted by reference National Association of Independent Insurers statistical plans for general liability, burglary, glass, fidelity, surety, and forgery insurance. Rule 059.05.19.003 adopted by reference the National Independent Statistical Service statistical plans for general liability and burglary, theft, and robbery insurance. Rule 059.05.19.004 adopted by reference the Surety Association of America fidelity, forgery, and surety statistical plan. Rule 059.05.19.005 adopted by reference the general liability experience rating plan. Rule 059.05.19.009 adopted by reference the American Association of Insurance Services statistical plan for burglary insurance. Rule 059.05.19.010 adopted by reference the American Association of Insurance Services statistical plan for general liability insurance. Rule 059.05.19.011 adopted by reference the American Association of Insurance Services statistical plan for glass insurance. Rule 059.05.19.012 adopted by reference the Surety Association of America fidelity and surety statistical plan. Rule 059.05.19.013 adopted by reference the Surety Association of America fidelity and surety minimum statistical plan. These statistical plans and rating plan are subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, current statistical plans and a rating plan are being adopted under Article 5.97. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.19, pursuant to which the board may promulgate standard and uniform statistical plans; and the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating plans for the standard and uniform lines of insurance regulated under the Insurance Code, Chapter 5, Subchapter B.

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 November 8, 1984

TRD-8411440 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
Proposal publication dates: May 15, 1984
June 8, 1984

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

Board Shall Fix Rates**059.05.25.003-.006**

The State Board of Insurance adopts the repeal of Rules 059.05.25.003-.006, without changes to the proposals published in the June 19, 1984, and August 7, 1984, issues of the *Texas Register* (9 TexReg 3292, and 4236).

Rule 059.05.25.003 adopted by reference the Texas general basis schedules. Rule 059.05.25.004 adopted by reference the Texas general basis schedules for highly protected risks. Rule 059.05.25.005 adopted by reference the Texas general rules basis schedules for petroleum products. Rule 059.05.25.006 adopted requirements for fire and allied lines insurance coverage specified in certain National Fire Protection Association standards as modified by the State Board of Insurance. Current standards are adopted into the Texas general basis schedules. These manual rules are subject to adoption under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, these manual rules and forms are being adopted under Article 5.96. No agency practice, procedure, or requirement is changed as a result of this repeal. A savings clause also is adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Articles 5.25, 5.35, and 5.36, which authorize the State Board of Insurance to prescribe manual rules, forms, and endorsements for fire and allied lines insurance.

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 November 8, 1984.

TRD-8411441 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
Proposal publication dates: June 19, 1984,
August 7, 1984
For further information, please call (512) 475-2950.

059.05.25.007, .010

The State Board of Insurance adopts the repeal of Rules 059.05.25.007 and .010, without changes to the proposals published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2750).

Rule 059.05.25.007 adopted by reference the Texas property statistical plan for residential and commercial risks. It is subject to adoption under the Insurance Code, Article 5.96, which is an alternative to the Ad-

Administrative Procedure and Texas Register Act. Rule 059.05.25.010 adopted by reference the American Association of Insurance Services statistical plan for inland marine insurance. It is subject to adoption under the Insurance Code, Article 5.97, which is also alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, current statistical plans and a rating plan are being adopted under Article 5.96 and Article 5.97. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Articles 5.28, pursuant to which the board may request and obtain information from insurers respecting fire and allied lines insurance, and the Insurance Code, Article 5.28 and Article 5.53, pursuant to which the board may request and obtain information from insurers respecting inland marine insurance

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 November 8, 1984.

TRD-8411442 James W. Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984
Proposal publication date: May 18, 1984
For further information, please call (512) 475-2950.

Reducing Hazard

059.05.33.001

The State Board of Insurance adopts the repeal of Rule 059.05.33.001, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4238).

Rule 059.05.33.001 adopted by reference the key rate schedule for grading cities and towns of Texas with reference to their fire defenses and physical conditions. This key rate schedule is subject to adoption under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the key rate schedule is being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Articles 5.33, which authorizes the board to prescribe for each city, town, village, or locality credit for each hazard reduced or removed, 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 November 8, 1984.

TRD-8411443 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950.

Standard Forms

059.05.36.001-.003, .006

The State Board of Insurance adopts the repeal of Rules 059.05.36 001-.003 and .006, without changes to the proposals published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4238).

Rule 059.05.36 001 adopted by reference fire and allied lines policy forms, Rule 059 05 26.002 adopted by reference homeowners policy forms; Rule 059 .05.36.003 adopted by reference farm and ranch owners policy forms; and Rule 059 05.36 006 adopted by reference the excess of loss agreement form to be attached to the standard fire policy. These policy forms and agreement form are being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Articles 5.35 and 5.36, which authorize the State Board of Insurance to prescribe policy and endorsement forms for fire and allied lines insurance.

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 November 8, 1984

TRD-8411444 James W. Norman
Chief Clerk
State Board of Insurance

Effective date. November 30, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950.

Workers' Compensation Rates

059.05.55.001

The State Board of Insurance adopts the repeal of Rule 059.05.55 001, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4243)

Rule 059.05.55.001 adopted by reference the Texas workers' compensation and employers' liability manual. The manual is subject to adoption under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the manual is being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. An appropriate savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Articles 5.55, 5.60, 5.62, and 5.77, which authorizes the State Board of Insurance to prescribe rates, rating plans, and manual rules to carry out the provisions of the Insurance Code, Chapter 5, Subchapter D.

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 November 8, 1984

TRD-8411445 James W Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
Proposal publication date: August 7, 1984
For further information, please call (512) 475-2950.



Workers' Compensation Uniform Policy Standard Provisions for Workers' Compensation and Employers' Liability

059.05.57.001

The State Board of Insurance adopts the repeal of Rule 059 05 57 001, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4244)

Rule 059 05 57 001 adopted by reference standard provisions for workers' compensation and employers' liability policies. These provisions are subject to adoption under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, these provisions are being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal

This repeal is adopted under the Insurance Code, Articles 5.56, 5.57, and 5.62, which provide the State

Board of Insurance with the authority to prescribe standard and uniform policy and endorsement forms applicable to workers' compensation and employers' liability insurance.

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 November 8, 1984.

TRD-8411448 James W Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950.

Workers' Compensation Rate Administration

059.05.58.001

The State Board of Insurance adopts the repeal of Rule 059.05.58 001, without changes to the proposal published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2751)

Rule 059 05 58 001 adopted by reference the Texas *Workers' Compensation Unit Statistical Plan Manual*. This statistical plan manual is subject to adoption under the insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, a current statistical plan is being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal

This repeal is adopted under the Insurance Code, Article 5.58, pursuant to which the board may adopt standard and uniform statistical plans for workers' compensation and employers' liability insurance.

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 November 8, 1984

TRD-8411449 James W Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984
Proposal publication date May 18, 1984
For further information, please call (512) 475-2950.

059.05.58.002

The State Board of Insurance adopts the repeal of Rule 059 05 58 002, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4244).

Rule 059.05.58.002 adopted by reference the Texas experience rating plan manual for workers' compensation insurance. The manual is subject to adoption under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the manual is being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.60, pursuant to which the board may promulgate standard and uniform rating plans for workers' compensation and employers' liability insurance.

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 November 9, 1984

TRD-8411450 James W. Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950.

Premium Rating Plans

059.05.77.001-.003

The State Board of Insurance adopts the repeal of Rules 059.05.77.001-.003, without changes to the proposal published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2752).

Rule 059.05.77.001 adopted by reference the retrospective rating plan rating supplement for Texas general liability, glass, and theft lines. The supplement is part of retrospective rating Plan D. Rule 059.05.77.002 adopted by reference retrospective rating Plan D supplement for workers' compensation—Table M. Table M is part of retrospective rating Plan D. Rule 059.05.77.003 adopted by reference retrospective rating Plan D supplement for Texas automobile liability and physical damage insurance. The retrospective rating plans and supplementants are subject to adoption under the Insurance Code, Article 5.96 or Article 5.97, which are an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, current retrospective rating plans are being adopted under the Insurance Code, Article 5.96 or Article 5.97, or both. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Articles 5.77, pursuant to which the board may promul-

gate or approve standard and uniform retrospective rating plans.

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 November 8, 1984

TRD-8411451 James W. Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984
Proposal publication date May 18, 1984
For further information, please call (512) 475-2950.

Multiperil Forms

059.05.81.001

The State Board of Insurance adopts the repeal of Rule 059.05.81.001, without changes to the proposal published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4245).

Rule 059.05.81.001 adopted by reference multiperil policy and endorsement forms. These policy and endorsement forms are subject to adoption under the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the policy and endorsement forms are being adopted under Article 5.96. No agency practice, procedure, or requirement will be changed as a result of this repeal. A savings clause is also adopted.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.81, which authorizes the State Board of Insurance to prescribe policy and endorsement forms applicable to multiperil insurance.

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 November 8, 1984

TRD-8411452 James W. Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984
Proposal publication date August 7, 1984
For further information, please call (512) 475-2950.

General Provisions Insurance Holding Company System Regulatory Act

059.21.49.111-122

The State Board of Insurance adopts amendments to Rule 059.21.49.113, with changes to the proposed

text published in the June 22, 1984, issue of the *Texas Register* (9 TexReg 3502). Rules 059.21.49.111, .112, and 114-.122 are adopted without changes and will not be republished.

These rules implement the Insurance Code, Article 21.49-1, (the Insurance Holding Company Regulatory Act—hereinafter referred to as the Act). The amendments are primarily procedural changes or are nonsubstantive editorial changes or clarifications. The amendments as proposed are as follows.

A provision in Rule 059.21.49.111(a)(3), permitting the submission in their original size of exhibits and financial statements which are parts of statements, notices, or applications, was deleted so that the files of the agency are not unduly encumbered. These materials will henceforth be required in 8½-inch-by-11-inch or 8½ inch-by-14-inch size.

Rule 059.21.49.111(b)(3) was amended to provide, if a summary or outline of a document refers to an exhibit or other document, that the particular page and paragraph of the exhibit or document be specified. This is to avoid confusion and facilitate review by the agency

Rule 059.21.49.113(a) was amended to provide that the registration requirements of the Act, §3, are applicable to insurers which have been incorporated in Texas but not yet authorized to do business. This will clear up a hiatus in the law respecting certain insurers which are incorporated before they are actually authorized to do business, and will permit agency staff to be fully aware of matters required in the registration statement from the time of the insurer's legal existence.

A new provision was added in Rule 059.21.49.113(g) requiring all registrants under the Act to file a completely restated up-to-date registration statement every five years. This requirement will facilitate regulation by the board and will keep the agency's files free of extraneous material.

In Rule 059.21.49.114(a)(2)(D) and (E), certain material transactions were specifically listed as requiring notice to the commissioner under the Act, §4(d)(2). Certain transactions respecting the securities of affiliates were deleted from subparagraph (E) and placed in subparagraph (A). These changes simply conform the rule to present board practices and requirements

Rules 059.21.49.115(g) and 059.21.49.119(m)(3) and (4) were amended to require a person seeking to acquire control under the Act, §5(a) or (b), to file annual reports to stockholders for the last two fiscal years for the commissioner's consideration at an acquisition hearing in lieu of the present requirement that such material be filed under the Act, §5(c), and mailed to shareholders. This change is to delete often voluminous marginally significant material from the mailing requirements of the Act, §5(f)

In other changes to the rules, statutory provisions were cited or referred to in lieu of the statute being set out in the rule, and other nonsubstantive editorial changes are adopted. A change from the rules as pro-

posed appears in Rules 059.21.49.119(n), 120(j), .121(f), and .122(p), where the notary seal was changed to comply with current law. Other changes are editorial in nature. The rules were renumbered and reformatted according to *Texas Register* form. Heretofore, the entire set of rules had been contained in Rule 059.21.49.101.

American General Corporation suggested that no annual amendment to its registration statement be required of a registrant in the year that it files a completely restated up-to-date registration statement. The board agreed with this comment, and Rule 059.21.49.113(g) was amended accordingly. American General Corporation also commented that it is not sure of the language added to Rule 059.21.49.114(a)(2)(A), which reads "and transactions in securities of affiliates other than a subsidiary of an insurer, which are not subject to subsection (a)(1) of this rule." The board notes that this language simply was moved from another portion of Rule 059.21.49.114(a)(2). There is no substantive change in the rule.

