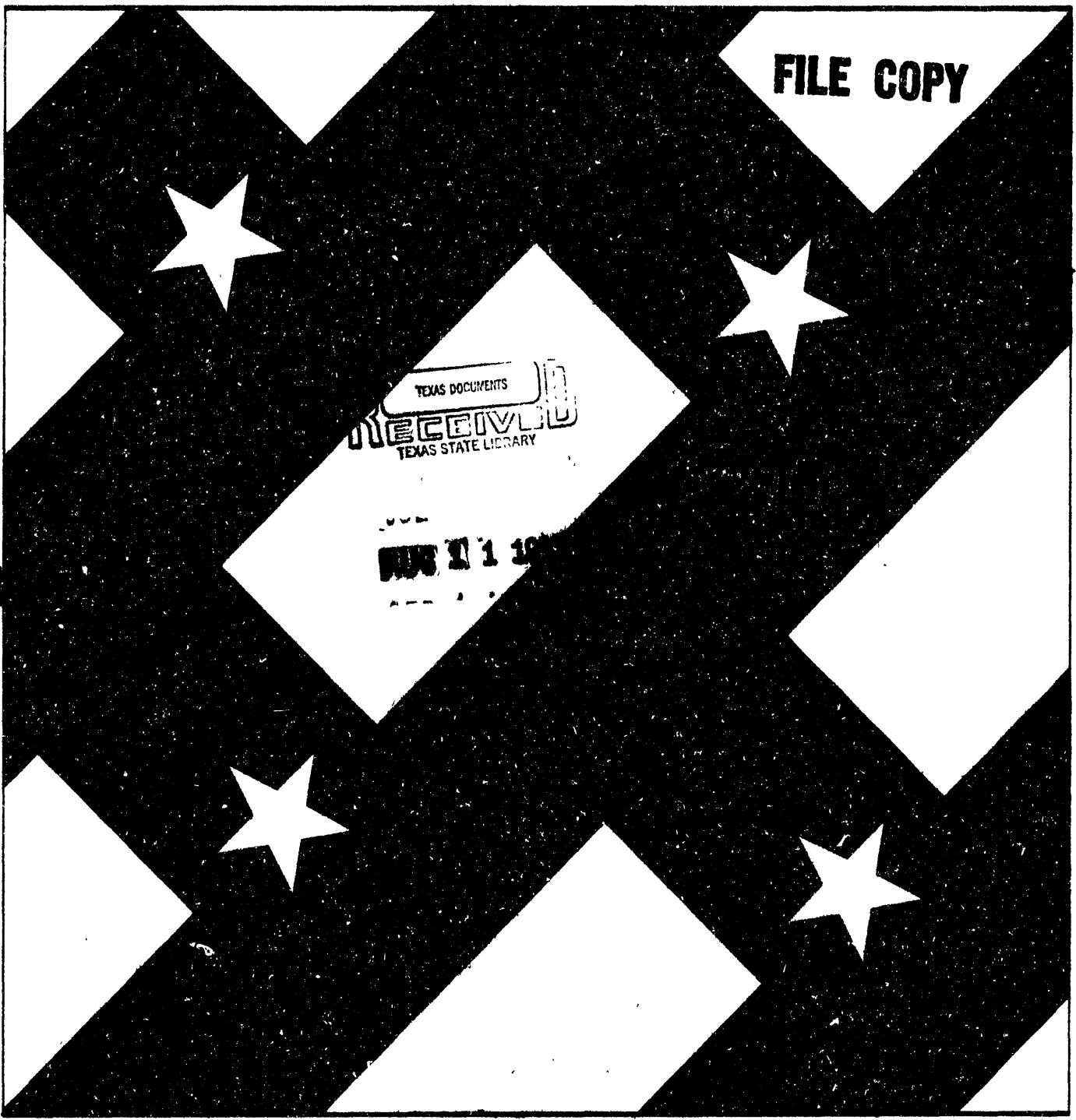


500.6
-263
158

Texas Register

Volume 11, Number 58, August 5, 1986

Pages 3449-3514



Highlights

The **Texas Department of Agriculture** proposes amendments concerning the general requirements for genetic seed standards. Proposed date of adoption - September 5 **page 3457**

The **Banking Department of Texas** proposes new sections concerning notice of incorporation, notice of sale, advertising, autho-

rized investments, and maintenance of paid-in capital by private trust companies in Texas. Earliest possible date of adoption - September 5 **page 3460**

The **Texas Department of Public Safety** proposes an amendment concerning police pursuit operations. Earliest possible date of adoption - September 5 **page 3466**

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

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

Information Available: The 11 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- 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 accumulative 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: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

Myra A. McDaniel
Secretary of State

Director

Dan Procter

Documents Section Coordinator
Cynthia Cooke

Document Editors

Molly Gardner

Sabra Noyes

Jane Orcutt

Document Filing

Lainie Crease

Denise Roberts

Production Editors

Jody Allen

Lisa Bauer

Hollis Glaser

Typographers

Dawn VanCleave

Glynn Fluitt

Circulation Section Coordinator
Dee Wright

Circulation Assistant

Kristine Hopkins Mohajer

TAC Editors

W. Craig Howell

Beth Glasnapp

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

Illustrations courtesy of Texas Parks and Wildlife Department.

Table of Contents

The Governor

- Appointment Made July 21
 - 3451— 143rd Judicial District
- Appointment Made July 22
 - 3451— Texas Hospital Equipment Financing Council
- Appointments Made July 23
 - 3451— State Rural Medical Education Board
 - 3451— Texas Sabine River Compact Commission
- Appointments Made July 21
 - 3451— Alamo Area Region Community Development Block Grant Review Committee
 - 3451— Lamar University Board of Regents
- Appointments Made July 22
 - 3451— Coastal Industrial Water Authority
 - 3451— Proclamation 41-2077
 - 3452— Proclamation 41-2078
- Executive Order
 - 3452— MW-39

Attorney General

- Requests for Opinions
 - 3453— RQ-845—RQ-857
- Opinions
 - 3453— JM-522 (RQ-701)
 - 3453— JM-523 (RQ-710)
 - 3454— JM-524 (RQ-790)—JM-525 (RQ-806)

Emergency Rules

- State Board of Barber Examiners
 - 3455— Practice and Procedure
- Texas Cosmetology Commission
 - 3455— General Provisions
- Texas Parks and Wildlife Department
 - 3455— Wildlife

Proposed Rules

- Texas Department of Agriculture
 - 3456— Seed Certification Standards
- Banking Department of Texas
 - 3460— Trust Companies
- Texas Education Agency
 - 3460— Personnel Accounting for State Funding Purposes
- State Board of Barber Examiners
 - 3461— Practice and Procedure
- Texas Cosmetology Commission
 - 3462— General Provisions
- Texas State Board of Examiners of Psychologists
 - 3462— General Rulings
- Texas Real Estate Commission
 - 3462— Provisions of the Real Estate License Act
 - 3463— Provisions of the Texas Timeshare Act
- State Board of Insurance
 - 3464— Property and Casualty Insurance
- Texas Department of Public Safety
 - 3466— Traffic Law Enforcement
 - 3466— Practice and Procedure
- Texas Department of Human Services
 - 3467— Residential Care Program
 - 3468— Primary Home Care
 - 3469— General Licensing Procedures

Withdrawn Rules

- State Board of Insurance
 - 3474— Property and Casualty Insurance

Adopted Rules

- State Purchasing and General Services Commission
 - 3475— Executive Administration Division
- Texas Education Agency
 - 3475— Comprehensive Instruction
 - 3476— Instructional Resources
- Texas Cosmetology Commission
 - 3481— Sanitary Rulings
 - 3482— General Provisions
- Board of Nurse Examiners
 - 3484— Licensure and Practice
- Texas State Board of Pharmacy
 - 3485— General Provisions
- Texas Board of Land Surveying
 - 3485— General Rules of Procedures and Practices
- Texas Department of Human Services
 - 3485— ICF-MR
 - 3486— Medical Assistance Programs

Texas Commission on Alcohol and Drug Abuse

- 3486— Licensure
- 3486— Community Services
- Texas Advisory Board of Occupational Therapy
 - 3487— Statutory Authority and Definitions
 - 3487— Referral and Supervision
- State Board of Insurance
 - 3487— Notifications Pursuant to the Insurance Code, Chapter 5, Subchapter L

Open Meetings

- 3489— Texas Adult Probation Commission
- 3489— Texas Department of Agriculture
- 3489— Texas Commission on Alcohol and Drug Abuse
- 3489— State Bar of Texas
- 3490— Texas State Board of Dietitians
- 3490— Texas Economic Development Commission
- 3490— Texas Education Agency
- 3490— Texas Employment Commission
- 3490— Office of the Governor
- 3490— Texas Health and Human Services Coordinating Council
- 3491— Texas Industrial Accident Board
- 3491— State Board of Insurance
- 3491— Texas Board of Land Surveying
- 3491— Legislative Budget Board
- 3491— Texas Legislative Council
- 3491— Legislative Reference Library
- 3492— Texas Low-Level Radioactive Waste Disposal Authority
- 3492— Texas Department of MHMR
- 3492— Texas Music Commission
- 3492— Board of Pardons and Paroles
- 3492— Public Utility Commission of Texas
- 3492— Railroad Commission of Texas
- 3494— Texas Rehabilitation Commission
- 3494— Texas Savings and Loan Department
- 3494— School Land Board
- 3494— State Committee of Examiners for Speech-Language Pathology and Audiology
- 3494— Texas Tech University
- 3495— Texas Water Commission
- 3496— Regional Agencies

In Addition

- Texas Air Control Board
 - 3498— Correction of Error
 - 3498— Notice of Contested Case Hearing
- Office of Consumer Credit Commissioner
 - 3498— Notice of Rate Ceilings
- Texas State Board of Dental Examiners
 - 3499— Correction of Error
- Texas Economic Development Commission
 - 3499— Consultant Contract Award
- Texas Department of Health
 - 3500— Emergency Impoundment Order
 - 3501— Licensing Actions for Radioactive Materials
 - 3503— Intent to Revoke a Certificate of Registration
 - 3504— Intent to Revoke Radioactive Material License
 - 3505— Intent to Revoke a Radioactive Material License and a Certificate of Registration
 - 3505— Order
 - 3506— Order Amending Controlled Substances Schedules
 - 3506— Radioactive Material License Amendment
 - 3507— Request for Comments
- Houston-Galveston Area Council
 - 3507— Consultant Contract Award
- Texas Department of Human Services
 - 3507— Amended Consultant Contract Award
 - 3508— Emergency Nutrition and Temporary Emergency Relief Program
- State Board of Insurance
 - 3513— Company Licensing
- Legislative Budget Office
 - 3513— Joint Budget Hearing Schedule
- North Central Texas Council of Governments
 - 3514— Request for Proposal
- Texas Department of Public Safety
 - 3514— Correction of Error
- Texas Savings and Loan Department
 - 3514— Application for Change of Control of an Association

TAC Titles Affected

TAC Titles Affected—August

The following is a list of the administrative rules that have been published this month.