The amendments are adopted under the Insurance Code, Article 21.49-1, §11, pursuant to which the State Board of Insurance may, upon notice and opportunity for all interested persons to be heard, issue such orders, rules, and regulations as shall be consistent with and to carry out the provisions of the Act and to govern the conduct of its business and proceedings under the Act. Parts of the amendments are under authority of the Act, §4(d)(2)(iv), pursuant to which the board may specify certain transactions between a domestic insurer and persons within its holding company system which will require prior notice to the commissioner under the Act, §4(d)(2), and under the Act, §5(c)(12), pursuant to which the board may require certain additional information to be filed under the Act, §5(c)

.113. *Registration of Insurers*

(a) Except as provided by the Act, every insurer which is authorized or incorporated to do business in this state and which is a member of an insurance holding company system shall register in accordance with the Act, §3.

(b) (No change)

(c) Information and forms required. Every insurer subject to registration shall file a registration statement in accordance with Rule 059.21.49.120 of this title (relating to Form B) providing current information about the requested matters

(d) Materiality. Information which is not material for the purposes of the Act, §3, need not be filed pursuant to the Act, §3(b) and (d). See the Act, §3(c), for certain requirements respecting materiality. See subsection (f) of this rule for rule on material changes

(e) Amendments to registration statements. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions (whether single transactions or cumulative in total). Such amendment shall be in accordance with Rule 059.21.49.120 of this title (relating to Form B), the registration statement, the cover page requirements of Rule 059.21.49.111(d) of this title (relating to Forms Filings), and with a positive statement as to the items of the form not being amended in-

stead of setting out such unamended portions. Such amendment shall be filed within 15 days after the end of the month in which the registered insurer learns of each such change or addition; provided, however, that subject to the provisions of these rules, relating to notice of declaration of extraordinary dividends and distributions, each registered insurer shall so report to the commissioner all dividends and other distributions to shareholders within two business days following the declaration thereof. Provided, however, that any transaction that is formally approved by official order of the commissioner under any of the following enumerated provisions shall be deemed to be an amendment to the registration statement without further action or filing:

- (1) (No change.)
- (2) any transactions reported in an Acquisition Statement (Form A) under the Act, §5;
- (3)-(12) (No change.)

(f) **Material changes.** The following occurrences shall, without limitation on the meaning of the phrase "material changes," be deemed to be material changes for the purposes of filing an amendment to the registration statement:

- (1) a change in the control of the registrant, in which case the entire registration statement shall be made current (this paragraph is effective notwithstanding any other provision of these rules);
- (2)-(4) (No change)

(g) **Annual amendment.** Within 120 days after the end of each fiscal year of the ultimate controlling person (that person which is not controlled by another person) of the insurance holding company system, the registrant shall file an amendment to the registration statement which shall make the registration statement current. Within 120 days of the end of each calendar year ending in a five or a zero, the registrant shall file a completely restated up-to-date registration statement as set out in Rule 059 21 49 120 of this title (relating to Form B), with amendments consolidated therein. The registrant is not required to file an annual statement to its registration statement under this subsection in the year that it files a completely restated up-to-date registration statement.

(h) **Termination of registration.** The commissioner shall terminate the registration of any insurer as provided in the Act, §3(e)

(i) **Consolidated filing.** Any licensed insurer may file a consolidated registration statement or any amendment thereto on behalf of itself and any affiliated insurer or insurers which are required to register under subsection (a) of this rule, if so authorized by such affiliates. Each registration statement may include information regarding any insurer in the insurance holding company system even if such insurer is not authorized to do business in this state. Each licensed insurer in such filing shall undertake the duty to determine the correctness of the entire statement and any amendments and is bound by the terms of the entire statement or amendment. Such statement may be made under the provisions of subsection (j) of this rule

- (j)-(k) (No change)

(l) **Disclaimer.** Any person may file with the commissioner a disclaimer of control or affiliation with any insurer, or such a disclaimer may be filed by such insurer or any member of an insurance holding company system.

The disclaimer shall be in accordance with Rule 059 21 49.121 of this title (relating to Form C) and shall disclose all material relationships and bases for affiliation between such persons and such insurer as well as the basis for disclaiming such affiliation. A copy of any disclaimer filed with the commissioner, if the affected insurer is not a party thereto, shall also be furnished by the applicant to the insurer at the same time it is filed with the commissioner. The insurer shall, within 15 business days after receipt thereof, unless the time is extended by the commissioner for good cause, respond to the matters raised in the disclaimer if it does not have a current registration statement on file with the commissioner. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under subsection (a) of this rule which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

(m) **Violations.** The failure to file a registration statement or any amendment thereto required within the time specified for such filing shall be a violation of this rule.

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 November 9, 1984

TRD-8411453

James W Norman
Chief Clerk
State Board of Insurance

Effective date November 30, 1984

Proposal publication date June 19, 1984

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

TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter F. Motor Vehicle Sales Tax 34 TAC §3.86

The Comptroller of Public Accounts adopts the repeal of §3.86, without changes to the proposal published in the October 5, 1984, issue of the *Texas Register* (9 TexReg 5146)

This section is no longer necessary or accurate. The procedures for redetermination are fully discussed in §§1.1-1.42 of this title, relating to rules of practice and procedure.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may

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 of Agriculture

Tuesday, November 20, 1984, 9 a.m. The Texas Department of Agriculture will meet at the Bay City Service Center, 2105 Avenue M, Bay City. According to the agenda, the department will conduct a public hearing to receive comments regarding proposed new 4 TAC §§7 25-7 31, concerning pesticide application standards, as published in the October 23, 1984, issue of the *Texas Register* (9 TexReg 5468).

Contact: Ron White, P O Box 12847, Austin, Texas 78711, (512) 475-6346.

Filed: November 8, 1984, 2:52 p.m.
TRD-8411372

Texas Alcoholic Beverage Commission

Monday, November 26, 1984, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Suite 210, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve the October 22, 1984, minutes; hear the administrator's and staffs' report of agency activity; and approve an affidavit of destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: November 12, 1984, 12:59 p.m.
TRD-8411482

State Board of Canvassers

Tuesday, November 27, 1984, 3 p.m. The State Board of Canvassers will meet in Room 127, State Capitol, Austin. According to the agenda, the board will conduct the official canvass of the November 6, 1984, general election in accordance with the Texas Election Code, Article 8 38.

Contact: Donnette Smith, Sam Houston Building, Room 908, 201 East 14th Street, Austin, Texas 78711, (512) 475-3091

Filed: November 12, 1984, 9:41 a.m.
TRD-8411479

Corn Producers Board

Tuesday, November 20, 1984, 9:30 a.m. The Corn Producers Board of the Texas Department of Agriculture (TDA) will meet at 218 East Bedford, Dimmitt. Items on the

agenda include financial statements, the Venezuelan trip, effects of proposed TDA pesticide rules and regulations, the status of High Plains Research Foundation work, activities planned by the Texas Agricultural Energy Users Association, and filling a vacant position on the board.

Contact: Carl L. King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: November 9, 1984, 1:32 p.m.
TRD-8411528

Texas Department of Corrections

Monday, November 12, 1984, 9 a.m. The Board of the Texas Department of Corrections made an emergency addition to the agenda of a meeting held in the Senate Chambers, State Capitol, Austin. The addition concerned a Texas Youth Commission contract amendment. The emergency status was necessary because the item was developed subsequent to initial posting of the agenda.

Contact: R. K. Procnier, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext 160

Filed: November 9, 1984, 2:28 p.m.
TRD-8411412

Texas Cosmetology Commission

Saturday, November 17, 1984, 1 p.m. The Texas Cosmetology Commission made an emergency addition to the agenda of a meeting to be held at the Frank Joseph Cosmetology Building, 1111 Rio Grande Street, Austin. According to the revised agenda, the commission will hold disciplinary hearings for Darrell Warren, Gloria Almenarez, and Louise Moulton; consider agreed orders; hear reports on student hours and contract students, and discuss the minutes of the previous meeting and the Barber Board contract. The emergency status was necessary because agreed orders were inadvertently omitted from the first agenda.

Contact: Herbert E. Cohen, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-1400

Filed: November 13, 1984, 9:38 a.m.
TRD-8411515

Texas Commission for the Deaf

Friday and Saturday, November 16 and 17, 1984, 6 p.m. and 8:30 a.m. respectively. The Board for Evaluation of Interpreters of the Texas Commission for the Deaf will meet in Room 212, 510 South Congress Avenue, Austin. Items on the agenda include action concerning the previous meeting minutes, a follow-up on a consumer grievance (limited to five board members), reports from the interpreter technician and the chairman, and review of applications of the direct consultant for the SEE sign system. The board also will meet in executive session to review alternate evaluation materials and certification applications and evaluations.

Contact: Fred R. Tammen, 510 South Congress Avenue, Austin, Texas 78704, (512) 475-2492

Filed: November 8, 1984, 10:46 a.m.
TRD-8411355

**Interagency Council on Early
Childhood Intervention**

Tuesday, November 20, 1984, 9 a.m. The Interagency Council on Early Childhood Intervention will meet in the fourth floor conference room, West Tower, Texas Department of Human Resources, 701 West 51st Street, Austin. According to the agenda, the council will hear public comments, approve the minutes, and discuss proposed amendments to the Early Childhood Intervention Act, proposed complaint proce-

dures, and priorities for the fiscal year 1986 grant cycle.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: November 12, 1984, 4:16 p.m.
TRD-8411504

**Economic Development
Commission**

Friday, November 16, 1984, 7:30 a.m. The Board of Commissioners of the Economic Development Commission will meet in the ballroom, Sheraton San Angelo, 441 Rio Concho Drive, San Angelo. According to the agenda summary, the board will conduct a breakfast meeting at 7:30 a.m. At 9 a.m. the board will convene the quarterly meeting to consider remarks by special guests, the Texas Industrial Development Council report, the executive director's report; approval of the minutes, financial statements, and quarterly department reports, the Naples Industrial Foundation rural loan application; the Brenham Industrial Foundation rural loan revision, action concerning the Texas Small Business Industrial Development Corporation and a resolution regarding commission accounts, a briefing on international trade matters and the industrial revenue bond allocation system, a report on the commission workshop, organization, and budget, action concerning the Small Business Revitalization Program transfer; and the Economic Policy Advisory Committee report and task forces reports. The board also will meet in executive session to discuss personnel matters.

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

Filed: November 8, 1984, 1:01 p.m.
TRD-8411361

Texas Education Agency

Friday, November 9, 1984, 10:30 a.m. The Committee for Personnel of the State Board of Education of the Texas Education Agency (TEA) made an emergency addition to the agenda of a meeting held in Room 214, TEA North Building, 1200 East Anderson Lane, Austin. The addition concerned discussion of the problem of paperwork burdens on teachers. The emergency status was necessary to enable the board to explore actions it might take to relieve teachers.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3723

Filed: November 9, 1984, 8:08 a.m.
TRD-8411375

Saturday, November 10, 1984, 8:30 a.m. The State Board of Education of the TEA made an emergency addition to the agenda of a meeting held in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. The addition concerned the problem of paperwork burdens on teachers. The emergency status was necessary to enable the board to explore actions it might take to relieve teachers.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3723

Filed: November 9, 1984, 8:08 a.m.
TRD-8411376

Monday and Tuesday, November 12 and 13, 1984, 1:30 p.m. and 8:30 a.m. respectively. The Texas Elementary and Secondary School Planning Council of the TEA met in emergency session in Room 101-F, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda summary, the council considered inservice training needs relating to House Bill 72, a career ladder, TEA requirements for the documentation of mastery of essential elements, an update on the multiregional cooperative on the essential elements, advanced placement tests and tests for credit by examination, extra-curricular activities, student absences, and promotion and alternatives to social promotion, school accreditation, involvement of education service centers in planning for use of technology in education, prospects for funds to support salary increases for education service center special education personnel, funding possibilities for service center special education components in 1985-1986 and beyond, a special education management system, an invitational executive development seminar, a "Shaping Our Nation" teaching kit, an essay contest sponsored by the Texas Society of Architects, future council meetings, and a report from the interim commissioner of education. The emergency status was necessary to ensure that education service centers received and discussed the most current information concerning implementation of House Bill 72.

Contact: Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400

Filed: November 8, 1984, 1:18 p.m.
TRD-8411362

Thursday, November 15, 1984, 9 a.m. The Subcommittee of the Advisory Committee for Accountable Costs of the Texas Education Agency (TEA) met in emergency ses-

sion in Room 214, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the subcommittee discussed appropriate data elements, such as facilities, in the investigation of the costs of implementing a quality, accredited educational program. The emergency status was necessary because the committee is obligated to report to the State Board of Education at its December 1984 meeting concerning what should be done relative to accountable costs so that the legislature may be informed accordingly.

Contact: Tom Anderson, 201 East 11th Street, Austin, Texas 78701, (512) 475-4324

Filed: November 12, 1984, 3:49 p.m.
TRD-8411502

Thursday, November 29, 1984, 9 a.m. The Advisory Committee for Budgeting, Accounting, and Auditing of the Texas Education Agency will meet in Room 101E, TEA North Building, 1200 Anderson Lane, Austin. According to the agenda, the committee will continue to review change 18 to Bulletin 679 of the *Financial Accounting Manual*, to implement campus-level program accounting, appoint a committee to draft a long-term plan for Bulletin 679 code structure, and discuss the accounting and auditing implication of House Bill 72.

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

Filed: November 12, 1984, 3:49 p.m.
TRD-8411503

Employees Retirement System of Texas

Tuesday, November 27, 1984, 1:30 p.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in Room 332, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin. Items on the agenda include review of trustee actions of October 29, 1984, consideration of suggestions received for trustee rule changes, and other insurance matters.

Contact: Henry D. Eckert, 18th and Brazos Streets, Austin, Texas 78711, (512) 476-6431

Filed: November 8, 1984, 10:55 a.m.
TRD-8411350

Texas Employment Commission

Monday, November 19, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 47, and set the date of the next meeting.

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

Filed: November 9, 1984, 2:15 p.m.
TRD-8411408

Office of the Governor

Thursday and Friday, November 15 and 16, 1984, 10:30 a.m. and 8:30 a.m. respectively. The Job Injury Interagency Council and the Job Injury Advisory Committee of the Office of the Governor met in joint emergency session in Room 304T, Texas Employment Commission Building, 12th and Trinity Streets, Austin. Items on the agenda included safety program briefings, subcommittee reports, and discussion of development of an interim report to the governor and the legislature. The emergency status was necessary because the Executive Subcommittee met on November 8, 1984, to review and finalize the agenda.

Contact: Luis F. B. Plascencia, P.O. Box 13561, Austin, Texas 78711, (512) 475-6156

Filed: November 9, 1984, 2:44 p.m.
TRD-8411413

Monday, November 19, 1984, 9 a.m. The Executive Development Council of the Office of the Governor will meet in emergency session in the auditorium, Employee Retirement System Building, 201 East 18th Street, Austin. According to the agenda summary, the council will consider committee reports and a special presentation. The emergency status is necessary to prepare information for the upcoming legislation.

Contact: Cora L. Hilliard, P.O. Box 13561, Austin, Texas 78711, (512) 475-0226

Filed: November 13, 1984, 9:05 a.m.
TRD-8411511

Tuesday, November 20, 1984, 10 a.m. The Administrators' Coordinating Council of

the Office of the Governor will meet in Room 412, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda include adoption of the minutes, consideration of the 1985 legislature and economic development, including the fiscal outlook by the Comptroller of Public Accounts and the budget outlook by the Legislative Budget Board; a question and answer opportunity; and discussion of member agencies' legislative priorities, economic development priorities for the 1985 legislative session, and general matters.

Contact: Tom Adams, Sam Houston Building, Room 412, 201 East 14th Street, Austin, Texas, (512) 475-1147

Filed: November 9, 1984, 8:36 a.m.
TRD-8411377

Wednesday, November 21, 1984, 9 a.m.

The Science and Technology Council of the Office of the Governor will meet in Room 208, Ashbel Smith Building, Seventh and Colorado Streets, Austin. According to the agenda summary, the council will consider an overview of the calendar, target dates, and legislative schedule; comments from Dr. Hansen of the Executive Committee; a presentation by Dr. Kemble, president, Lamar University, concerning a proposal for a state hazardous waste alternatives center; and reports from the Technology Development and Technology Transfer Committee, the Education Committee, the Research Committee, and the Legislation and Policy Committee.

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

Filed: November 13, 1984, 9:04 a.m.
TRD-8411512

Texas Health Facilities Commission

Friday, November 16, 1984, 9 a.m. The Texas Health Facilities Commission made an emergency addition to the agenda of a meeting to be held in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The addition concerns consideration of notice of intent Application AN84-0906-571 of Charles and Inez Brown, a proprietorship, Austin. The emergency status is necessary so the facility's proposed acquisition may be accomplished by November 20, 1984, to avoid potential increased acquis-



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tion costs which could adversely impact patient care and/or charges

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

Filed: November 13, 1984, 9:14 a.m.
TRD-8411513

State Department of Highways and Public Transportation

Tuesday, November 20, 1984, 9 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in Room 101-A, first floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will execute contract awards and routine minute orders, consider presentations from previous public hearing dockets, and review staff reports relative to planning and construction programs and projects.

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

Filed: November 12, 1984, 3:09 p.m.
TRD-8411500

Texas Housing Agency

Friday, November 16, 1984, 9:30 a.m. The Programs and Legislation Committee of the Board of Directors of the Texas Housing Agency will meet in emergency session at the Inter-Continental Houston Hotel, 5150 Westheimer, Houston. According to the agenda, the committee will develop guidelines to evaluate proposed multifamily developments, review a sample request for proposals soliciting market research firms to evaluate multifamily developments, present final recommendations on the staff's evaluation of advisors, and review and make recommendations on proposed multifamily financing for the board meeting on November 28, 1984. The emergency status is necessary because prospective modification of administrative policy critically influences impending tax-exempt multifamily bond issuances.

Contact: Earline Jewett, P. O. Box 13941, Austin, Texas 78711, (512) 475-0812

Filed: November 12, 1984, 3:32 p.m.
TRD-8411500

University of Houston System

Thursday, November 15, 1984. Committees of the Board of Regents of the University of Houston System met in Room 510, Enterprise Bank Building, 4600 Gulf Freeway, Houston. Times, committees, and agendas follow.

9:50 a.m. The Academic Affairs and Campus Relations Committee discussed and/or approved personnel recommendations for the system and downtown and University Park campuses, modification of freshman admissions requirements for fall 1986 and fall 1987 for University Park, information only and admissions policies for University Park, long-range plans for the University Park and Victoria campuses, and academic programs. The committee also met in executive session to consider employee approval and evaluation.

11 a.m. The Finance Committee discussed and/or approved a gift acceptance report for the University of Houston-University Park (UH-UP) and a system administration summary report of banking relationships and reviews of the Internal Audit Program and the financial management system six-year plan.

1:30 p.m. The Regental Policy Committee discussed and/or approved implementation of a review of board policies; revision of board policies 01.01-01.07 and adoption of protocol statements and format; a protocol statement concerning planning and budgeting, including the fiscal year 1983 budget development schedule; board committee report calendars for fiscal year 1985 and future years; and a compilation of applicable laws.

2:30 p.m. The Facilities, Planning, and Building Committee discussed and/or approved a system administration award of a contract for equipment for the Architecture Building shop facilities and appointment of architectural consultants for the System Building; award of lump sum contracts for roofing and exterior repairs and building utilities, UH-Downtown; and acquisition of real property through donation, UH-Victoria. The committee also met in executive session to discuss the purchase, lease, and value of real estate.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: November 12, 1984, 9:40 a.m.
TRD-8411475-8411478

Texas Department of Human Resources

Thursday, November 29, 1984, 1:30 p.m. The Texas Department of Human Resources will meet in the public hearing room, John H. Winters Human Services Center, 701 West 51st Street, Austin. According to the agenda, the department will conduct a hearing to accept public comments on proposed new 40 TAC §§27.4801-27.4803, concerning the Intermediate Care Facility for the Mentally Retarded (ICF-MR) Program. These proposed new sections were published in the October 30, 1984, issue of the *Texas Register* (9 TexReg 5578).

Contact: Mike Mason, P. O. Box 2960, Austin, Texas 78769, (512) 450-3166.

Filed: November 13, 1984, 8:56 a.m.
TRD-8411514

State Board of Insurance

Monday, November 19, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7850—a proposed plan of merger between Oklahoma National Life Insurance Company, Oklahoma City, Oklahoma, into Enterprise Life Insurance Company, Irving.

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

Filed: November 9, 1984, 1:12 p.m.
TRD-8411521

Monday, November 19, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a public hearing to consider a petition by Travelers Insurance Companies for classification of licensed real estate brokers and salespersons as professionals, thereby bringing them within the professional liability insurance exemption in the Insurance Code, Article 5.13, Chapter 5, Subchapter B.

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

Filed: November 9, 1984, 2:50 p.m.
TRD-8411414

Tuesday, November 20, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will con-

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sider Docket 7799—whether the title insurance agent's license held by Buffalo Title of Houston, Inc., Houston, should be canceled or revoked.

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

Filed: November 12, 1984, 1:17 p.m.
TRD-8411484

Tuesday, November 20, 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 a joint motion for dismissal of the appeal of D. Fred Micks from action of the Texas Catastrophe Property Insurance Association; a decision on the appeal of Kitty Russell from action of the Texas Catastrophe Property Insurance Association; the commissioner's and fire marshal's reports, including personnel matters; and board orders on several different matters as itemized on the complete agenda.

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

Filed: November 12, 1984, 3:07 p.m.
TRD-8411499

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

Tuesday, November 20, 1984, 1:30 p.m. In Room 342, the section will consider Docket 7851—application for amendment to the articles of incorporation of Western Casualty Life Insurance Company, Austin.

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

Filed: November 12, 1984, 1:17 p.m.
TRD-8411485

Wednesday, November 21, 1984, 9 a.m. In Room 342, the section will consider Docket 7855—application of Melvin J. Southwick, Irving, for a legal reserve life insurance agent's license.

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

Filed: November 12, 1984, 1:17 p.m.
TRD-8411486

Wednesday, November 21, 1983, 9 a.m. In Room 353, the section will consider Docket 7852—application of Gill Financial Corporation, San Antonio, to acquire control of Old American County Mutual Fire Insurance Company, Dallas, and Union Pacific Insurance Company, Dallas.

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

Filed: November 12, 1984, 1:17 p.m.
TRD-8411487

Monday, November 26, 1984, 9 a.m. In Room 353, the section will consider Docket 7814—whether the Group I legal reserve life insurance agent's license held by Larry Wayne Tyler, Burleson, should be canceled or revoked.

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

Filed: November 12, 1984, 1:17 p.m.
TRD-8411488

Monday, November 26, 1984, 1:30 p.m. In Room 342, the section will consider Docket 7815—whether the local recording agent's license held by David E. Quintanilla, Houston, should be canceled or revoked.

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

Filed: November 12, 1984, 1:17 p.m.
TRD-8411489

The State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. Days, times, and agendas follow.

Monday, December 3, 1984, 9 a.m. The board's designate will conduct a public hearing to consider the appeal of Dr. Richard B. Deuel from action of the Texas Catastrophe Property Insurance Association.

Monday, December 10, 1984, 9 a.m. The board's designate will conduct a public hearing to consider the appeal of David P. Ritter from action of the Texas Catastrophe Property Insurance Association.

Monday, December 17, 1984, 9 a.m. The board's designate will conduct a public hearing to consider the appeal of the partnership between Mafrige Building Company, Ltd. (a partnership with Steve Mafrige, general partner), John Hill, Frank T. Abraham, and J. Curtis Brown, doing business as Fort Crockett Apartments, from action of the Texas Catastrophe Property Insurance Association.

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

Filed: November 9, 1984, 2:57 p.m.
TRD-8411415-8411417

Texas Low-Level Radioactive Waste Disposal Authority

Wednesday, November 14, 1984, 1 p.m.

The Texas Low-Level Radioactive Waste Disposal Authority made emergency additions to the agenda of a meeting held in Room 103, E. O. Thompson Building, 920 Colorado Street, Austin. The additions concerned old business concerning selection of two or more potential disposal sites and new business concerning a Budget Committee report on the Dames and Moore contract and authorization of a contingent contract for purchase of a disposal site. The authority also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f), to consider the status of site acquisition negotiations. The emergency status was necessary because the landowner of a potential site indicated that he wanted to contract to sell his property before the end of 1984. The November 1984 Board of Directors meeting was the last scheduled meeting of 1984, therefore, action needed to be taken immediately. Prior to authorizing a contract, the board, under law, needed to select two or more potential sites for disposal.

Contact: L. R. Jacobi, Jr., P.E., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795

Filed: November 8, 1984, 11:21 a.m.
TRD-8411352

Midwestern State University

Friday, November 9, 1984, 9 a.m. The Board of Regents of Midwestern State University met in emergency session in the boardroom, Hardin Administration Building, Midwestern State University, Wichita Falls. According to the agenda summary, the board discussed construction projects, financial entries, new programs, and a change in the room deposit. The emergency status was necessary so that a quorum could be in attendance.