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission	
1 TAC §§111.41-111.43	3475

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture	
4 TAC §§21.6, 21.9, 21.11, 21.13	3456
4 TAC §21.51	3457
4 TAC §§21.63, 21.66	3457
4 TAC §§21.82, 21.85-21.87	3457
4 TAC §§21.105, 21.106	3459
4 TAC §§21.122, 21.123	3459

TITLE 7. BANKING AND SECURITIES

Part II. Banking Department of Texas	
7 TAC §§10.2-10.6	3460

TITLE 19. EDUCATION

Part II. Texas Education Agency	
19 TAC §§77.471-77.477, 77.479, 77.480	3475
19 TAC §§81.62, 81.63	3477
19 TAC §§81.71-81.74	3478
19 TAC §§81.102, 81.104-81.106, 81.107, 81.110, 81.114-81.116, 81.119, 81.120, 81.122, 81.126, 81.127, 81.129, 81.136	3478
19 TAC §81.152	3479
19 TAC §§81.153, 81.154	3480
19 TAC §81.164	3481
19 TAC §81.173	3481
19 TAC §121.1	3461
19 TAC §§121.31, 121.34	3461

TITLE 22. EXAMINING BOARDS

Part II. State Board of Barber Examiners	
22 TAC §51.1	3455, 3461
22 TAC §89.21	3455
Part IV. Texas Cosmetology Commission	
22 TAC §§83.1, 83.14	3481
22 TAC §83.29	3482
22 TAC §§89.1-89.4, 89.8-89.15, 89.17, 89.18, 89.22-89.26, 89.28, 89.30, 89.32, 89.34, 89.35, 89.37, 89.39-89.41, 89.46, 89.47, 89.51-89.54, 89.67, 89.70, 89.71	3482
22 TAC §§89.1-89.4, 89.6, 89.15, 89.17, 89.18, 89.22, 89.23, 89.25, 89.28, 89.30, 89.32, 89.34, 89.35, 89.39-89.41, 89.46, 89.47, 89.51-89.53, 89.67, 89.70, 89.71	3482
22 TAC §89.21	3482, 3483
22 TAC §§89.72, 89.75	3484

Part XI. Board of Nurse Examiners	
22 TAC §217.1	3484
22 TAC §217.16	3484

Part XV. Texas State Board of Pharmacy	
22 TAC §281.24	3485

Part XXI. Texas State Board of Examiners of Psychologists	
22 TAC §461.15	3462

Part XXII. Texas Real Estate Commission	
22 TAC §535.64	3462
22 TAC §543.4	3463
22 TAC §535.92	3464

Part XXIX. Texas Board of Land Surveying	
22 TAC §661.120	3485

TITLE 28. INSURANCE

Part I. State Board of Insurance	
28 TAC §§5.7001, 5.7010, 5.7013, 5.7014	3464
28 TAC §§5.7001, 5.7013-5.7015	3474

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department	
31 TAC §65.61	3455

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety	
37 TAC §3.53	3466
37 TAC §29.49	3466

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services	
40 TAC §27.9801	3485
40 TAC §45.504	3486
40 TAC §46.7001	3467
40 TAC §47.902	3468
40 TAC §85.1406	3469
40 TAC §§85.2001-85.2003, 85.2005, 85.2007, 85.2011-85.2013, 85.2017-85.2024, 85.2026-85.2028, 85.2030, 85.2033, 85.2035, 85.2040, 85.2041	3469
40 TAC §§85.2036, 85.2037	3471
40 TAC §85.2045	3472
40 TAC §§85.4001, 85.4003, 85.4006, 85.4010, 85.4011, 85.4013-85.4015, 85.4017	3472
40 TAC §85.4016	3473
40 TAC §85.4021	3473

Part III. Texas Commission on Alcohol and Drug Abuse	
40 TAC §§151.601-151.606	3486
40 TAC §§155.31-155.34	3486

Part XII. Texas Advisory Board of Occupational Therapy	
40 TAC §361.2	3487
40 TAC §383.1	3487

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointment Made July 21

143rd Judicial District

To be judge, until the next general election and until his successor shall be elected and duly qualified:

Bob Parks
1404 South James Street
Monahans, Texas 79756

Mr. Parks is replacing Larry Fuller of Monahans, who resigned.

Issued in Austin, Texas, on July 21, 1986.

TRD-8607283 Mark White
 Governor of Texas

★ ★ ★

Appointment Made July 22

Texas Hospital Equipment Financing Council

For a term to expire September 1, 1991:

Alicia Z. Vera
535 West Levee
Brownsville, Texas 78520

Ms. Vera is replacing Dr. James A. Hallmark of Fort Worth, whose term expired.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607283 Mark White
 Governor of Texas

★ ★ ★

Appointments Made July 23

State Rural Medical Education Board

For a term to expire February 27, 1992:

James W. Caldwell, M.D.
3018 Bayside Drive
Rockwall, Texas 75087

Dr. Caldwell is being reappointed.

Texas Sabine River Compact Commission

For a term to expire July 12, 1992:

Danny (Butch) Choate
8400 Chaucer
Orange, Texas 77630

Mr. Choate is replacing David Cardner of Orange, whose term expired.

Issued in Austin, Texas, on July 23, 1986.

TRD-8607283 Mark White
 Governor of Texas

★ ★ ★

Appointments Made July 21

Alamo Area Region Community Development Block Grant Review Committee

For a term to expire January 1, 1988:

Alvie Smith
Mayor

City of Christine
P.O. Box 238
Christine, Texas 78012

Lamar University Board of Regents

For a term to expire October 4, 1987:

Donna R. Davis
1030 Rose Circle
College Station, Texas 77840

Ms. Davis is replacing Merlin Breaux of Sour Lake, who resigned.

Issued in Austin, Texas, on July 21, 1986.

TRD-8607251 Mark White
 Governor of Texas

★ ★ ★

Appointment Made July 22

Coastal Industrial Water Authority

For a term to expire March 31, 1987:

Johnnie Glen Jennings
Route 2, Box 73
Baytown, Texas 77520

Mr. Jennings is being reappointed.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607251 Mark White
 Governor of Texas

★ ★ ★

Proclamation 41-2077

WHEREAS, the Texas Government Code, §26.012, provides that if a county judge be disqualified to act in any probate matter he shall forthwith certify his disqualification therein to the governor and the governor shall thereupon appoint some qualified person to act in his stead as special judge in said case; and

WHEREAS, pursuant to the Texas Government Code, the Honorable Michael B. Murchison, county judge of Runnels County, has certified that he is disqualified to act in Probate Cause Number 5396, *In the Matter of the Estate of Jessie Murchison*, in the county court of Runnels County, Texas, and has therefore requested that the governor appoint some qualified person to act as special judge in said case; and

WHEREAS, Judge Murchison has recommended that the governor appoint the Mr. E. B. Underwood to act as special judge in said Probate Cause Number 5396 in the county court of Runnels County; and

WHEREAS, I have satisfied myself that Mr. Underwood possesses all of the qualifications required by law to act as special judge in said Probate Cause Number 5396 in the county court of Runnels County.

NOW, THEREFORE, I, Mark White, Governor of Texas, under the authority vested in me, do hereby appoint the Mr. Underwood to serve as special judge for so long as the regular county judge is disqualified to act in Probate Cause Number 5396 in the county court of Runnels County.

WITNESS MY HAND AND SEAL of the State of Texas, this the 17th day of July, 1986.
TRD-8607250

Mark White
Governor of Texas

Proclamation 41-2078

Pursuant to the provisions of the Texas Constitution, Article IV, I, Mark White, Governor of Texas, do hereby call a special session of the 69th Legislature to be convened in the City of Austin, commencing at 10 a.m., Wednesday, the 6th day of August A.D., 1986, for the following purposes:

To amend House Bill 20, 69th Legislature, Regular Session, for the purpose of making spending cuts; and

To consider and pass such other items as submitted from time to time by the governor after the session convenes.

The secretary of state will take notice of this action and will notify the members of the legislature.

Done at Austin, Texas this the 25th day of July, 1986, under the seal of the state properly attested by the secretary of state.

Issued in Austin, Texas, on July 25, 1986.

TRD-8607342

Mark White
Governor of Texas

Executive Order MW-39

WHEREAS, today the State Comptroller of Public Accounts has issued a revision of the 1986-1987 biennial revenue estimate projecting that general revenue funds will be \$2.9 billion below the 1985 budget certification estimate; and

WHEREAS, I have announced my intention to call a special session of the legislature to convene August 6, 1986, to address these budgetary concerns;

NOW, THEREFORE, I, Mark White, governor of Texas, pursuant to my constitutional and statutory authority as the chief executive officer of the state, do hereby, establish a freeze on all employee hiring in state government except hiring required by federal court order and hiring in emergency situations as determined in advance by my office.