Contact: Dr. Louis J. Rodriguez, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 4211

Filed: November 8, 1984, 10:06 a.m.
TRD-8411348

North Texas State University

Thursday, November 15, 1984, 12:30 p.m. The Role and Scope Committee of the Board of Regents of the Texas College of

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Osteopathic Medicine of North Texas State University, met in emergency session in the eighth floor boardroom, Medical Education Building I, Texas College of Osteopathic Medicine, Fort Worth. According to the agenda, the committee convened in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(e)-(g), to consider legal, real estate, and personnel matters. The emergency status was necessary because pressing and important real estate and personnel matters required that the committee review certain items before proposing action to the full board on November 16, 1984.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198

Filed: November 12, 1984, 1:52 p.m.
TRD-8411490

Thursday, November 15, 1984, 3 p.m. The Facilities Committee of the Board of Regents of the Texas College of Osteopathic Medicine (TCOM) of North Texas State University (NTSU) met in the boardroom, eighth floor, Medical Education Building I, Texas College of Osteopathic Medicine, Fort Worth. According to the agenda, the committee considered hazardous waste and flammable liquid storage buildings, naming of the Floyd Graham Room, and information reports. The committee also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2, paragraph (e)—legal and (f)—real estate.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198.

Filed: November 12, 1984, 1:52 p.m.
TRD-8411491

Friday, November 16, 1984, 9 a.m. The Board of Regents of the TCOM of NTSU will meet in the boardroom, eighth floor, Texas College of Osteopathic Medicine, Fort Worth. According to the agenda summary, the board will consider TCOM items including approval of minutes, personnel transactions, an appointment to the TCOM advisory council, an accreditation resolution, approval of a research goals statement, student performance, and a presentation by Dr. Ben Harris, acting assistant dean for research and a gift report, and NTSU items including approval of minutes, professor emeritus recommendations, a small class report for fall 1984, faculty leaves of absence without pay, the regents' faculty lecture series, the Division of Biochemistry, strategic goals for the centennial agenda, the Computer Technology Institute, a gift report, a materials fee for an interpersonal

and public communication course, hazardous waste and flammable liquid storage buildings, and the naming of the Floyd Graham Room. The board also will meet in executive session to consider TCOM items.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198.

Filed: November 12, 1984, 1:52 p.m.
TRD-8411492

Board of Nurse Examiners

Tuesday-Friday, November 13-16, 1984, 6 p.m. Tuesday and 8 a.m. Wednesday-Friday. The Board of Nurse Examiners made an emergency addition to the agenda for a meeting held at the Sunrise Motor Hotel, 7622 IH 35 North, Austin. The addition concerned consent orders regarding Nancy Jeanette Tuders. The emergency status was necessary because action was needed by the board for the nurse to become licensed in Texas due to stipulations in her original state.

Contact: Margaret Rowland, 1300 East Anderson Lane, C-225, Austin, Texas, (512) 835-4880

Filed: November 8, 1984, 10:46 a.m.
TRD-8411356

Board of Pardons and Paroles

Tuesday, November 13, 1984. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. Times and agendas follow.

9 a.m. The board interviewed applicants and made a selection for the position of parole commissioner. The emergency status was necessary because board members could not adjust their schedules to meet at any other reasonable time.

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

Filed: November 12, 1984, 2:45 p.m.
TRD-8411497

1:30 p.m. The board considered recommending to the governor commutation of a sentence to a lesser penalty for inmates who were prematurely released on parole and subsequently returned to the Texas Department of Corrections due to ineligibility for parole. The emergency status was necessary because board members could not

adjust their schedules to meet at any other reasonable time.

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

Filed: November 12, 1984, 2:46 p.m.
TRD-8411498

Tuesday, November 20, 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 rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves, remissions and executive clemency actions.

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

Filed: November 12, 1984, 8:10 a.m.
TRD-8411460

Monday-Wednesday, November 19-21, 1984, 1:30 p.m. Monday and Tuesday and 11 a.m. Wednesday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: November 12, 1984, 8:10 a.m.
TRD-8411459

Public Utility Commission of Texas

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

Monday, November 19, 1984, 10 a.m. A prehearing conference in Docket 5860—application of Log Cabin Estates Water Department, Inc., for a rate increase in Henderson County.

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

Filed: November 8, 1984, 4 05 p m.
TRD-8411374

Tuesday, November 20, 1984, 9 a.m. The commissioners will consider the following dockets 5941, 5700, 5591, 5592, 5613, 5881, 5698, 5748, 5811, 5755, 4828, 6001, 5788, 5819, 5828, 5168, 5601, 3987, 3989, 5760, 5363, 5436, 5903, 5390, 5446, 5531, 5683, and 5711. The commission 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: November 12, 1984, 2 30 p m
TRD-8411496

Wednesday, November 21, 1984, 10 a.m. A prehearing conference in Docket 5990—application of Chaparral Utility Company for a rate increase.

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

Filed: November 8, 1984, 2 15 p m
TRD-8411367

Monday, December 17, 1984 1:30 p.m. A rescheduled prehearing in Docket 5699—application of Chacko Thomas and Associates, Inc., to purchase and transfer a certificate of convenience and necessity from Pinehurst Utilities. The prehearing was originally scheduled for November 13, 1984, as published at 9 TexReg 5736.

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

Filed: November 8, 1984, 2 15 p m.
TRD-8411368

Monday, November 26, 1984, 10 a.m. A hearing in Docket 5738—inquiry of the commission into the operations of Taylor Water Company.

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

Filed: November 9, 1984, 2:56 p.m
TRD-8411418

Friday, December 7, 1984, 10 a.m. A §43(h) rate hearing in Docket 5968—inquiry by the commission into the rates of Lakeshore Utility Company, Inc.

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

Filed: November 12, 1984, 2:07 p.m.
TRD-8411494

Thursday, December 20, 1984, 9:30 a.m. A hearing on the merits in Docket 5965—application for Walker Water Works for a rate/tariff change within Brazoria County.

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

Filed: November 9, 1984, 2:57 p m.
TRD-8411419

Thursday, January 3, 1985, 9 a.m. A hearing on the merits in Docket 5923—inquiry of the commission into the legality of rates charged by Lake of the Hills Estates Water Company.

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

Filed: November 8, 1984, 2.15 p m.
TRD-8411371

Monday, January 21, 1985, 10 a.m. A rescheduled hearing in Docket 5940—notice of intent by Texas-New Mexico Power Company for a certificate of convenience and necessity application for a generation unit. The hearing originally was scheduled for December 10, 1984, as published at 9 TexReg 5589.

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

Filed: November 9, 1984, 2:56 p m.
TRD-8411420

Tuesday, January 22, 1985, 9 a.m. A hearing on the merits in Docket 5616—application of Lake Country Water Company to amend a water certificate of convenience and necessity within Denton County, and Docket 5859—application of Terra Southwest, Inc., to amend a water certificate of convenience and necessity within Denton County.

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

Filed: November 8, 1984, 2.15 p.m
TRD-8411369

Monday, February 4, 1985, 10 a.m. A hearing on the merits in Docket 5880—application of Continental Telephone Company of Texas to amend its certificate of convenience and necessity between the Venus Exchange and Southwestern Bell Telephone Company's Alvarado Exchange in Johnson County.

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

Filed: November 8, 1984, 2:15 p.m.
TRD-8411370

Monday, February 11, 1985, 10 a.m. A hearing on the merits in Docket 5852—application of the City of Gatesville to amend its certificate of convenience and necessity for dual certification with Creek Cliff Estates, Inc., within Coryell County.

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

Filed: November 12, 1984, 2:08 p.m.
TRD-8411495

Railroad Commission of Texas

Monday, November 12, 1984, 9 a.m. The Transportation Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 309, 1124 IH 35 South, Austin. According to the revised agenda, the commission considered a final order in the application of DFW Trucking (Docket 013501A1N) for a new contract carrier permit. The emergency status was necessary because this matter was properly posted for conference on Monday, November 5, 1984, and was passed.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: November 9, 1984, 10 52 a m
TRD-8411389

Addition to the previous agenda:

The commission considered an interim order to suspend for 90 days Mileage Table 1984, RCT 21 (John J. Terrell), authorized in MFC 27006, September 10, 1984, effective October 31, 1984. During the period of suspension, Mileage Table 1978, RCT 20, will be in effect. The emergency status was necessary because the prevention of the application of unjustified rates through possible errors in Mileage Tariff 1984 constitutes an urgent public necessity having an impact on the public welfare.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1331.

Filed: November 9, 1984, 10.51 a m
TRD-8411390

Monday, November 19, 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:

Texas Register

The Administrative Services Division administration, budget, procedures, and personnel matters

Contact: Roger Dillon, P O Drawer 12967, Austin, Texas 78711, (512) 445-1211

Filed: November 9, 1984, 10:54 a.m.
TRD-8411392

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: November 9, 1984, 10:54 a.m.
TRD-8411391

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: November 9, 1984, 10:55 a.m.
TRD-8411393

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: November 9, 1984, 10:53 a.m.
TRD-8411394

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters

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

Filed: November 9, 1984, 10:53 a.m.
TRD-8411395

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: November 9, 1984, 10:53 a.m.
TRD-8411396

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: November 9, 1984, 10:54 a.m.
TRD-8411397

Additions to the previous agenda:

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

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

Filed: November 9, 1984, 10:53 a.m.
TRD-8411398

Consideration of whether or not to initiate rule-making proceedings to amend SWR 36 (16 TAC §3.36)

Contact: Kimberly Kiplin, P O Drawer 12967, Austin, Texas 78704, (512) 445-1180

Filed: November 9, 1984, 10:54 a.m.
TRD-8411399

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: November 9, 1984, 10:52 a.m.
TRD-8411400

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: November 9, 1984, 10:53 a.m.
TRD-8411401

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: November 9, 1984, 10:55 a.m.
TRD-8411402

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters

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

Filed: November 9, 1984, 10:51 a.m.
TRD-8411403

Various matters falling within the Transportation Division's regulatory jurisdiction

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1331.

Filed: November 9, 1984, 10:52 a.m.
TRD-8411404

Additions to the previous agenda:

Consideration of an interim order in the application of Great Western Trucking Company, Inc., Docket 004334B1A, to amend limited common carrier Certificate 4334 to

authorize the transportation of commodities: expanded, molded, or formed plastics (except in bulk), and materials, equipment, and supplies used in the manufacture of the previously mentioned commodities

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

Filed: November 9, 1984, 10:51 a.m.
TRD-8411405

Consideration of an interim order in the application of Great Western Truck Line, Inc., Docket 005217B8A, to amend specialized motor carrier Certificate 5217 to authorize the transportation of commodities, particularly second clear flour (except in bulk) from point in Tarrant County to points in Texas on and east of IH 35

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

Filed: November 9, 1984, 2:38 p.m.
TRD-8411421

Texas Rehabilitation Commission

Wednesday, November 14, 1984, 9 a.m.

The Hispanic Conference Ad Hoc Subcommittee of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission met in emergency session in Room 130, Southwestern Bell Telephone Company, 4119 Broadway, San Antonio. According to the agenda summary, the subcommittee discussed the "Disabled Hispanic Texans Rehabilitation and Employment" conference, visited potential sites for the conference, and met with interested community leaders. The emergency status was necessary to meet with a representative from the President's Committee on Employment of the Handicapped to make program decisions for the conference.

Contact: Virginia Roberts, 159 East Riverside Drive, Room 104, Austin, Texas 78704, (512) 445-8276

Filed: November 9, 1984, 4 p.m.
TRD-8411446

Texas Savings and Loan Department

Tuesday, November 20, 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 Trinity Banc

Savings Association, Dallas, Dallas County, for a change of name to Bright Banc Savings Association, from which record the commissioner will determine whether to grant or deny the application

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991

Filed: November 9, 1984, 4:43 p.m.
TRD-8411455

Sunset Advisory Commission

Monday and Tuesday, November 19 and 20, 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 consider commission decisions, including legislation; and on Tuesday the commission will consider any decisions remaining from Monday, other business, and the next meeting date of December 17 and 18, 1984

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

Filed: November 9, 1984, 1:43 p.m.
TRD-8411407

Teachers' Professional Practices Commission

Saturday, November 17, 1984, 9 a.m. The Teachers' Professional Practices Commission will meet in Room 101-E, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the commission will discuss decisions by the commissioner on commission cases, consider the Robbins v. Tate jurisdictional ruling, a report from the Committee on Revising the *Rules of Procedure* Booklet, the director's report on cases pending, and the adoption of guidelines for hearings and a statement on rules and evidence, and conduct a general discussion of future commission activities

Contact: James A. Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

Filed: November 8, 1984, 3:12 p.m.
TRD-8411363

University of Texas System

Thursday, November 15, 1984, 10 a.m. The Land and Investment Committee of the

Board of Regents of the University of Texas System met in the regents' room, ninth floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the committee heard reports from student groups and other interested parties related to the issue of divestiture of university investments from companies which do business in South Africa.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 471-1265.