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

Issued in Austin, Texas, on July 25, 1986.

TRD-8607310

Mark White
Governor of Texas

Attorney General

Description of attorney general submissions. 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*.

Requests for Opinions

RQ-845. Request from Wanda L. Williams, assistant city attorney, City of Bryan, Legal Department, Bryan, concerning whether allegations made in an application for complaint and the identity of the complainant may be withheld under the Open Records Act, Texas Civil Statutes, Article 6252-17a.
TRD-8607356

★ ★ ★

RQ-846. Request from John E. Chamberlain, Hall County attorney, Memphis, concerning whether Childress County is authorized to annex a portion of the Esteline School District which lies in Hall County.
TRD-8607355

★ ★ ★

RQ-847. Request from Lloyd Criss, Texas House of Representatives, Austin, concerning whether the State Board of Insurance is authorized or required by Article 5.71-1 to ascertain whether insurance companies are providing accident prevention services to insured Texas employers.
TRD-8607354

★ ★ ★

RQ-848. Request from Gary Mauro, commissioner, General Land Office, Austin, concerning restrictions on conveyance of particular tracts of land by the Asset Management Division of the General Land Office.
TRD-8607357

★ ★ ★

RQ-849. Request from Bobbye Ferris, executive director, Texas Board of Chiropractic Examiners, Austin, concerning whether an applicant who is blind may be prohibited from taking the state licensing examination to be a chiropractor.
TRD-8607358

★ ★ ★

RQ-850. Request from Oliver Lewis, Jr., Bexar County Auditor, San Antonio, concerning whether a deputy sheriff who is indicted for a felony automatically revokes his appointment.
TRD-8607359

RQ-851. Request from Kenneth H. Ashworth, commissioner, Coordinating Board, Texas College and University System, Austin, concerning whether a member of the board of trustees of a community college district must abstain from voting on particular matters under Texas Civil Statutes, Article 988b, where he is an officer in a bank affected by the vote, or owns a substantial interest herein.
TRD-8607360

★ ★ ★

RQ-852. Request from Erwin Barton, chairman, Human Services Committee, House of Representatives, Austin, concerning whether the Railroad Commission of Texas or a municipality may set rates for emergency wrecker permit holders, and related questions.
TRD-8607361

★ ★ ★

RQ-853. Request from Karl E. Bishop, executive director, Texas Board of Licensure for Nursing Home Administrators, Austin, concerning whether the board of licensure for nursing home administrators may hold certain meetings by teleconference call.
TRD-8607362

★ ★ ★

RQ-854. Request from J. W. Buchanan, chairman, County Affairs Committee, House of Representatives, Austin, concerning whether irrigation well casing is exempt from the sales tax.
TRD-8607363

★ ★ ★

RQ-855. Request from John Owens, county attorney, County Attorney's Office, Henderson County, Athens, concerning validity of a conveyance of real property by the Athens Municipal Water Authority.
TRD-8607364

★ ★ ★

RQ-856. Request from O. L. McCotter, director, Texas Department of Corrections, Huntsville, concerning whether the director of the Texas Department of Corrections may restore good time forfeited by an inmate

while on parole or mandatory supervision, and related questions.
TRD-8607365

★ ★ ★

RQ-857. Request from Henry Wade, Dallas District Attorney, Dallas, concerning whether a contract for dispute mediation services must be let by competitive bid.
TRD-8607366

★ ★ ★

Opinions

JM-522 (RQ-701). Request from Mike Driscoll, Harris County attorney, Houston, concerning whether a justice of the peace may accept personal checks in payment of fines, costs, and/or judgments.

Summary of Opinion. Under the Code of Criminal Procedure, Article 43.02, a justice of the peace may, but is not required to, accept a check in payment of fines, costs, and judgments. When a justice of the peace imposes a fine, he is liable for the amount of the fine. He may satisfy that liability by issuing any writs available to enforce the judgment. The Harris County auditor may not prohibit county and precinct officers from accepting checks.
TRD-8607367

★ ★ ★

JM-523 (RQ-710). Request from Lias B. "Bubba" Steen, executive director, State Purchasing and General Services Commission, Austin, concerning whether the City of Austin may assess a capital recovery fee on state construction projects.

Summary of Opinion. Without express constitutional or legislative authorization, a home rule city may not levy special assessments against state property which is used solely for public purposes. This general rule, however, does not prevent a city from requiring the state to pay the actual costs attributable to extending service to the state when the state requests the service.
TRD-8607368

★ ★ ★

JM-524 (RQ-790). Request from Michael J. Guarino, criminal district attorney, Galveston, concerning whether purchases for a county health district must be made by the county purchasing agent.

Summary of Opinion. The Galveston County Health District is an independent political subdivision of the state, and is specifically authorized by Texas Civil Statutes, Article 4436b, to perform public health functions within Galveston County. It has the discretion to determine whether to utilize the ser-

vices of the county purchasing agent in accordance with Texas Civil Statutes, Article 1580.

TRD-8607369

★ ★ ★

JM-525 (RQ-806). Request from L. L. Bowman, III, commissioner, Texas Savings and Loan Department, Austin, concerning whether a person appointed as conservator, supervisor, or liquidating agent under Texas Civil

Statutes, Article 852a, is a state employee for purposes of the Civil Practices and Remedies Code, Chapter 104.

Summary of Opinion. Conservators, supervisors, and liquidating agents appointed under Texas Civil Statutes, Article 852a, Chapter 8, are employees of the state for purposes of the Civil Practice and Remedies Code, §104.001 and §104.008.

TRD-8607370

★ ★ ★

Emergency

Rules

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.

Symbology in amended emergency 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 22. EXAMINING BOARDS

Part II. State Board of Barber Examiners

Chapter 51. Practice and Procedure

The Board

★ 22 TAC §51.1

The State Board of Barber Examiners adopts on an emergency basis an amendment to §51.1, concerning the schedule of regular meetings and examinations. The amendment is adopted on an emergency basis to allow timely notice to out-of-state applicants for licensure who plan to appear before the board. The amendment provides that the board shall conduct regular meetings bi-monthly on the Tuesday following examinations. This amendment is also proposed for permanent adoption in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 8407a, §27, which authorize the board to adopt rules and regulations for the transaction of business

§51.1. Regular Meetings and Examinations. Examinations will be held on the first Monday of each month [and regular meetings of the State Board of Barber Examiners will be held on the Tuesday following the first Monday of each month], except September and any legal holiday which falls on the first Monday, when examinations will be held on the second Monday [and the board will meet on the second Tuesday]. Regular meetings of the State Board of Barber Examiners will be held bi-monthly on the Tuesday following the examination in the months of February, April, June, August, October, and December. Regular meetings of the board will be held at the board's headquarters in Austin, Texas [1300 East Anderson Lane, Building C-275, Austin, Texas.]

Issued in Austin, Texas, on July 24, 1986.

TRD-8907312

Jo King McCrorey
Executive Director
State Board of Barber
Examiners

Effective date: July 25, 1986
Expiration date: November 23, 1986
For further information, please call
(512) 835-2040.

Part IV. Texas Cosmetology Commission

Chapter 89. General Provisions

★ 22 TAC §89.21

The Texas Cosmetology Commission adopts on an emergency basis the repeal of §89.21. The repeal is adopted on an emergency basis because a new section is needed to delineate new commission policy on proof of valid student hours for taking the licensing examination.

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 8451a, §IV, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§89.21. Thirty-Six Month Valid Hours.

Issued in Austin, Texas, on July 25, 1986.

TRD-8907381

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: July 28, 1986
Expiration date: November 25, 1986
For further information, please call
(512) 463-5542.

The Texas Cosmetology Commission adopts on an emergency basis new §89.21. The new section is adopted on an emergency basis to delineate new commission policy on proof of valid student hours for taking the licensing examination.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 8451a, §IV, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§89.21. Proof of Valid Hours. Persons previously required to complete a course of instruction within a 36 month period and whose hours have been lost and whose records have been destroyed shall be permitted to apply to take the licensing examination, provided that the applicant provides to the commission proof of successful completion of the required course of instruction.

Issued in Austin, Texas, on July 25, 1986.

TRD-8907382

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: July 28, 1986
Expiration date: November 25, 1986
For further information, please call
(512) 463-5542.

★ ★ ★

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife Subchapter A. Statewide Hunting and Fishing

★ 31 TAC §65.61

The Texas Parks and Wildlife Department is renewing the effectiveness of the emergency adoption of amended §65.61 for a 60-day period effective August 1, 1986. The text of the amended §65.61 was originally published in the March 28, 1986, issue of the *Texas Register* (11 TexReg 1540).

Issued in Austin, Texas, on July 25, 1986.

TRD-8907323

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: August 1, 1986
Expiration date: September 1, 1986
For further information, please call
(512) 479-4974.



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. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. 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 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 21. Seed Certification Standards General Requirements

★4 TAC §§21.6, 21.9, 21.11, 21.13

The Texas Department of Agriculture proposes amendments to §§21.6, 21.9, 21.11, and 21.13, concerning general requirements for seed certification. The amendments are proposed to clarify existing standards.

The proposed amendment to §21.6 adds new language that specifies that each crop must be inspected in accordance with specific crop standards. The proposed amendment to §21.9 substitutes the word "conditioning" for the word "processing" throughout the section. The proposed amendment to §21.11 deletes language referring to the year of production. The proposed amendment to §21.13 changes the section to state that a \$50 fee is to be paid for each lot of seed on which certification is requested.

Kenneth Boatwright, director of seed program, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Boatwright also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of general requirements for seed certification. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §62.004, which provides the Texas Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

§21.6. *Application for Field Inspection.*

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

(e) Unless otherwise [provided for in the commodity standard] ~~specified~~ when two or more seed crops are produced during the year from the same stand, a separate application and field inspection fee must be filed for each crop, and each crop must be inspected in accordance with the specific crop standards. When application is made for inspection of other than the first crop, it should be so identified on the application form, i.e., "second crop, third crop."

(f) (No change.)

§21.9. *Harvesting, Conditioning [Processing], and Storing.*

(a) (No change.)

(b) Any person, firm, or corporation desiring to become an approved certified seed handler [processor] shall make application to the Seed Division for inspection and approval of the seed conditioning [processing] facilities. Application for approval must be made each calendar year. Inspection of the facilities by an approved inspector of the certifying agency shall be made in determining approval or rejection. Forms supplied by the Seed Division are required to be used. [A separate form must be submitted for each processing plant.] When a seed conditioning [processing] plant has been inspected and meets all requirements, a certificate of approval will be issued by the certifying agency. Thereafter, the facilities are subject to inspection at the discretion of the certifying agency.

(c) Facilities shall be available to perform seed conditioning [processing] without introducing admixtures.

(d) When different classes of certified seed, or when certified seed and noncertified seed of the same variety or when two or more varieties of the same kind are handled [processed], adequate precautions shall be taken so as to prevent contamination and to maintain the identity of each seed lot. All equipment used in [the processing of] seed conditioning must be thoroughly cleaned before any eligible seed is handled. Identity of seed must be maintained at all times.

(e) Records of all operations relating to certification shall be complete and adequate to account for all incoming seed and final disposition of seed. Seed conditioners [Processors] shall permit inspection by the Seed Division of all records pertaining to certified seed.

(f) Seed conditioners [Processors] shall designate an individual who shall be responsible to the Seed Division for performing such duties as it may require.

(g) Prior to reconditioning [reprocessing] seed bearing the certification labels, an approved inspector must supervise the removal of said labels which are to be surrendered to the inspector [him].

(h) (No change.)

§21.11. *Labels.*

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

(e) All inspection fees and other fees due must be paid in full prior to the issuance of certification labels [label of the year of production].

(f)-(h) (No change.)

§21.13. *Interagency Certification.*

(a) (No change.)

(b) A \$50 fee [In addition to the required field inspection fee, a fee of \$50] will be assessed and must be paid for each lot of seed [field] on which interagency certification is requested.

(c) Seed to be recognized for interagency certification must be received in containers carrying official certification labels, or if shipped for conditioning [processing], evidence of its eligibility from another official certifying agency, together with the following information (forms are available from the Seed Division for this purpose):

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

(d) (No change.)

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

Issued in Austin, Texas, on July 28, 1986.

TRD-9607401

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 463-7583.

★ ★ ★



Genetic Seed Chart

★4 TAC §21.51

The Texas Department of Agriculture proposes an amendment to §21.51, concerning genetic seed certification standards.

The proposed amendment changes the date of the last amendment from April 1984 to July 1986. Changes made to footnotes in the material adopted by reference in accordance with amendments adopted by the Texas State Seed and Plant Board, are: the addition of Englemann daisy, alkali Sacaton, and Laurisagrass to allow for certification of these crops; and a reduction of the number of red rice seed allowed in certified seed over a three-year period. In addition, the phone number for calling to obtain copies of the isolation distances chart and footnotes is changed.

Kenneth Boatwright, director of seed program, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for small businesses as a result of enforcing or administering the section. The effect on small businesses will be about \$.02 per 100 weight of seed, based upon the amount of seed produced. The cost of compliance for small businesses will be the same as that for large businesses. There will be no effect on state or local government.

Mr. Boatwright also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a reduction in the number of red rice in rice fields, which should help reduce the cost of rice to the public. The anticipated economic cost to individuals who are required to comply with the proposed section will be \$13,628 each year in 1986-1990 for 68,144,477 pounds of seed at \$.02 per 100 pounds.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

§21.51. Genetic Seed Certification Standards. The Seed Certification—Isolation Distances Chart and footnotes, as amended July 1986 [February 1986], that delineate isolation distances are adopted by reference for the purpose of seed certification by genetic identity only. Copies may be obtained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 463-7614.

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 July 28, 1986.

TRD-8607406 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 463-7583.

★ ★ ★

Additional Requirements for the Certification of Certain Crops

★4 TAC §21.63, §21.66

The Texas Department of Agriculture proposes amendments to §21.63 and §21.66, concerning additional requirements for the certification of certain crops.

The proposed amendment to §21.63 clarifies the definition of a three-way cross of corn seed, clarifies that different classes of corn seed are recognized, and clarifies definitions relating to sorghum seed. The proposed amendment to §21.66 corrects a typographical error.

Both amendments are proposed in accordance with changes adopted by the Texas State Seed and Plant Board

Kenneth Boatwright, director of seed programs, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Boatwright also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of definitions and certification requirements relating to corn and sorghum seed. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas Agriculture Code, §21.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

§21.63. Definition of Terms and Other Requirements.

(a) Corn.

(1) Hybrid corn is seed to be planted for any use except seed. It may be any one of the following:

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

(C) A three-way cross, i.e., the first generation of a cross between a single cross and an inbred line;

(D) (No change.)

(2) (No change.)

(3) Inbred lines.

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

(C) Classes [Class] of seed recognized.

(i)-(ii) (No change.)

(iii) A foundation single cross shall consist of the first generation hybrid between two inbred lines to be used in the production of double, three-way or top crosses. A fertility restoring line may be substituted for its nonrestoring counterpart.

(iv) (No change.)

(D)-(F) (No change.)

(b) Sorghum.

(1) Male sterile seed stock.

(A)-(C) (No change.)

(D) The name under which any male-sterile seed stock shall be certified shall be the same as the designation given by the originator or originating agency.

(E) (No change.)

(2) (No change.)

(3) Hybrid (commercial).

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

(E) The entire acreage in [is] an isolated [seed production plot or in a given] seed production field must be eligible and must be inspected.

(c) (No change.)

§21.66. Requirements and Standards for Hybrid Sorghum Varietal [Variety] Purity Grow-Outs.

(a)-(b) (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 July 28, 1986.

TRD-8607402 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 463-7583.

★ ★ ★

Vegetatively Propogated Pasture Grass and Turf Grass

★4 TAC §§21.82, 21.85-21.87

The Texas Department of Agriculture proposes amendments to §§21.82, 21.85-21.87, concerning vegetatively propogated pasture grass and turf grass.

The proposed amendments to §21.82 clarify that the section relates to land prior to planting and turfgrass sprigs. In addition, chemical treatment is added as a method of treatment.

The proposed amendment to §21.85 corrects the spelling of St. Augustinegrass.

The proposed amendment to §21.86 corrects an error by adding ¼ cubic foot to the standard measure of a bushel, corrects the spelling of St. Augustinegrass, changes the address where the report of use of certified labels must be sent, and clarifies the section throughout.

The proposed amendment to §21.87 corrects the spelling of St. Augustinegrass, and corrects an error by changing the standard for bulk distribution of shipping of planting stock to contain a maximum of 2.0% of other living plants.

All amendments are proposed in accordance with changes adopted by the Texas State Seed and Plant Board.

Kenneth Boatwright, director of seed program, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Boatwright also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of rules covering land prior to planting, field standards, stock handling, and stock standards. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas

Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

§21.82. Land Requirements (Rules Covering Land Prior to Planting.

(a) A field, to be eligible for the production of foundation or registered turfgrass sprigs, must have been inspected by a representative of the Texas Department of Agriculture the year preceeding the year it is to be planted, and it must have been found free of all other perennial grasses and objectionable weeds. This requirement does not apply to pasture grasses.

(b) (No change.)

(c) [For turfgrass.] In lieu of the preceding requirements, a field, to be eligible for production of foundation, registration, or certified class stock, may be thoroughly treated with a recommended soil fumigant or chemical treatment and left undisturbed for four weeks, at which time an official inspection must be made to determine if the land is free of perennial grasses and objectionable weeds. After fumigation or chemical treatment, soil conditions must be favorable for seed germination and active plant growth in order to determine if the soil fumigation was effective and will qualify the land for acceptance.

§21.85. Field Standards.

(a) (No change.)

(b) Isolation.

(1) (No change.)

(2) Turf grass (except St. Augustinegrass [Augustine grass]). Foundation, registered, and certified class stock must be isolated from any other perennial grass by a strip at least 10 feet wide. In addition to the required 10 feet of isolation, when the contaminant is a *Cynodon spp.* producing viable seed, the production field must be isolated by a terrace or a similar barrier approved by the inspector so as to prevent washing of the seed into the production blocks. This barrier will be included in the 10-foot isolation distance.

(3) St. Augustinegrass [Augustine grass]. Foundation, registered, and certified class stock must be isolated from any other perennial grass and/or objectionable weeds by a strip at least six feet wide.

(c) (No change.)

§21.86. Stock Handling.

(a) General requirements.

(1) Constant care and grower supervision must be maintained throughout harvesting, handling, and packing of stock eligible under the provisions of the program so as to maintain the identity and purity of it. All stock must be measured in bushels when distributed if it is to retain certification status. The standard measure of a bushel is considered to be 1¼ [1] cubic feet.

(2) (No change.)

(b) Shipment.

(1) (No change.)

(2) For turf grass and St. Augustinegrass [Augustine grass], planting stock packed for shipment in bags or other containers must be sealed to ensure viability of stolons upon delivery. Such containers must meet the provisions of §21.11(b) of this title (relating to Labels) of the general requirements.

(c) (No change.)

(d) Label reporting system.

(1) (No change.)

(2) Report forms will be available [to the certified producer] on which the certified producer [he] must record the label number, the date of harvest, and bushels the label represents (example: G0682790 -5-10-68 - 20 bu.). The report of use of certified labels must be sent to the [Director,] Seed Program [Division], Texas Department of Agriculture, P.O. Box 629 [12847], [Capitol Station,] Giddings [Austin], Texas 78942 [78711], at least once a month.