Filed: November 9, 1984, 1:23 p.m.
TRD-8411406

Texas Tech University

Friday, November 16, 1984. Committees of the Boards of Regents of Texas Tech University (TTU) and Texas Tech University Health Sciences Center (TTUHSC) and the full boards will meet in the Board Suite, Administration Building, Texas Tech University Campus, Lubbock. Times, committees, and agendas follow.

8 a.m. The Finance and Administration Committee of the Board of Regents of TTU will consider August and September budget adjustments, authority to contract with additional investment depository banks on a bid-as-required basis; endorsement of a concept of the Texas Tech research park; approval of a resolution fixing certain building use fees, authorization for the sale of an additional \$3 million in utility plant student fee revenue bonds and the selection of a fiscal agent and bond attorney to assist in the sale; approval for obtaining malpractice liability insurance for students enrolled in the Sports Medicine-Health Internship Program of the Health, Physical Education, and Recreation Department; the transfer of Red Raider endowment funds to the Red Raider Club; a report on a water conservation special item; and the sale of laboratory materials

The Finance and Administration Committee of the Board of Regents of TTUHSC will consider the delegation of board authority to the president of TTUHSC to contract with additional investment depository banks on a bid-as-required basis; a resolution endorsing the concept of a research park for TTUHSC; a self-insurance quasi endowment; and hospital contract renewals and billings.

The Finance and Administration Committees will jointly consider the delegation of officers and/or employees to authorize and approve expenditures from appropriate

funds, the commissioning of peace officers, the annual report of investment, investments in trusts of special funds, and a presentation on TECHFIM. The committees also will meet jointly in executive session

10 a.m. The Campus and Building Committee of the Board of Regents of TTU will consider awarding construction contracts for additions to Lab Theater and the Central Food Facilities Building, appointing a project architect for the interior renovation of Stangel Residence Hall, the replacement of doors in Weymouth/Coleman Residence Halls, the renovation of serving counters in three residence hall dining facilities, and the renovation of the food serving system in the Stangel/Murdough Dining Room, receiving bids for the multipurpose athletic facility; appointing a project engineer to construct the Physical Plant loop road and to renovate electrical service to residence halls; amending the contract amount with Jerry Gailey Construction Company for the remodeling of the Art Building subbasement; ratifying acceptance dates, and a report on the Architecture Building brick failure

The Campus and Building Committee of the Board of Regents of TTUHSC will consider authority to award a construction contract for the renovation of out-patient clinics in the lease space owned by R. E. Thomason Hospital of El Paso

The Campus and Building Committees will jointly meet in executive session

11 a.m. The Academic and Student Affairs Committee of the Board of Regents of TTU will consider the appointment of an individual over the age of 70, the granting of emeritus status, and the ratification of administrative action relating to academic affairs, including leaves of absence, centers and institutes, and the conferral of degrees for the December 1984 commencement

The Academic and Student Affairs Committee of the Board of Regents of TTUHSC will consider the granting of academic tenure with appointment and the granting of authority to the president to confer the BSN degree to those who complete the degree requirements out of sequence

The Academic and Student Affairs Committees will jointly meet in executive session.

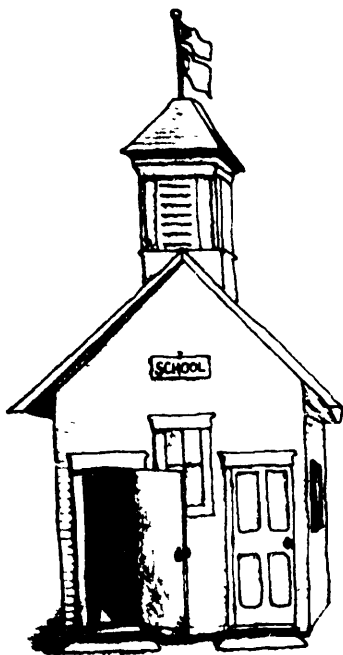
2 p.m. The Board of Regents of TTUHSC will consider reports and action on minutes, academic and student affairs, finance and administration, campus and building, development, and other business. The board also will meet in executive session

Texas Register

3:25 p.m. The Board of Regents of TTU will consider reports and action on minutes, academic and student affairs, finance and administration, campus and building, development, and other business. The board also will meet in executive session.

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

Filed: November 9, 1984, 10 12 a m
TRD-8411381-8411388



Texas Water Commission

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

Tuesday, November 20, 1984, 10 a.m. In Room 118, the commission will consider water district bond issues, release from escrow, the use of surplus funds, water quality proposed permits, amendments and renewals, water use applications, voluntary abandonment, and the setting of hearing dates.

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

Filed: November 9, 1984, 2 14 p m
TRD-8411422

Tuesday, November 20, 1984, 1.30 p.m. In Room 118, the commission will consider the application of Willow Run Public Service, Inc., 117 Granberry, P O Box 1208, Humble, Texas 77347-1208, to the Texas Depart-

ment of Water Resources for a temporary order to authorize the discharge of 500,000 gallons per day from the 214,000 gallon-per-day sewage treatment facility which is located approximately 1 1/8 miles west, southwest of the intersection of IH 45 and FM Road 149, and approximately 1,400 feet southwest of FM Road 149 and Stuebner-Airline Road in Harris County. The applicant has stated that such a request is necessary because the sewage treatment plant is hydraulically overloaded and requires construction of additional treatment units to comply with permit limitations. Should the commission approve a pending application for amendment to Permit 10699-01 authorizing an expansion from 214,000 gallons per day to 750,000 gallons per day, the applicant will require this temporary order authorization for bypass to expand and rehabilitate the existing facilities.

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

Filed: November 9, 1984, 2 15 p m.
TRD-8411423

Wednesday, December 12, 1984, 10 a.m. In Room 118, the commission will consider the application of Liquid Carbonic Corporation, subsidiary of Houston Natural Gas Corporation, 135 South La Salle Street, Chicago, Illinois 60603, to the Texas Department of Water Resources for a temporary order to authorize the discharge of water scrubber blowdown and process condensate cooling tower blowdown at a volume not to exceed 5,600 gallons per day from its plant manufacturing liquid carbon dioxide located at 1800 Grant Avenue in the City of Texas City in Galveston County. The applicant has stated that such a request is necessary to restart industrial operations at its facility and allow those ongoing operations until a permit can be applied for and acted upon.

Contact: Savannah Robinson, P O Box 13087, Austin, Texas 78711, (512) 475-7851

Filed: November 9, 1984, 2 15 p m.
TRD-8411424

Thursday, December 13, 1984, 10 a.m. In Room 152, the commission will consider Application 4508 of Gottfried Freiherr Von Lueninck seeking a permit to divert and use 400 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation use in Robertson County.

Monday, January 7, 1985, 10 a.m. In Room 515, the commission will consider the application of Boca Chica Water Supply, Inc., seeking to amend its portion of Certificate of Adjudication 23-151, which authorized

the right to divert and use not to exceed 260 acre-feet of water per annum from the Rio Grande, Rio Grande Basin, for irrigation use in Cameron County. Applicant seeks to amend the certificate to change the purpose of use from irrigation to municipal, to change the place of use still in Cameron County, and to change the point of diversion on the Rio Grande, Rio Grande Basin.

Thursday, January 10, 1985, 10 a.m. In Room 618, the commission will consider Application 4507 of Horace A. Leopard seeking a permit to authorize the maintenance of 13 existing reservoirs on an unnamed tributary of Spring Creek and Spring Creek, Sabine River Basin, for industrial purposes (catfish farming) in Rusk County. Applicant further requests the in-place use of 72.79 acre-feet of water in all on-channel reservoirs and 3.92 acre-feet of water per year to refill the off-channel reservoirs and holding tanks, plus evaporative losses from the on-channel reservoirs totaling four acre-feet of water per annum.

Tuesday, January 15, 1985, 10 a.m. In Room 152, Application 4511 of Hansjosef Wentzel, Christel Wentzel, Wilfried Wentzel, and Andrea Wentzel, doing business as Gelria Farm, seeking a permit to divert and use 300 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation use in Robertson County.

Addition to the previous agenda

Application 4510 of Midway Development Company seeking a permit to authorize the construction of and impoundment of water in 12 proposed dams and reservoirs to be located on two unnamed tributaries of Salado Creek, tributary of San Antonio River, San Antonio River Basin, for recreational (aesthetic) purposes associated with a development in Bexar County. The applicant proposes to initially fill and maintain the reservoirs with city water from the City of San Antonio and to circulate the water throughout the reservoir system with a pumping procedure to lift the water back to the upstream reservoir.

Friday, January 18, 1985, 10 a.m. In Room 618, the commission will consider Application 2002B of The Lakes, Limited, a Texas limited partnership, David H. Rolke, Jr., Jerry Gamble, W. Harold Sellers, and Bill Benton, seeking an amendment to Permit 1866 to authorize the maintenance of two natural off-channel reservoirs adjacent to Oyster Creek, San Jacinto-Brazos Coastal Basin, with a combined capacity of 442 acre-feet, to change the purpose of use of 442 acre-feet to recreation, to modify the present irrigation use of 100 acre-feet of

water to be diverted directly onto the land or into the off-channel reservoirs, to increase the land authorized to be irrigated to 410 acres in Fort Bend County, and to delete Diversion Point 2

Friday, January 18, 1985, 10 a.m. In Room 618, the commission will consider Application 4509 of Raymond Le Compte, Shirley Le Compte, William C Le Compte, Mary Le Compte, and Texaco, Inc., seeking a permit to divert and use not to exceed 3,150 acre-feet of water per annum from an existing reservoir on an unnamed tributary of King Creek and King Creek, tributary of Austin Bayou, tributary of Bastrop Bayou, tributary of Intracoastal Waterway, San Jacinto-Brazos Coastal Basin, for irrigation use in Brazoria County. The applicant further seeks authorization to divert and use 625 acre-feet of water from Austin Bayou and Reservoir 1 to replenish evaporation and seepage losses from Reservoirs 2, 3, and 4.

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

Filed: November 9, 1984, 2:17 p.m.
TRD-8411425-8411431

Regional Agencies

Meetings Filed November 8

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on November 17, 1984, at 8 a.m. Information may be obtained from Clifton L. Kessler, P O Drawer 578, Bastrop, Texas 78602, (512) 321-3925

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on November 14, 1984, at 7 p.m. Information may be obtained from Robert R Weaver, P O Box 60050, San Angelo, Texas 76906, (915) 944-9666

The Fannin County Appraisal District, Board of Directors, met at 401 North Main, Bonham, on November 13, 1984, at 7 p.m. Information may be obtained from Joe Hart, 401 North Main, Bonham, Texas 75418, (214) 583-9546

The Hale County Appraisal District, Appraisal Review Board, met at K-Bob's Steak House, 3400-C Olton Road, Plainview, on November 15, 1984, at noon. The Board of Directors will meet at 302 West Eighth, Plainview, on November 19, 1984, at 7:30

p.m. The Board of Directors revised the agenda for the meeting to be held at 7:30 p.m. Information may be obtained from Linda Jaynes, P O Box 29, Plainview, Texas 79072, (806) 293-4226.

The Lower Colorado River Authority, Audit and Budget Committee, met in emergency session at 3700 Lake Austin Boulevard, Austin, on November 13, 1984, at 1:30 p.m. The committee met at the same location on November 14, 1984, at 8 a.m. The following committees met at the same location on the same day at the following times:

Finance Administration Committee—
9 a.m.

Energy Operations Committee—
10:30 a.m.

Natural Resources Committee—1 p.m.

The Board of Directors met at the same location on November 15, 1984, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, will meet in the Uvalde City Council Chambers, Uvalde, on November 20, 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 Mills County Appraisal District met at the Mills County Courthouse, Goldthwaite, on November 15, 1984, at 6:30 p.m. Information may be obtained from Doran E. Lemke, Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on November 15, 1984, at 1 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300

The South Plains Association of Governments, Executive Committee, met at 3424 Avenue H, Lubbock, on November 13, 1984, at 9 a.m. The Board of Directors met at the same location on the same day at 10 a.m. Information may be obtained from Jerry D. Casstevens, P O. Box 2787, Lubbock, Texas 79408, (806) 762-8721

The Tyler County Tax Appraisal District, Board of Review, met at 103 Pecan, Woodville, on November 15, 1984, at 10 a.m. Information may be obtained from Mary F

Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.
TRD-8411357

Meetings Filed November 9

The Angelina and Neches River Authority, Industrial Development Corporation, met at the Crown Colony Country Club, 900 Crown Colony Drive, Lufkin, on November 13, 1984, at 11 a.m. The Board of Directors met at the same location on the same day at 11:15 a.m. Information may be obtained from William A. Elmore, P O. Box 387, Lufkin, Texas 75901, (409) 632-7795.

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson, Jourdanton, on November 15, 1984, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas, (512) 769-2730

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in the boardroom, 1430 Collier Street, Austin, on November 14, 1984, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Brazos Higher Education Authority, Inc., Board of Directors, will meet at the City Club of Waco, 801 Washington Avenue, Waco, on November 16, 1984, at noon. Information may be obtained from Murray Watson, Jr., 111 South 18th Street, Waco, Texas 76701, (817) 753-0913

The Brazos Higher Education Service Corporation, Inc., Board of Directors, will meet at the City Club of Waco, 801 Washington, Waco, on November 16, 1984, at 12:30 p.m. Information may be obtained from Murray Watson, Jr., 111 South 18th Street, Waco, Texas 76703, (817) 753-0913.

The Cass County Appraisal District, Board of Directors, met at 208 West Houston Street, Linden, on November 13, 1984, at 10 a.m. Information may be obtained from Janelle Clements, P O Box 167, Linden, Texas 75563, (214) 756-7545

The Cherokee County Appraisal District, Board of Directors, met at 107 East Sixth Street, Rusk, on November 15, 1984, at 2:30 p.m. Information may be obtained from S. R. Danner, P O Box 494, Rusk, Texas 75785

Texas Register

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on November 12, 1984, at 4 p m. The Legal Committee met at the same location on November 13, 1984, at 8 a m. The board met at the same location on November 13, 1984, at 6:30 p m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The East Texas Council of Governments, Private Industry Council, met at 3800 Stone Road, Kilgore, on November 15, 1984, at 9:30 a m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Ellis County Tax Appraisal District, Appraisal Review Board, met at 406 Sycamore Street, Waxahachie, on November 15, 1984, at 8:30 a m. Information may be obtained from Gray Chamberlain, P O Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Hays County Central Appraisal District, Board of Review, met at the Courthouse Annex, San Marcos, on November 15, 1984, at 9 a m. Information may be obtained from Lynnell Sedlar, Hays County Courthouse Annex, San Marcos, Texas 78666, (512) 396-4777.

The Lampasas County Appraisal District met at 403 East Second, Lampasas, on November 14, 1984, at 3 p m. Information

may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Nolan County Central Appraisal District, Board of Directors, met in Suite 305B, Nolan County Courthouse, Sweetwater, on November 14, 1984, at 1:30 p m. Information may be obtained from Patricia Davis, P O Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Wood County Appraisal District, Board of Directors, met in the conference room, 217 North Main, Quitman, on November 15, 1984, at 1:30 p m. Information may be obtained from W. Carson Wages, P O Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-8411379

Meetings Filed November 12

The Brazos River Authority, Board of Directors, will meet at the Dallas-Fort Worth Airport Hilton Hotel, 1800 Highway 26 East, Grapevine, on November 19, 1984, at 10:30 a m. Information may be obtained from Mike Bukala, 4400 Cobbs Drive, Waco, Texas 76710, (817) 776-1441.

The Dewitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on November 20, 1984, at 7:30 p m. Information may be obtained from Wayne K. Woolsey, P O Box 4, Cuero, Texas 77954, (512) 275-5753.

The Region XIII Education Service Center, Board of Directors, will meet in Room 200, 7703 North Lamar Boulevard, Austin, on November 19, 1984, at noon. Information may be obtained from Dr. Joe Parks, 7703 North Lamar Boulevard, Austin, Texas 78752, (512) 458-9131.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown, Wylie, on November 29, 1984, at 4 p m. Information may be obtained from Carl W. Riehn, Drawer C, Wylie, Texas 75098, (214) 442-5405.

The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of Directors, will meet in Suite 2, 2287 North Texas Boulevard, Alice, on November 20, 1984, at 2 p m. Information may be obtained from Wilbur F. Erck, Route 2, Box 325, Alice, Texas 78332, (512) 664-1325.

TRD-8411483

Meeting Filed November 13

The Capital Area Planning Council, Executive Committee, will meet in Suite 100, 2520 IH 35 South, Austin, on November 20, 1984, at 2 p m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

TRD-8411516

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 Department of Community Affairs Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Community Affairs (TDCA), as the state agency responsible for implementation and management of the Job Training Partnership Act (JTPA) Program in Texas, announces its consultant proposal request under the negotiation method to provide assistance to the TDCA's Training and Employment Development Division in the design of financial and program management systems. The services requested include an analysis and evaluation of existing financial and program management practices and the identification of requirements for revised financial and program management practices consistent with the proper administration of JTPA funds. The data and analysis provided by the evaluation will be utilized by the TDCA in designing appropriate financial and program management systems and procedures.

The services requested are associated with the ongoing evaluation of agency financial and program management systems. Similar services previously have been provided by the firm of Peat, Marwick, Mitchell, and Company. The TDCA intends to award the contract for these services to Peat, Marwick, Mitchell, and Company unless a better offer is submitted.

Detailed information regarding the proposal format is set for the request for proposal instructions which will be available on or after November 7, 1984, at the Texas Department of Community Affairs, Training and Employment Development Division, 2015 IH 35 South, P.O. Box 13166, Austin, Texas 78711.

The deadline for submission of proposals in response to this request is 5 p.m. on November 30, 1984. Proposals must be received by the deadline to be eligible for consideration.

The TDCA reserves the right to accept or reject any or all proposals submitted. The TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the material provided only

as a means of identifying the various contractor alternatives. The TDCA intends to use responses as a basis for further negotiation of specific project details with potential contractors. If the TDCA selects a contractor to provide the services described, the TDCA will base its choice on demonstrated experience in the development of management systems for the administration of the JTPA Program and other federal programs, competence and qualifications, evidence of superior conformance with criteria, and the reasonableness of the fee for services.

This consultant proposal request does not commit the TDCA to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the TDCA to award a contract or to pay any costs incurred in the preparation of a response. The TDCA specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where the TDCA deems it to be in the best interest of the State of Texas.

For further information regarding this notice, or to obtain copies of the request for proposal instructions, please contact Clyde McQueen, Texas Department of Community Affairs, Training and Employment Development Division, 2015 IH 35 South, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 245.

Issued in Austin, Texas, on November 8, 1984

TRD-8411373 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: November 8, 1984

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

Texas Education Agency Consultant Proposal Request

This notice is filed in accordance with Texas Civil Statutes, Article 6252-11c.

The Texas Education Agency (TEA) announces a request for proposals for the coordination of a series of research studies to be presented to the State Board of Education and to the 69th Legislature. These studies will be performed through a combination of TEA staff, school district personnel, and other resources.

The studies will include the following nine areas of concern:

- (1) development and monitoring of the four-year plan for meeting the goals and needs of public education, in accordance with the Texas Education Code, §11 26(b),
- (2) status of the curriculum for public education developed to implement the requirements of the Texas Education Code, §21 101,
- (3) state plans for special education and for vocational education;
- (4) the price differential index, study of index and determination of the regular program formula,
- (5) accountable cost study required by the Texas Education Code, §16 201,
- (6) special program costs of vocational, special, bilingual, and compensatory education,
- (7) financial equity study,
- (8) financial simulation study; and
- (9) information systems study.

Results of these studies will be transmitted to the State Board of Education during the period from November 1984 through August 1985. Many of the studies will also result in proposals or findings from the State Board of Education to the 69th Legislature.

The consultant selected will provide coordination services for these nine studies and may be selected to complete one or more of the studies. Coordination services will include the development of the overall plan for the development of the studies, review of staff proposals for the conduct of the studies, review of the results of the studies, and the provision of analyses concerning the recommendations to the commissioner of education and the State Board of Education.

The selection of the consultant shall be based on an evaluation of the past performance of the consultant in similar efforts, the knowledge of the consultant in the areas covered by the studies, and the ability of the consultant to perform the required work on a timely basis. It is the intent of the TEA to select the firm of Moak Consulting Services for these services unless a better offer is received.

Additional information regarding this request for proposals may be obtained by contacting Dr. James I. Hill, Deputy Commissioner for Agency Administration, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 475-4789. Proposals must be received no later than December 1, 1984.

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

TRD-8411364 W. N. Kirby
Interim Commissioner of
Education
Texas Education Agency

Filed November 8, 1984.
For further information, please call (512) 475-7077.

Comptroller of Public Accounts Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252 11c, the Comptroller of Public Accounts of the State of Texas is requesting proposals from management consulting firms for a comprehensive study of certain of the functions of the Comptroller of Public Accounts.

Description of Work. The management consulting firm selected will be required to perform a comprehensive study of the comptroller's field operations, audit, and training functions. From the results of this study, which will require the knowledge and experience of persons expert in management, operations, intra- and extra-organizational communications, and cost/benefit analysis, the firm will be required to present verifiable recommendations which will result in enhanced efficiency of operation at the lowest reasonable expenditure of public funds required to perform the comptroller's duties as required by law. In functional and personnel areas in which performance at any level can be enhanced, the management consulting firm will be expected to make specific recommendations and cost/benefit justifications.

Contact Person. Management consulting firms desiring a copy of the request for proposals and wishing to submit a proposal or to request additional information may contact Dan Pearson, Associate Deputy Comptroller for Central Administration, Room 104, I B J Building, 111 East 17th Street, Austin, Texas 78774, (512) 475-1906.

Closing Date. Proposals to perform these management consulting services will be accepted only if in writing, with the content specified in the request for proposals, and actually received in the office of Dan Pearson at the address previously mentioned not later than 5 p. m. on December 28, 1984. The Comptroller of Public Accounts reserves the right to reject any or all proposals.

Procedure for Selection of Consultant. That management consulting firm demonstrating the availability for the study of the best qualified persons in the various disciplines required for the study's effective completion, demonstrated ability and experience in conducting such studies effectively in the recent past, and the competence to complete the work well and on time will be selected for negotiation of a reasonable fee and of contract terms and conditions.

Additional Information. Management consulting firms intending to respond to the request for proposals are advised to become familiar with the provisions of Texas Civil Statutes, Article 6252-11c, §6(A)-(C).

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

TRD-8411474 Bob Bullcock
Comptroller of Public Accounts

Filed November 12, 1984.
For further information, please call (512) 475-1913.



Issued in Austin, Texas on October 26, 1984

TRD-8411354 Margo P. Wilton
 Manager
 Rural Loan and Industrial
 Revenue Bond Department
 Economic Development
 Commission

Filed: November 8, 1984
 For further information, please call (512) 472-5059.

Total allocated principal amount of private activity bonds authorized to be allocated by MW-27 through November 2, 1984.

\$133.65 million

Comprehensive listing of bond issues which have received a reservation date as per MW-27 during the week of October 29-November 2, 1984:

ISSUER	USER	AMOUNT
Trinity River Industrial Development Authority	Vinylex	\$1.15 million
City of Gatesville	City of Gatesville	\$4 million
Montgomery County Health Facilities Development Corporation	Woodlands Medpro Project	\$3.8 million
Harris County Industrial Development Authority	Richard J. Scalzitti	\$750,000
TOTAL		\$9.7 million

Comprehensive listing of bonds issued as per MW-27 during the week of October 29-November 2, 1984

ISSUER	USER	AMOUNT
Dallas-Fort Worth Regional Airport	Dallas-Fort Worth Regional Airport	\$113.575 million

Issued in Austin, Texas, on November 2, 1984

TRD-8411354 Margo P. Wilton
 Manager
 Rural Loan and Industrial
 Revenue Bond Department
 Economic Development
 Commission

Filed: November 8, 1984
 For further information, please call (512) 472-5059



Texas Employment Commission Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Employment Commission (TEC) furnishes this notice of a consultant contract award. The consultant proposal request was published in the August 21, 1984, issue of the Texas Register (9 TexReg 4514)

Description of Service. The private consultant shall provide consulting services on the development of a comprehensive language services program which shall include interpreting, translating, and other technical language services. The services shall include, although not necessarily be limited to, planning and assistance in the:

- (a) strengthening of TEC language services personnel in local TEC offices and the Appeals Division through testing and certification to designate interpreters/translators and training to upgrade their job skills,
- (b) production and distribution of key unemployment claims forms and instructional information in Spanish;
- (c) development of a toll-free informational hot-line to provide additional information to non-English-speaking claimants,
- (d) development of a community outreach program, and
- (e) development of a monitoring function at the inception of the program for implementation and expansion of the Comprehensive Language Services Program

Name of Consultant. The consultant selected is Technology Transfer Associates, 801 North Stanton, El Paso, Texas 79902

Total Value and Term of Contract. The total value of the contract is a sum not to exceed \$364,907. The contract began November 1, 1984, and ends December 31, 1986

Due Dates. The consultant will provide complete documentation, reports, etc., upon the completion of each phase of the program on February 28, 1985, December 31, 1985; and December 31, 1986

Issued in Austin, Texas, on November 8, 1984

TRD-8411349 Helen S. Anderson
 Administrative Assistant
 Texas Employment Commission

Filed: November 8, 1984
 For further information, please call (512) 397-4400

Texas Department of Health Correction of Error

Several adopted rules submitted by the Texas Department of Health contained errors as published in the November 6, 1984, issue of the *Texas Register*

On page 5710, the last sentence of the first paragraph under §§37.11-37.15 should read

Sections 37.11 and 37.13-37.15 are adopted without changes and will not be republished

On page 5711, the first paragraph under "Denial and Revocation of Emergency Medical Services Certificates and Certifications" should read.