§21.87. Stock Standards. To be eligible for certification, all classes of planting stock at the time of bulk distribution or shipping shall conform to the following standards:

Factor	Pasture grass	Turf grass	St. Augustinegrass
	(except St. Augustinegrass [St. Augustine])		
1/ Pure live sprigs (Minimum by count)	95.00%	80.00%	80.00%
Other living plants (maximum [minimum] by count)	2.00%	2.00%	_____
Noxious weeds	None	_____	_____
2/ Objectionable weeds	_____	None	_____

1/ A sprig shall be considered a stolon or rhizome with two or more nodes.

2/ Refer to footnote of the Specific Requirements for objectionable weeds.

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 July 28, 1986.

TRD-8607403 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption:

September 5, 1986

For further information, please call
(512) 463-7583.

★ ★ ★

Sugar Cane-Vegetatively Propagated

★ 4 TAC §21.105, §21.106

The Texas Department of Agriculture proposes amendments to §21.105 and §21.106, concerning field standards for, and stock handling of, vegetatively propagated sugar cane. The proposed amendment to §21.105 adds subsection (c) relating to field standards for mosaic infestation and ratoon stunting disease. This subsection is added to insure that diseases are not spread to other fields. The proposed amendment to §21.106 clarifies the example given for reporting on label report forms and changes the address where the report of use of certified labels must be sent.

These amendments are proposed in accordance with changes adopted by the Texas Seed and Plant Board.

Kenneth Boatwright, director of seed program, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Boatwright also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the control of the spread of mosaic infestation and ratoon stunting disease in sugar cane that is grown in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

§21.105. Field Standards.

(a) General requirements.

(1) Unit of certification. The entire acreage [of] standing at the time of inspection must be inspected as a unit from a map showing the exact specifications and permanent location of the field.

(b) (No change.)

(c) Disease.

(1) Percentage of mosaic infestation to be recorded on inspection.

(2) Percentage of RSD (ratoon stunting disease) to be recorded on final inspection.

§21.106. Stock Handling.

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

(c) Label reporting system.

(1) (No change.)

(2) Report forms will be available to the certified producer on which he must record the label number, date of harvest, and weight of stock the label represents (example: G0123456 -5/10/75-1 ton). The report of use of certified labels must be sent the Seed Program [Division], P.O. Box 629, Gliddings [Austin], Texas, 78942, at least once a month.

(d) (No change.)

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

Issued in Austin, Texas, on July 28, 1986.

TRD-8607404 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption:

August 5, 1986

For further information, please call
(512) 463-7583.

★ ★ ★

Forest Reproductive Material

★ 4 TAC §21.122, §21.123

The Texas Department of Agriculture proposes amendments to §21.122 and §21.123, concerning forest reproductive material. The proposed amendment to §21.122 substitutes handling for processing. The proposed amendment to §21.123 corrects an error by adding ½ foot to the isolation distance for seedbed lots.

These amendments are made in accordance with changes adopted by the Texas State Seed and Plant Board.

Kenneth Boatwright, director of seed program, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Boatwright also has determined that for each year of the first five years the sections are in effect the public benefit anti-

ipated as a result of enforcing the sections will be clarification of standards relating to seed production, seedling production, certification, and certified selected forest reproductive material. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

§21.122. Seed Production.

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

(d) Seed handling.

(1) Seed and/or cones shall be handled so as to prevent contamination and to maintain the identity of the lot. Each lot shall be identified at all times throughout handling [processing]. Lots of cones shall be isolated in drying by seedproof barriers to prevent mixing of seed as the cones open. All drying racks, bins, areas, etc., shall be thoroughly cleaned prior to use.

(2) (No change.)

(e)-(g) (No change.)

§21.123. Seedling Production, Certified (Blue Label), and Certified Selected (Green Label).

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

(c) Seedbed standards.

(1) General requirements.

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

(C) Isolation. A seedbed lot must be separated from another seedbed lot (species and/or genetic quality) by at least a 1½-[1-] foot parallel path to the side of the seedbed and on the ends by at least a 10-foot space unsworn to any other species.

(D)-(E) (No change.)

(2) (No change.)

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

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

Issued in Austin, Texas, on July 28, 1986.

TRD-8607405 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption:

September 5, 1986

For further information, please call
(512) 463-7583.

★ ★ ★

TITLE 7. BANKING AND SECURITIES
Part II. Banking Department of Texas
Chapter 10. Trust Companies General

★7 TAC §§10.2-10.6

The Banking Department of Texas proposes new §§10.2-10.6, concerning notice of incorporation, notice of sale, advertising, authorized investments, and maintenance of paid-in capital by private trust companies authorized to exercise trust powers in Texas. The department is proposing the new sections to specifically address these areas of trust company activities to provide the banking commission with adequate means to accomplish this statutory duty to supervise trust companies in Texas.

Jorge A. Gutierrez, general counsel, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Gutierrez also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be increased security for members of the public who entrust funds to trust companies for investment purposes. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Jorge A. Gutierrez, General Counsel, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705.

The new sections are proposed under Texas Civil Statutes, Article 1513a, which provide the banking commissioner of Texas with the authority to supervise the operations of trust companies.

§10.2. Notice of Incorporation. Upon receipt of a charter which authorizes the exercise of trust powers, the corporation shall notify the department by filing with the department a copy of its charter and articles of incorporation. The corporation shall not commence trust activities until it has received written confirmation from the department acknowledging receipt of the charter and articles of incorporation filed with the department.

§10.3. Notice of Sale.

(a) No sale, assignment, or other transfer of a corporate charter authorizing the exercise of trust powers shall be executed without notice to the department at least 30 days prior to the proposed sale, assignment, or other transfer.

(b) Notice of the proposed sale, assignment, or other transfer shall include, but not be limited to, the following information:

(1) names and addresses of the proposed directors, officers, and stockholders of the transferee;

(2) proposed amendments to the articles of incorporation; and

(3) additional information the department may reasonably require.

§10.4. Advertising.

(a) No advertisement published by or on behalf of a trust company shall include the following:

(1) a guaranteed rate of return or interest rate on funds deposited in trust;

(2) any statements that tend to deceive or mislead the public;

(3) the term "bank," "bank and trust," any words pronounced "bank" or "bank and trust," or any foreign words which mean "bank" or "bank and trust;" or

(4) any other term that may deceive the public into belief that the person or company is engaged in the banking business.

(b) All trust company advertisements shall include the following disclaimer: "Funds held by this trust company are not insured by any state or federal agency."

(c) Advertisements shall be retained in the company's records for examination by department personnel.

§10.5. Authorized Investments. A corporation with trust powers may invest in property and investments as permitted by the Texas Trust Code, Texas Civil Statutes, Property Code §111.001, *et seq.*; provided, however, that \$500,000 of unencumbered corporate assets shall be maintained in readily marketable investments. For purposes of this section, readily marketable means an investment which can be converted to cash in an amount sufficient to meet the capital requirements established pursuant to §10.6 of this title (relating to Maintenance of Paid-In Capital) within seven business days.

§10.6. Maintenance of Paid-In Capital.

(a) The minimum paid-in capital level of \$500,000 shall be maintained at all times during the active life of the corporation.

(b) The banking commissioner may require additional capital if he deems it necessary based on the size and character of the company's operations.

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 July 23, 1986.

TRD-8807338

Jorge A. Gutierrez
 General Counsel
 Banking Department of
 Texas

Earliest possible date of adoption:
 September 5, 1986
 For further information, please call
 (512) 479-1200.

★ ★ ★

TITLE 19. EDUCATION

Part II. Texas Education

Agency

Chapter 121. Personnel

Accounting for State Funding Purposes

The Texas Education Agency proposes amendments to §§121.1, 121.31, and 121.34, concerning personnel accounting for state funding purposes.

The amendment to §121.1 adds a provision that the term "accredited institution" includes schools accredited by an accrediting agency recognized by the commissioner of education; adds the term "current valid certificate" to make clear that after June 30, 1986, Texas teaching certificates are not valid without evidence that either the Texas examination for current administrators and teachers (TECAT) or the examination for certification of educators in Texas (ExCET) has been passed; and clarifies the term "regional accrediting agency" to apply only to the six listed agencies.

The amendment to §121.31 adds the provision that beginning June 30, 1986, service in any entity recognized for creditable service can be counted only if the individual holds a valid certificate at the time the service occurred.

The amendment to §121.34 provides for a transition period from accreditation by the Central Education Agency to accreditation by accrediting associations recognized by the commissioner. Beginning with the 1989-1990 school year, the agency will no longer recognize institutions unless they are accredited by a recognized accrediting association. The amendment also provides that, beginning with the 1989-1990 school year, private schools accredited by an accrediting association recognized by the commissioner will be listed in the Texas School Directory. The amendment also provides a transition period for the 1986-1987, 1987-1988, and 1988-1989 school years.

Lynn M. Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for local government as a result of enforcing or administering the sections. The effect on local government will be that the requirements for claiming creditable service may reduce salary costs for some individuals who previously would have received creditable service, but the amount is indeterminate. There will be no effect on state government or small businesses.

Mr. Moak and Dr. Beverly J. Bardsley, director for policy development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the public school finance rules will be consistent

with other rule changes adopted by the State Board of Education relating to accreditation. The amendments also place the same requirements on all individuals claiming creditable service when employed by a public school district. There is no anticipated economic cost to individuals who are required to comply with the proposed sections; however, some individuals who would have received creditable service under the previous rules would not under the new rules.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

General Provisions

★ 19 TAC §121.1

The amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules concerning the Foundation School Program, and §16.056, which establishes the Texas public education compensation plan, which requires the Central Education Agency to make rules to provide for placement of personnel with prior educational experience into the compensation plan and authorizes credit for work experience for vocational personnel.

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

Accredited institution—A public or private elementary, secondary, or postsecondary institution whose education program has been evaluated by a state department of education, [or] recognized regional accrediting agency, or accrediting agency recognized by the commissioner of education in accordance with §97.7 of this title (relating to Nonpublic Schools) and has met and is maintaining certain standards in the field of education.

Current valid certificate—A certificate that is or was valid at a given time, including the stipulation that after June 30, 1986, a Texas certificate is valid only if the certified person has successfully passed either the Texas examination of current administrators and teachers or the examination for certification of educators in Texas.

Regional accrediting agency—The recognized regional accrediting agencies are: (1)-(6) (No change.)

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

Issued in Austin, Texas, on July 23, 1986.

TRD-8607299 W. N. Kirby
Commissioner of Education

Proposed date of adoption: October 11, 1986
For further information, please call (512) 463-9212.

★ ★ ★

Subchapter C. Years of Service for Salary Increment Purposes

★ 19 TAC §121.31, §121.34

The amendments are proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules concerning the Foundation School Program, and §16.056, which establishes the Texas public education compensation plan, which requires the Central Education Agency to make rules to provide for placement of personnel with prior educational experience into the compensation plan and authorizes credit for work experience for vocational personnel.

§121.31. General Provisions Concerning Years of Service.

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

(d) For persons employed after June 30, 1986, by a Texas public school in a position that requires certification, the following rule applies: years of experience served after June 30, 1986, in entities identified in §121.33 of this title (relating to Entities Recognized for Creditable Service) and §121.34 of this title (relating to Requirements Concerning Entities Recognized for Creditable Service) may be recognized for salary increment purposes only if the person held a current valid certificate at the time the service occurred.

§121.34. Requirements Concerning Entities Recognized for Creditable Service.

(a) (No change.)

(b) Entities recognized for professional personnel only.

(1) (No change.)

(2) Texas private elementary and secondary schools. For experience prior to the 1986-1987 school year, accreditation by the Central Education Agency or the Southern Association of Colleges and Schools is required. For experience in the 1986-1987, 1987-1988, and 1988-1989 school years, service shall be acceptable if the school is accredited by the Central Education Agency, the Southern Association of Colleges and Schools, or an association recognized by the commissioner of education in accordance with §97.7 of this title (relating to Nonpublic Schools). For experience in the 1989-1990 school year and thereafter, service shall be acceptable if the school is accredited by an accrediting association recognized by the commissioner of education in accordance with §97.7 of this title (relating to Nonpublic Schools). Private schools accredited by the Central Education Agency are listed in the

Texas School Directory prior to the 1986-1987 school year. During the 1986-1987, 1987-1988, and 1988-1989 school years, private schools accredited by the Central Education Agency, the Southern Association of Colleges and Schools, or an association recognized by the commissioner of education will be listed in the Texas School Directory. Beginning with the 1989-1990 school year and thereafter, private schools accredited by an accrediting association recognized by the commissioner of education will be listed in the Texas School Directory.

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 July 23, 1986.

TRD-8607290 W. N. Kirby
Commissioner of Education

Proposed date of adoption: October 11, 1986
For further information, please call (512) 463-9212.

★ ★ ★

TITLE 22. EXAMINING BOARDS

Part II. State Board of Barber Examiners Chapter 51. Practice and Procedure The Board

★ 22 TAC §51.1

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

The State Board of Barber Examiners proposes an amendment to §51.1, concerning the schedule of regular meetings and examinations. The amendment allows timely notice to out-of-state applicants for licensure who plan to appear before the board. The proposed amendment provides that the board shall conduct regular meetings bi-monthly on the Tuesday following examinations. This amendment is adopted on an emergency basis in this issue of the *Texas Register*.

Jo King McCrorey, executive director, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government is an estimated reduction in cost of \$2,400 each year in 1986-1991. There will be no effect on local government or small businesses.

Ms. McCrorey also has determined that for each year of the first five years the sec-

tion is in effect the public benefit anticipated as a result of enforcing the section will be reduced expenses for the conduct of board business. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

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

The amendment is proposed under Texas Civil Statutes, Article 8407a, §27, which provide the State Board of Barber Examiners with the authority to adopt rules and regulations for the transaction of business.

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 July 24, 1986.

TRD-8807311 Jo King McCrorey
Executive Director
State Board of Barber
Examiners

Earliest possible date of adoption:
October 7, 1986

For further information, please call
(512) 835-2040.

★ ★ ★

Part IV. Texas Cosmetology Commission

Chapter 89. General Provisions

★22 TAC §89.21

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

The Texas Cosmetology Commission proposes new §89.21, concerning proof of valid student hours. The new section allows students to apply for the licensing examination provided they can provide proof of completion of course hours required.

Jo Ann Reeves, executive director, has determined that for the first five-year period the proposed section 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 section.

Ms. Reeves also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to aid in clarifying the commission's new policies on proof of valid student hours. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Jo Ann Reeves, Executive Director, Texas Cosmetology Commission, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

The new section is proposed under Texas Civil Statutes, Article 8451a, §IV, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

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 July 25, 1986.

TRD-8807380 Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption:
September 5, 1986

For further information, please call
(512) 463-5542.

★ ★ ★

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 461. General Rulings

★22 TAC §461.15

The State Board of Examiners of Psychologists proposes new §461.15, concerning witness fees. The new section increases witness fees for persons appearing before the board to an amount that is more reasonable with current expenses incurred in attending hearings.

Patti Bizzell, executive director, has determined that for the first five-year period the proposed section 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 section.

Mr. Bizzell also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that for persons appearing before the board as witnesses, their costs will be reimbursed at a fee that is more in line with current costs for attending hearings. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Patti Bizzell, Texas State Board of Examiners of Psychologists, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78752.

The new section is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the consti-

tution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§461.15. *Witness Fees.* Persons appearing as witnesses before the board in an administrative hearing will receive \$.20 per mile for round trip travel from their home base to the hearing site. In addition, the witnesses will receive \$25 per day for meals and other expenses, plus lodging if necessary for hearing.

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 July 11, 1986.

TRD-8807462 Patti Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption:
September 5, 1986

For further information, please call
(512) 835-2038.

★ ★ ★

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

Education, Experience, Educational Programs, Time Periods, and Types of Licenses

★22 TAC §535.64

The Texas Real Estate Commission proposes an amendment to §535.64, concerning the time for providing documentation of completion of annual education requirements.

Under existing rules, a real estate salesman who is subject to an annual education requirement must provide documentation of successful completion of appropriate courses no later than the 15th day of the month preceding the month the salesman's current license expires. The proposed amendment extends the time for providing the documentation to the commission until the day the current license expires.

Mark A. Moseley, legal counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Moseley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more streamlined and orderly processing of real estate licensure status

certification applications. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Mark A. Moseley, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6573a, §5(a), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

§535.64. Salesman: Education.

(a) In order to maintain licensure privileges, salesmen subject to annual education requirements shall furnish documentation to the commission of successful completion of appropriate courses no later than the [15th] day [of the month preceding the month] their licenses expire.

(b)-(i) (No change.)

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

Issued in Austin, Texas, on July 22, 1986.

TRD-8807242 Mark A. Moseley
 Legal Counsel
 Texas Real Estate
 Commission

Earliest possible date of adoption:

September 5, 1986

For further information, please call
(512) 463-3600.

★ ★ ★

Chapter 543. Provisions of the Texas Timeshare Act Forms

★ 22 TAC §543.4

The Texas Real Estate Commission proposes an amendment to §543.4, concerning forms for registering or amending the registration of timeshare properties under Texas Civil Statutes, Article 6573c, the Texas Timeshare Act.

The amendment proposes an adoption by reference of two revised application forms. Form TSR1-0 is used to register a timeshare property; Form TSR2-0 is used to amend existing registrations. The revisions clarify and streamline the application process, permitting the information to be presented in a more direct manner by the developer.

A number of changes are proposed in Form TSR1-0. The statement that the filing fee is not refundable once the application is accepted for filing is added to the notice announcement on page one. Question 8, asking if the owner is conducting business under an assumed name, is added. Questions 10 and 12 are revised to require

the developer to attach an explanation to the application. Question 16 is revised to show that the information is to be furnished on attached sheets. Question 17, asking for the number of limited partners in a partnership, is added. The instructions to questions 18-24 are clarified to show that they apply to business entities as well as natural persons. Question 21 is new; it asks if there have been any civil or administrative agreed orders entered against a specified class of persons. Question 27, asking if the timeshare property has ever been identified as an asset in a bankruptcy proceeding or whether a tax lien has ever been placed against the property, is added. Question 29 also is new. It asks the developer if the timeshare property has been registered with the United States Security and Exchange Commission.

Question 31 increases the number of photographs required from three to five and specifies the subject of each picture. Question 32 is revised combining the two questions concerning zoning classification into one. Question 33, asking if the property is known by alternative names, is added. Question 34 is also new and asks if the applicant is the original owner of the timeshare project. Questions 35-40 are added as well. Question 35 asks when the developer purchased the property; questions 36 and 37 inquire, respectively, how many unsold units and timeshare interests are currently in inventory. Question 39 requires the applicant to specify the type of timeshare interest he will sell, while question 40 directs the developer to list the type of timeshare ownership options available.

The portion of question 41 dealing with the requirement to attach a copy of the management agreement to the application is reworded.

A new section is created regarding escrow, which is redrafted and expanded, in part, from existing questions. Question 44 is new, asking if there is a written escrow agreement with the escrow agent. Questions 45 and 46, dealing with whether the escrow agent is bonded and whether the agent is controlled by the owner of the timeshare property, is redrafted from the previous version of TSR1-0. Question 47 is reworded, in part, and supplemented from §6(a) of the Timeshare Act. It asks the developer to provide information concerning deposits received from purchasers during the period prior to registration by the commission. Question 48 is redrafted, and it asks the developer whether he is placing at least 50% of any deposit received from a purchaser into an escrow account.