The Texas Department of Health adopts new §157 21 and an amendment to §157 25, with changes to the proposed text published in the June 26, 1984, issue of the *Texas Register* (9 TexReg 3579). The repeal of existing §157 21 and §157 22 and new §157 22 are adopted without changes to the proposal and will not be republished.

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	Amendment #	Date of Action
Austin	Allan Shivers Radiation Therapy Center	06-3726	Austin	0	10/19/84
Dallas	Turtle Creek Medical Center	05-3704	Dallas	0	10/24/84
Richardson	Environmental Processing, Inc.	05-3706	Richardson	0	10/25/84
Throughout Texas	Longview Inspection Inc.	07-3720	Longview	0	10/22/84
Throughout Texas	Coastal Inspection Company	08-3716	Corpus Christi	0	10/22/84
Throughout Texas	Tri City Testing Inc.	06-3718	Killeen	0	10/25/84

AMENDMENTS TO EXISTING LICENSES ISSUED

Location	Name	License #	City	Amendment #	Date of Action
Amarillo	Hensel Phelps Construction Company	01-3654	Amarillo	1	10/19/84
Amarillo	High Plains Baptist Hospital	01-1259	Amarillo	28	10/24/84
Austin	Texaco Chemical Company	06-2103	Austin	6	10/17/84
Austin	Kallestad Laboratories Inc.	06-2846	Austin	8	10/19/84
Beaumont	Mobil Oil Corporation	10-603	Beaumont	32	10/19/84
Beaumont	Baptist Hospital of Southeast Texas	10-821	Beaumont	15	10/05/84
Bedford	Northeast Community Hospital	05-3455	Bedford	3	10/19/84
Bryan	Saint Joseph Hospital	06-573	Bryan	24	09/28/84
Deer Park	Diamond Shamrock Corporation	11-155	Deer Park	20	10/19/84
El Paso	Nuclear Pharmacy Inc.	03-1999	El Paso	50	10/16/84
Fort Worth	General Dynamics	05-1866	Fort Worth	6	10/25/84
Harlingen	Valley Baptist Medical Center	08-154	Harlingen	18	10/23/84
Harlingen	Valley Baptist Medical Center	08-1909	Harlingen	20	10/23/84
Houston	DRILCO	11-2362	Houston	8	10/16/84
Houston	Greens Bayou Terminal, Inc.	11-2946	Houston	2	10/16/84
Houston	Texas Instruments Incorporated	11-3489G	Houston	1	10/16/84
Houston	NUS Corporation	11-2297	Houston	8	10/12/84
Houston	Radiation Consultants, Inc.	11-2179	Houston	12	10/19/84

Houston	Twelve Oaks Hospital	11-2432	Houston	9	10/19/84
Houston	Chicago Bridge & Iron Company	11-1902	Houston	5	10/25/84
Houston	Kelsey-Seybold Clinic	11-391	Houston	28	10/24/84
Houston	Chicago Bridge and Iron Company	11-1317	Houston	29	10/18/84
Matagorda County	Houston Lighting and Power Company	11-2634	Houston	6	10/15/84
McAllen	Rio Grande Regional Hospital	08-3288	McAllen	8	10/12/84
New Braunfels	General Portland, Inc.	09-2809	New Braunfels	4	10/19/84
Odessa	Odessa Diagnostic Imaging Center, Ltd.	12-3687	Odessa	1	10/15/84
Odessa	El Paso Products Company	12-547	Odessa	21	09/21/84
San Angelo	Ethicon, Inc.	04-720	San Angelo	18	10/25/84
San Antonio	Saint Luke's Lutheran Hospital	09-3309	San Antonio	5	10/19/84
San Antonio	Humana Hospital San Antonio	09-2266	San Antonio	12	10/23/84
Seadrift	Union Carbide Corporation	08-51	Port Lavaca	41	10/12/84
Sealy	Cameron Iron Works, Inc.	11-3107	Houston	3	10/16/84
Temple	St. Mary's	06-79	Temple	31	10/22/84
Terrell	Terrell Community Hospital	05-3048	Terrell	4	10/19/84
Texas City	Amoco Chemicals Corporation	11-354	Texas City	20	10/25/84
Throughout Texas	Gearhart Industries Inc.	05-4284	Alvarado	8	10/19/84
Throughout Texas	Robco Production Logging, Inc.	12-3549	Snyder	1	10/19/84
Throughout Texas	Texas Industries Inc.	05-1421	Dallas	14	10/19/84
Throughout Texas	Raba Kistner Consultant Inc.	09-1571	San Antonio	16	10/19/84
Throughout Texas	AME Tuboscope, Inc.	11-287	Houston	56	10/19/84
Throughout Texas	ASOMA Instruments Inc.	06-2788G	Austin	12	10/19/84
Throughout Texas	Brown & Root Inc.	11-3391	Houston	3	10/19/84
Throughout Texas	Perforating Company of Gainesville, Inc.	05-1000	Gainesville	14	10/19/84
Throughout Texas	SH Operations	05-747	Fort Worth	35	10/19/84
Throughout Texas	Cameron Iron Works Inc.	11-1865	Houston	10	10/18/84
Throughout Texas	Falcon X-Ray Inc.	12-2897	Odessa	2	10/18/84
Throughout Texas	Trinity Engineering Testing Corporation	11-2305	Houston	10	10/18/84
Throughout Texas	Goobly Testing Laboratories Inc.	11-3115	Humble	7	10/16/84
Throughout Texas	Havnes Hollon and Associates Inc.	05-2734	Dallas	10	10/17/84
Throughout Texas	Armadillo Wireline Service, Inc.	12-3186	Andrews	6	10/17/84
Throughout Texas	Gearhart Industries, Inc.	05-2113	Fort Worth	35	10/17/84
Throughout Texas	CRC Wireline Inc.	05-315	Grand Prairie	51	10/16/84
Throughout Texas	Robert E. McKee Incorporated	05-3488	Dallas	1	10/19/84
Throughout Texas	Geosource Wireline Service Inc.	11-3127	Houston	12	10/12/84
Throughout Texas	Di Com Services, Inc.	08-3146	Refugio	6	10/17/84
Throughout Texas	Catch A Fault	11-2725	Houston	5	10/22/84
Throughout Texas	Sivalls, Inc.	12-2298	Odessa	11	10/22/84
Throughout Texas	Braniff Aviation Services	05-1792	Dallas	5	10/25/84
Throughout Texas	Texas Air Control Board	06-1715	Austin	18	10/25/84
Throughout Texas	Phillips Petroleum Company	01-2459	Bartlesville OK	5	10/25/84
Throughout Texas	Tom Hansen Company	12-684	Odessa	34	10/25/84
Throughout Texas	NDT Systems, Inc.	12-2031	Odessa	23	10/25/84

Throughout Texas	Craven Laboratories, Inc.	06 2773	Austin	2	10/25/84
Throughout Texas	U.S. Petro Services, Inc.	11 2865	Channelview	14	10/25/84
Throughout Texas	Technical Survey Company	12 1893	Andrews	18	10/25/84
Throughout Texas	Coastal Inspection Service Company	10 810	Orange	30	10/25/84
Throughout Texas	McMorries and Burns, Inc.	01 2839	Dumas	4	10/25/84
Throughout Texas	Southern Technical Services	11 2683	Lake Jackson	11	10/16/84
Throughout Texas	Patterson Inspection Services, Inc.	11 3148	Lafayette, LA	4	10/17/84
Throughout Texas	Karl F. Edmonds, Inc.	07 1607	Kilgore	16	10/30/84
Tyler	The University of Texas Health Center at Tyler	07 1796	Tyler	20	10/19/84

RENEWALS OF EXISTING LICENSES ISSUED.

Location	Name	License #	City	Amendment #	Date of Action
Austin	Texas Department of Health Bureau of Laboratories	06 1594	Austin	10	10/19/84
Throughout Texas	H. B. Zachry Company	09 1995	San Antonio	8	10/25/84
Waco	Lehigh Portland Cement Company	06 1087	Waco	11	09/28/84

TERMINATIONS OF LICENSES ISSUED

Location	Name	License #	City	Amendment #	Date of Action
Bellville	Robert A. Neely, M.D.	11 25	Bellville	8	10/25/84
Dallas	Hoskins Pathology Laboratories	95 2379	Dallas	3	10/15/84
El Paso	Turner's Clinical and X-Ray Laboratories	03 1041	El Paso	9	10/15/84
Temple	Robert F. Winegar, M.D.	06 2824	Temple	6	10/25/84
Throughout Texas	Ahilene X-Ray and Testing Company	04 2992	Eastland	1	10/18/84

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment, the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment, the issuance of the license(s) will not be inimical to the health and safety of the public or the environment, and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county, and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Tacker, 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 November 8, 1984

TRD-8411456 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed, November 12, 1984

For further information, please call (512) 835-7000

Opportunity for Public Hearing

The City of Saint Jo has filed Application 1639 with the department for a permit to operate a proposed Type III municipal solid waste disposal site to be located approximately 0.5 mile southeast of Saint Jo, 0.25 mile south of U.S. Highway 82, along the west side of an unnamed county road, in Montague County. The applicant proposes to bury municipal solid waste in trenches twelve feet deep. Ditches will be used to divert surface stormwater from the site. Clay rich soils existing in the bottom strata of the proposed landfill will minimize groundwater contamination.

The site consists of approximately 20 acres of land, and is to receive daily approximately two tons of solid wastes under the regulatory jurisdiction of the Texas Department of Health.

The application is being processed, and the final decision will be made by the department pursuant to the provisions of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477.7, the Texas Department of Health's municipal solid waste management regulations, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

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

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

Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 4 headquarters located at Commerce Plaza Office Building, 1290 South Willis, Suite 100, Abilene, Texas 79605, (817) 460-3032.

Issued in Austin, Texas, on November 8, 1984

TRD-8411457 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 12, 1984

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

Public Hearings

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

Application 1672 of Pig Chief Environmental Services, Inc., for a permit to operate a proposed Type V municipal solid waste processing site for grease trap and septage waste treatment located in Houston at the northwest corner of the intersection of Goodyear Drive and State Highway 225, bounded by Lawndale Drive, Sims Bayou, State Highway 225, and Goodyear Drive, in Harris County.

The hearing will be held at 1 p.m. on Monday, December 3, 1984, in the auditorium, Emergency Medical Services Training Building, 7411 Park Place, Houston.

Application 1599 of G. O. Weiss, Inc., for a permit to operate a proposed Type IV municipal solid waste disposal site to be located at 3506 Green House Road, approximately one mile west of the west city limits of Houston, four miles northwest of the intersection of State Highway 6 and Interstate Highway 10, 0.5 mile southeast of the intersection of Green House (Barker-Cypress) Road and Clay Road, and 1,000 feet east of Green House Road in Harris County.

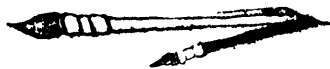
The hearing will be held at 9 a.m. on Tuesday, December 11, 1984, at the Crown Plaza Holiday Inn, Highway 6 at Interstate 10, Houston.

Issued in Austin, Texas, on November 8, 1984

TRD-8411458 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 12, 1984

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



Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, Notices of Intent, and Petition for Reissuance of Certificate of Need

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NII indicates notice of intent to acquire major medical equipment; NIF-H indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NII-HMO indicates notice of intent for exemption of HMO related project, and EC indicates exemption certificate.

Should any person wish to become a party or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party or interested person.

The contents and form of a request to become a party or interested person to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party or interested person to supply the necessary information in the correct form may result in a defective request to become a party or interested person.