Question 49 combines two questions concerning the offering of timeshare property to consumers. Question 50 is changed to ask not only whether a developer will offer to resell timeshare interests but if he will rent them as well. The second part of question 51 is limited to providing an explanation for exemptions to the Real

Estate License Act for Texas sales. Question 52 is new, asking if off-site sales will be conducted, and question 53 is added, requiring the developer to give the address of all his sales offices. Question 54 is incorporated into the application asking if reservations in lieu of sales are being accepted while the application is pending. Question 55, also new, requires the applicant to reveal the date that sales operations first began. Question 56 is changed to require answering question 57 if question 56 is answered in the affirmative. Question 57 is new; it asks the developer to answer a number of inquiries about advertising disclosures originally found in §7(a) of the Timeshare Act. Question 58, dealing with the documents the developer must provide for review, is changed, a reference to providing binders or release agreements is deleted. The inquiry dealing with the financial background of the applicant is redrafted in question 59 making the financial statement more uniform and current.

Question 60, dealing with the condominium declaration the developer must provide, combines two questions into one. Question 63 is added, requesting the developer to give the current number of units in the condominium regime.

The insurance section deletes the requirement of supplying the entire insurance policy for review under questions 64 and 65 in favor of securing a binder or other evidence of insurance. Question 69 combines two previous questions into one, concerning the exchange disclosure statement. Question 70 is revised to require the developer to attach his explanation to the application.

The completed projects section now applies to all timeshare applications, not only to projects more than five years old.

A new section is created for out-of-state projects, adding questions 79-83 to the application. Question 79 asks if there is timeshare legislation in the state where the property is located, while question 80 asks if an offering statement is required by that jurisdiction. Question 81 asks if the jurisdiction gives a right to cancel or rescind the contract. Question 82 is concerned about local escrow arrangements, and question 83 inquires about real estate licensure requirements. Question 84 is redrafted and formerly appeared in Part II, question 3 of the application.

Part II, question 1 of the application is redrafted to be more specific as to what documents are to be provided in certified form.

Part III and Part IV are changed to require the developer to list the paragraph where each of the items may be found. Question 19(a) of Part III is changed to include a reference that the purchaser has the right to cancel the contract without penalty or obligation.

Two changes are proposed to Form TSR2-0. The notice on page 1 is expanded to advise that the filing fee is not refundable once the application to amend is accepted by the commission. Question 9 is enlarged to apply to subsequent amendments.

Arthur P. Zapolski, staff attorney, has determined that for the first five-year period the proposed section 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 section. The expense to a developer of preparing an application using these forms will vary with the amount of information already compiled by the developer and cannot be estimated.

Mr. Zapolski also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that timeshare developers will be required to disclose material information about themselves and their property as part of the registration process. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Arthur P. Zapolski, Attorney, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The new section is proposed under the Texas Timeshare Act, Texas Civil Statutes, Article 6573c, §6(f), which authorizes the Texas Real Estate Commission to prescribe and publish forms necessary to carry out the provisions of the law.

§543.4. Forms.

(a) The Texas Real Estate Commission adopts by reference revised Application Form TSR1-0 approved by the commission in July 1986 [September 1985]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

(b) The Texas Real Estate Commission adopts by reference revised Application Form TSR2-0 approved by the commission in July 1986 [September 1985]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

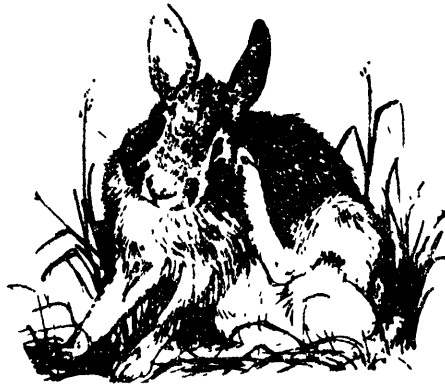
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607243 Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 463-3980.

★ ★ ★



Licenses

★22 TAC §535.92

The Texas Real Estate Commission proposes an amendment to §535.92, concerning the time period for certification (renewal) of real estate licensure status. Under existing rules, a real estate licensee must file an application to certify licensure status no later than the 15th day of the month preceding the month the current license expires. The proposed amendment extends the time for filing the certification application until the day the current license expires. The amendment permits more licensees to maintain licensure privileges without interruption and reduces curative action now necessitated by late filings. Under existing rules, a licensee who fails timely to file a certification application must file another application for a license and pay a higher fee. If the new license is not issued prior to the expiration of the old license, there may be an interruption in the licensee's authority to act as a real estate broker or salesman.

Mark A. Moseley, legal counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Moseley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more streamlined and orderly processing of real estate licensure status certification applications. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Mark A. Moseley, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6573a, §5(e), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

§535.92. Annual Certification; Time for Filing.

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

(f) Each licensee shall, as a condition of maintaining licensure privileges, pay the certification fee or fees when requested to do so by the commission. Payment of certification fees must be made no later than the [15th] day [of the month preceding the month] the current license expires. A licensee who fails timely to pay a certification fee must file an original application which has been approved to regain licensure. For salesmen subject to annual education requirements, the commission may issue a license valid until the date the previous license would have been valid had the certification fee been timely filed.

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

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

Issued in Austin, Texas, on July 22, 1986.

TRD-8607241 Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 463-3980.

★ ★ ★

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter H. Cancellation, Denial, and Nonrenewal of Certain Property and Casualty Insurance Coverage

★28 TAC §§5.7001, 5.7010, 5.7013, 5.7014

The State Board of Insurance proposes amendments to §5.7001 and §5.0701 and new §5.7013 and §5.7014, concerning cancellation, denial, and nonrenewal of certain property and casualty insurance coverage. The State of Texas is currently experiencing a serious constriction of the market for general liability insurance and for certain automobile insurance. These amendments and new sections are necessary to provide adequate time after cancellations and nonrenewals of general liability insurance policies and of certain automobile insurance policies for policyholders to secure other policies without gaps in coverage.

The amendment to §5.7001 expands the applicability of requirements for cancellation, denial, and nonrenewal of insurance coverage to include general liability insurance policies and certain automobile policies not heretofore included. The

amendment to §5.7010 expands the applicability of provisions for endorsements, setting forth such requirements to include general liability insurance policies and certain automobile policies not heretofore included.

New §5.7013 sets out requirements for notice of cancellation and nonrenewal for general liability policies and for certain automobile policies new §5.7013, as proposed, requires the mailing of written notice at least 45 days prior to any cancellation or nonrenewal. New §5.7014 provides for exceptions to the requirements for notice of cancellation or nonrenewal.

Donald E. O'Brien, deputy insurance commissioner for the casualty insurance program, has determined that for the first five-year period the proposed sections 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 sections.

Mr. O'Brien also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide the insurance buying public with greater security and more predictability as to cancellations and nonrenewals of general liability insurance coverage and certain automobile insurance coverage. The sections will also allow time for insurance consumers to replace insurance coverage in a seriously constricted market. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendments and new sections are proposed under the Texas Insurance Code, Articles 1.04 and 21.49-2, and Texas Civil Statutes, Article 6252-13a. Article 1.04 authorizes the State Board of Insurance to determine policy and rules. Article 21.49-2 authorizes the board to adopt rules and regulations as to the cancellation and the nonrenewal of all policies of insurance regulated by the board pursuant to the Insurance Code, Chapter 5, including notice requirements thereof, and authorizes the board to require written statements of reasons for declination, cancellation, or nonrenewal of such policies. Texas Civil Statutes, Article 6252-13a, prescribes the procedure for adoption of rules by any state administrative agency.

§5.7001. *Applicability.*

(a) [These] Sections 5.7002-5.7012 of this title (relating to Cancellations; Calculation of Time Period; Certain Acts Regarded as Cancellations; Special One-Year Rule Applicable Only to Personal Automobile Policies; Discontinuing the Writing of Certain Lines or Classes, Withdrawing from a Geographical Area, or Withdrawing from an Agency; Renewal of Policies; Records Re-

quired; Texas Insurance Code, Article 21.11-1; Endorsement Forms; Violations; and Reasons for Declination, Cancellation, or Nonrenewal) are applicable to companies or insurers writing the following types of insurance policies which become effective on or after February 1, 1972, and to no other policies, except as otherwise provided in this section. [that §5.7006 and §5.7012 of this title (relating to Discontinuing the Writing of Certain Lines or Classes, Withdrawing from a Geographical Area, or Withdrawing from an Agency; and Reason for Declination, Cancellation, or Nonrenewal) apply to all property and casualty policies regulated by the board pursuant to the Insurance Code, Chapter 5.]

(1) Personal automobile policies, [and personal automobile coverage added by endorsement to other than a personal automobile policy. For convenience of reference such coverage is hereinafter included within the term "personal automobile policies."] Except for §5.7012 of this title (relating to Reason for Declination, Cancellation, or Nonrenewal), these sections are inapplicable to any automobile policy written through the Texas Automobile Insurance Plan.

(2)-(4) (No change.)

(b) Section 5.7004 of this title (relating to Certain Acts Regarded as Cancellation), §5.7006 of this title (relating to Records Required), §5.7009 of this title (relating to Endorsement Forms), §5.7011 of this title (relating to Violations), §5.7013 of this title (relating to Notice Requirements for Cancellation and Nonrenewal for General Liability and Certain Automobile Insurance Policies), and §5.7014 of this title (relating to Exceptions to Cancellation and Nonrenewal Notice Requirements for General Liability and Certain Automobile Insurance Policies) are applicable to companies or insurers writing the following types of insurance policies which become effective on or after April 7, 1986, and to no other policies, except as otherwise provided in this section.

(1) General liability policies including, but not limited to, excess liability policies, excess loss liability policies, (umbrella), errors and omissions liability policies, and all miscellaneous liability policies. Section 5.7013 of this title (relating to Notice Requirements for Cancellation and Nonrenewal for General Liability and Certain Automobile Insurance Policies), and §5.7014 of this title (relating to Exceptions to Cancellation and Nonrenewal Notice Requirements for General Liability and Certain Automobile Insurance Policies) are not applicable to any general liability policy written through the Texas Medical Liability Insurance Underwriting Association pursuant to the Texas Insurance Code, Article 21.49-3.