Christian Care Centers, Inc., doing business as Lakewood Village Medical Center, Fort Worth AN82-0526-013A(100984)

CN/AMD--Request for an extension of the completion deadline from October 11, 1984, to April 11, 1985, in Certificate of Need AN82-0526-013, as amended by AN82-0526-013A(080583) and AN82-0526-013A(051684), which authorized the certificate holder to construct, equip, and operate a 30-bed skilled nursing facility containing 7,013 square feet to be located in Fort Worth, and which will be part of a retirement village containing 400 apartment units.

B. B. and D. Joint Venture and Oak Manor Nursing Home of Texarkana, Inc., for Oak Manor Nursing Home of Texarkana, Texarkana AN81-0630-035A(102984)

CN/AMD--Request for an extension of the completion deadline from September 4, 1984, to March 4, 1985, in Certificate of Need AN81-0630-035, as amended by AN81-0630-035A(081283), which au

thorized the certificate holder to construct, equip, and operate a 120-bed, 26,605-square-foot intermediate care facility to replace an existing 56-bed intermediate care facility

**Herbert and Berta Baschnagel, Houston
AN84-1029-685**

NIEH—Request for a declaratory ruling that a certificate of need is not required for Herbert and Berta Baschnagel to acquire by purchase the leasehold interest in Hitchcock Nursing Home, an existing 60-bed ICF nursing facility located in Hitchcock, from Sherrill Dorris

**The Woodridge of Lewisville, Inc., Lewisville
AN84-1101-701**

NIEH—Request for a declaratory ruling that a certificate of need is not required for The Woodridge of Lewisville, Inc., to acquire by sublease Twin Pines Nursing Center, an existing 120-bed ICF nursing facility located in Lewisville, from Parent Care, Inc., lessee. The legal owner and lessor of the facility is Gateway Three Health Associates. The name of the facility will be changed to The Woodridge of Lewisville

Southwest Health of Longview, Inc., a subsidiary of Southwest Health, Inc., and Meadow Pines Hospital, Ltd., for Meadow Pines Hospital, Longview

AH82-0219-016A(110284)

CN/AMD—Request for an extension of the completion deadline from November 30, 1984, to March 31, 1985, in Certificate of Need AH82-0219-016, as amended by AH82-0219-016A(091483), which authorized the certificate holder to construct, equip, and operate a 23,250-square-foot, 40-bed freestanding psychiatric facility in Longview

McAllen Methodist Hospital, a Texas nonprofit corporation, Dallas

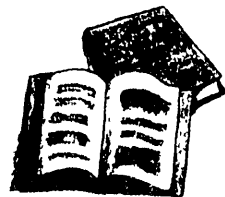
AH84-1108-710

NIEH—Request for a declaratory ruling that a certificate of need is not required for McAllen Methodist Hospital, a Texas nonprofit corporation, to acquire a 100% ownership interest in McAllen Methodist Hospital, an existing 270-bed hospital with a 444-bed replacement hospital currently under construction in McAllen, pursuant to Certificate of Need AH80-0613-013, from Methodist Hospitals of Dallas

Issued in Austin, Texas, on November 12, 1984

TRD-8411460 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed November 12, 1984
For further information, please call (512) 475-6940.



Texas Housing Agency Public Hearing

The Texas Housing Agency (THA) will hold a public hearing at 10 a.m. on Monday, November 26, 1984, in the conference room, Suite 700, 411 West 13th Street, Austin, with respect to its annual policy statement on mortgage revenue bonds and mortgage credit certificates. The annual policy statement contains a statement of the policies to be followed by the THA in the issuance of mortgage revenue bonds and mortgage credit certificates, and an assessment of compliance by the THA during the preceding one-year period with the intent of Congress that state and local governments use their authority to issue mortgage revenue bonds and mortgage credit certificates to the greatest extent feasible (taking into account prevailing interest rates and conditions in the housing market) to assist lower income families to afford home ownership before assisting higher income families.

All interested persons are invited to attend such public hearing to express their views with respect to the annual policy statement and the information contained therein. Questions regarding the public hearing and requests for copies of the preliminary annual policy statement to be presented may be directed to Stan Kantrowitz, General Counsel, Texas Housing Agency, 411 West 13th Street, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearing and express their views are encouraged to contact Mr. Kantrowitz either in writing or by telephone in advance of the hearing. The THA may reschedule the location and time of the hearing or schedule an additional hearing if requested to do so by a significant number of interested persons in written requests submitted to Mr. Kantrowitz prior to the date of the hearing.

The THA intends for this notice and hearing to satisfy the requirements of the Internal Revenue Code of 1954, §103A(j)(5), as amended, regarding the public hearing prerequisite to the adoption and publication of the annual policy statement and the exemption from federal income taxation of the interest on mortgage revenue bonds issued by the THA.

Issued in Austin, Texas, on November 9, 1984

TRD-8411447 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed: November 9, 1984
For further information, please call (512) 475-0812
or (800) 792-1119.

Houston-Galveston Area Council Request for Qualifications

The Houston-Galveston Area Council (H-GAC) is accepting statements of qualifications from airport planning consulting firms interested in conducting an update of the Regional Airport-Airspace System Plan for the Gulf

Coast State Planning Region (RAASP) The current RAASP, revised in 1980-1981 by the H-GAC in consultation with Engineers of the Southwest, is available for inspection at the H-GAC's offices, 3555 Timmons Lane, Houston

Consultant work to update the RAASP is expected to take 12-16 months, commencing in the spring or summer of 1985. The anticipated amount for the consultant contract is \$60,000 to \$120,000

After statements of qualification are received and evaluated, qualified firms would be invited to participate in a scoping interview. The interview would be held in December 1984, and would include representatives of the Federal Aviation Administration, Texas Aeronautics Commission, City of Houston, Airport Advisory Committee, H-GAC, and others. Based on information acquired during the interviews, the H-GAC would prepare a scope of services and invite proposals from the qualified firms.

Statements of qualifications should be limited to 10 pages, excluding resumes. Specific emphasis should be placed on the experience of key personnel who would be assigned to the project, knowledge of general aviation activity and facilities in the 13-county H-GAC region, and previous experience with regional airport system planning. Submission deadline for the statement of qualification is November 30, 1984. Please submit statements and any supporting material to Steve Howard, Director of Program Operations, Houston-Galveston Area Council, P.O. Box 22777, Houston, Texas 77227-9972. Questions concerning this request for qualifications should be directed to Mr. Howard at (713) 627-3200.

Issued in Houston, Texas, on October 19, 1984

TRD-84111454 Jack Steele
Executive Director
Houston Galveston Area Council

Filed November 9, 1984

For further information, please call (713) 627-3200.

Texas Department of Mental Health and Mental Retardation Consultant Contract Award

This award of consulting services is being filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

On August 16, 1984, the central office of the Texas Department of Mental Health and Mental Retardation filed a request for proposals with the *Texas Register* which appeared in the August 24, 1984, issue of the *Register* (9 TexReg 4607).

The consultant is to provide the following services:

- (a) compile a baseline assessment of work for pay services provided for clients and customers, location and means of service delivery, and current production,
- (b) evaluate potential to develop and market additional products and services and diversify opportunities for clients to train, work, and earn;

- (c) evaluate project's potential for the expansion of sales of current products and services,

- (d) increase productivity and client earnings, identify new organization structures and funding arrangements to achieve coordination, mobility, and economy of scale,

- (e) identify products for production and provide assistance with new product development such as market analysis, suppliers of materials, equipment, shipping costs, and related basic marketing data,

- (f) assist projects to access new markets through local political subdivisions, the state use law, federal government contracts, and industrial enterprises at the state and national level.

- (g) make administrative and management evaluations and recommendations relating to the sheltered industry goals of the department,

- (h) determine training needs of personnel in such areas as workshop management, contract procurement, bidding and pay practices, production methods, customer service, law and standards compliance, and work with clients in a work setting, and

- (i) recommend and, in conjunction with department staff, help plan cost-effective means for the provision of training.

The consultant agrees to provide a written report on the services within 30 days after the end of the contract period. This report will provide as a minimum a description of all services provided and evaluations and recommendations made.

The central office of the Texas Department of Mental Health and Mental Retardation gives notice that it contracted with Charlie Schnabel to provide the described services. The contract was entered into on October 1, 1984, and will be in effect until August 31, 1985. Mr. Schnabel's business address is Route 2, Box 124, Pflugerville, Texas, 78660.

The total value of the contract is \$36,000, plus travel expenses at the state rates.

Issued in Austin, Texas, on November 7, 1984

TRD-8411340 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental Health and Mental Retardation

Filed: November 7, 1984

For further information, please call (512) 465-4591.

Texas State Treasury Department Amendment to Request for Consulting Services

The Texas State Treasury Department is extending the date on which bids to develop an integrated unclaimed property system are due.

The original notice for the request for these consulting services appeared in the September 25, 1984, issue of the *Texas Register* (9 TexReg 5023). The deadline for proposals is hereby extended from 4 p.m. on December 3, 1984, to 4 p.m. on January 7, 1985.

Information may be obtained from Wes McGehee, Texas State Treasury Department, P.O. Box 12608, Austin, Texas 78711, (512) 475-2924

Issued in Austin, Texas, on November 8, 1984

TRD-8411359 Jorge A. Gutierrez
 General Counsel
 Texas State Treasury
 Department

Filed: November 8, 1984

For further information, please call (512) 475-2591.

University of Texas System Cancer Center Consultant Proposal Request

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the University of Texas System Cancer Center (UTSCC) invites proposals from qualified firms to assist the fiscal services personnel in developing a document that defines the financial system requirements of the Cancer Center.

The UTSCC was established in 1941, and has been developed into one of the world's largest comprehensive cancer centers. The UTSCC consists of the University of Texas M. D. Anderson Hospital and Tumor Institute at Houston and the University of Texas Science Park Divisions of Research at Smithville and Veterinary Resources at Bastrop.

The current general accounting system is batch oriented. In excess of 32,000 purchasing transactions and 60,000 accounts payable checks are processed through the system annually. Significant volumes of internal transactions are processed with approximately 10,000 general ledger accounts maintained and in excess of 30,000 transactions posted each month to these accounts.

Our financial system has reached its fundamental limitations in several areas of reporting requirements, and future needs or requirements will be difficult, if not impossible, to implement in a timely manner.

Flexible, timely, and accurate financial management information is needed for effective management of a comprehensive cancer center. The UTSCC management believes that this project is of significant importance and complexity to warrant the use of an experienced, independent, and objective third party to assist in the develop-

ment of a financial systems need document. A statement of qualification is required from each vendor.

Prior attempts to organize such an effort internally have been undertaken but have been less than satisfactory due to key project personnel turnover, lack of adequate existing system documentation, lack of experience among internal financial personnel in implementing and installing automated systems, and conflict among user groups in their requirements/expectations of a financial system. The UTSCC considers past performance of similar services, familiarity with UI System requirements and procedures, and a demonstrated ability to provide the state services in a timely manner to be important criteria in the selection process. Therefore, UTSCC will favor proposals from vendors that have successfully performed similar services for other UI components and any other comparable State of Texas institutions of higher education or hospitals.

The proposals should include an approach to accomplish the following major tasks:

- (1) the documentations and evaluation of the existing financial system,
- (2) the identification of problems, objectives, and anticipated benefits of system improvement opportunities;
- (3) the documentation of user problems and expectations,
- (4) the definition of administrative system requirements,
- (5) a recommendation to the overall system changes which may include improving processing methodologies, streamlining manual processing techniques, and modifying existing financial system hardware and software, and
- (6) the development of a work plan to implement and monitor the remaining phases of the financial system improvement process.

To be considered, written proposals must arrive at the UTSCC Purchasing Department no later than 3 p.m. on December 31, 1984. Six copies of the written proposal are required and can be mailed to the University of Texas System Cancer Center, Purchasing Department, 6723 Bertner Avenue, Houston, Texas 77030, or can be delivered to the Purchasing Department, seventh floor reception area, Main Building, 1100 Holcombe Boulevard, Houston.

Issued in Houston, Texas, on November 8, 1984

TRD-8411510 Robert Groom
 Purchasing Agent
 University of Texas System
 Cancer Center

Filed: November 9, 1984

For further information, please call (713) 792-3085.



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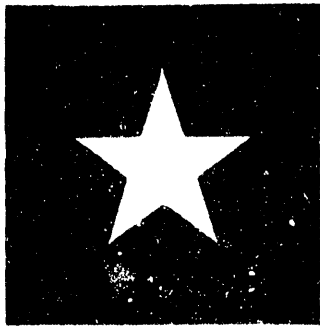
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