(2) Automobile policies, except personal automobile, automobile physical damage single interest, automobile mechanical breakdown, and mobileowners policies. Except for §5.7012 of this title, (relating to Reason for Declination, Cancellation, or Non-

renewal), these sections are inapplicable to any automobile policy written through the Texas Automobile Insurance Plan.

(c) Section 5.7006 of this title (relating to Discontinuing the Writing of Certain Lines or Classes, Withdrawing from a Geographical Area, or Withdrawing from an Agency) and §5.7012 of this title (relating to Reason for Declination, Cancellation, or Nonrenewal) apply to all property and casualty policies regulated by the board pursuant to the Texas Insurance Code, Chapter 5.

§5.7010. *Endorsement Forms.* Except for the requirements in §5.7012 of this title (relating to Reason for Declination, Cancellation, or Nonrenewal), and the definition of "governmental unit" in §5.7001(4) of this title (relating to Applicability [Cancellations]), endorsement forms setting forth the provisions of this subchapter [these sections] will be prescribed or approved by the State Board of Insurance for all general liability, [personal] automobile, homeowners, and farm and ranch owners policies, [and] standard fire policies insuring one-family dwellings or duplexes or contents of either, and property policies insuring governmental units.

§5.7013. *Notice Requirements for Cancellation and Nonrenewal for General Liability and Certain Automobile Insurance Policies.*

(a) General liability insurance policies and automobile insurance policies to which this section applies may be cancelled by the company by mailing written notice to the insured of its intent to cancel at least 45 days prior to the effective date of cancellation, except as provided in §5.7014 of this title (relating to Exceptions to Cancellation and Nonrenewal Notice Requirements for General Liability and Certain Automobile Insurance Policies). The company may comply with this provision by requiring or permitting its agent to notify the policyholder. However, the responsibility of giving notice to the insured remains with the company if the agency fails to carry out its instructions to notify the insured. Upon failure of the insured to pay the renewal premium when due, the company's obligation to renew the policy on its expiration date terminates, regardless of whether the company has given any notice of intent to decline renewal.

§5.7014. *Exceptions to Cancellation and Nonrenewal Notice Requirements for General Liability and Certain Automobile Insurance Policies.*

(a) Upon failure of the insured to discharge any obligation in the payment of premium for the policy or any installment thereof, whether payable directly to the company or its agent or indirectly under any premium finance plan or extension of credit, the company may cancel the policy by mailing written notice to the insured at least 10 days prior to the effective date of cancellation.

(b) Upon a substantial change in operations resulting in an increase in exposure within the control of the insured which would

produce an increase in rate, the company may cancel the policy by mailing written notice to the insured at least 10 days prior to the effective date of cancellation.

(c) Upon a determination by the State Board of Insurance that the continuation of the policy would violate or place the company in violation of the Texas Insurance Code, the company may cancel the policy by mailing written notice to the insured at least 10 days prior to the effective date of cancellation.

(d) Where a company has been placed in supervision, conservatorship, or receivership, the company may cancel or decline to renew a policy by mailing written notice to the insured at least 10 days prior to the effective date of cancellation or to the expiration date of the policy (in case of nonrenewal) upon approval or at the direction of the supervisor, conservator, or receiver.

(e) On a new policy, not a renewal in the same company, a company may cancel within 60 days of the initial effective date of the policy by mailing written notice to the insured at least 10 days prior to the effective date of cancellation.

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 July 30, 1986.

TRD-8607465 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:

September 5, 1986

For further information, please call
(512) 463-6327.

★ ★ ★

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 3. Traffic Law Enforcement

Traffic Supervision

★37 TAC §3.53

The Texas Department of Public Safety proposes an amendment to §3.53, concerning police pursuit operations. Subsection (b)(2) is amended by adding language that use of a siren or emergency lighting does not reduce the need for cautious defensive driving. Subsection (c) is added which establishes guidelines for parking department vehicles in the median and stopping of traffic law violators in the median under extreme emergency conditions.

Melvin C. Peoples, chief accountant III, has determined that for the first five-year period the proposed section 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 section.

Joe E. Milner, chief of traffic law enforcement, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure the citizens and visitors of this state that officers of the Texas Department of Public Safety have an obligation to drive safely to protect lives and property. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The amendment is proposed under Texas Civil Statutes, Article 4413(4)(9), which provide the Public Safety Commission with the authority to establish and make public proclamation of all rules and regulations for the conduct of the work of the department as may be deemed necessary. The director, subject to the approval of the commission and provisions of this Act, shall have the authority to make such rules and regulations as are deemed necessary for the control of the department.

§3.53. Police Pursuit Operations.

(a) (No change.)

(b) Exceptions to traffic laws. There are exceptions granted to emergency vehicles for turning, parking, stopping, signaling, and speeding. These exceptions will only apply when an officer is responding to emergency or pursuit conditions.

(1) (No change.)

(2) None of the exceptions to the traffic laws relieve officers from the responsibility to drive with due regard for safety of all persons. The use of a siren or emergency lighting does not reduce the need for cautious defensive driving.

(c) Use of median. The parking of departmental vehicles within the median strip is permitted in emergency situations or for the observance of traffic including the working of radar. No traffic law violator will be directed to stop within the median strip except under extreme emergency conditions when it is vital that he be stopped at once and when stopping on the right-hand side is not feasible or practicable.

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 July 28, 1986.

TRD-8607417 James B. Adams
Director
Texas Department of
Public Safety

Earliest possible date of adoption:

September 5, 1986

For further information, please call
(512) 465-2000.

Chapter 29. Practice and Procedure

★37 TAC §29.49

The Texas Department of Public Safety proposes an amendment to §29.49, concerning effective date of general rules of practice and procedure. Language is added to clarify the scope of the applicability of the rules to indicate that these rules do not apply to internal personnel matters.

Melvin C. Peoples, chief accountant III, has determined that for the first five-year period the proposed section 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 section.

John C. West, Jr., general counsel, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to inform the public of the precise scope of the rules in question, and to eliminate such misunderstanding as may exist as to the scope of said rules. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773, (512) 465-2000.

The amendment is proposed under Texas Civil Statutes, Article 4413(4), which provide the Public Safety Commission with the authority to establish and make public proclamation of all rules and regulations for the conduct of the work of the department as may be deemed necessary and as may not be inconsistent with the provisions of this Act or the laws of the state.

§29.49. Effective Date. These sections shall take effect on December 31, 1975. They govern all proceedings filed after they take effect; and they also govern all proceedings then pending, except internal personnel matters, and except to the extent that the commission or the director shall determine that their application in a particular pending proceeding would not be feasible or would work injustice, in which event the former procedure applies. Any rule adopted after December 31, 1975, shall become effective 20 days after filing two certified copies of said rule with the secretary of state, unless otherwise specified in the rule because of statutory directive or federal law or emergency.

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 July 28, 1986.

TRD-8607416 James B. Adams
Director
Texas Department of
Public Safety

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 465-2000.

★ ★ ★

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 46. Residential Care Program

Support Documents

★ 46 TAC §46.7001

The Texas Department of Human Services (TDHS) proposes new §46.7001, concerning reimbursement methodology's in its Residential Care chapter. New §46.7001 establishes a reimbursement methodology for the Residential Care Program and outlines the requirements for determining a reimbursement rate. The section defines allowable and unallowable costs for rate determination, specifies the requirements for completion and submission of cost reports, and allows for desk and on-site audits to be performed on submitted cost reports.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section 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 section.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be simplified billing, auditing, accounting, and record-keeping procedures for contractors. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-479, Texas Department of Human Services 153-E, P.O. Box 2980, Austin, Texas 78768, within 30 days of publication in the *Texas Register*.

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

§46.7001. *Reimbursement Methodology for Residential Care.*

(a) Cost reporting.

(1) Submittal of cost report. Each contracted provider must submit financial

and statistical information at least annually in a cost report prescribed by the department.

(2) Cost report due date. The provider must submit the cost report no later than 90 days following receipt of the cost report forms. An extension of the due date may be granted for good cause. Good cause is that cause outside the control of the provider. The provider must submit a request in writing for an extension of the due date.

(3) Reporting period. The provider must prepare the cost report to reflect the activities of the provider during the previous fiscal year. Cost reports may be required for other periods at the discretion of the department.

(4) Failure to file an acceptable cost report. Failure to file a cost report according to all applicable rules and instructions may result in the department withholding all provider payments until the provider submits an acceptable report.

(5) Accounting requirements. The provider must ensure that financial and statistical information submitted in cost reports are based upon the accrual method of accounting, except for governmental institutions operated on the cash method of accounting. The treatment given any financial or statistical item must reflect the application of the generally accepted accounting principles (GAAP) approved by the American Institute of Certified Public Accountants.

(6) Financial audits. Financial audits are performed according to the requirements stated in §46.5003 of this title (relating to Audits).

(7) Record-keeping requirements. Records must be maintained according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements).

(8) Failure to maintain records. A provider not maintaining adequate records to support the financial and statistical information reported in cost reports will be given 90 days to bring record keeping into compliance. Failure to correct deficiencies within 90 days from the date of notification of deficiency may result in the cancellation of the provider's contract for services.

(b) Reimbursement rate determination.

(1) Supervised living and emergency care rates.

(A) Cost determination by cost area. The cost determination process recasts reported expense data in a consistent manner to determine per diem allowed costs. Reported expenses are combined into seven cost areas:

- (i) direct care;
- (ii) food;
- (iii) meal preparation;
- (iv) activities;
- (v) transportation;
- (vi) facility;
- (vii) administration.

(B) Occupancy adjustment. Facility, transportation, and administration expenses are lowered to reflect per diem expenses at the 85% rate of occupancy for a provider with an occupancy rate less than 85%.

(C) Projected costs. Allowable expenses are projected from the provider's reporting period to the next ensuing rate period. Economic inflators or adjusters determined reasonable and appropriate by the department are used to calculate a prospective expense.

(D) Projected cost arrays. Cost area per diem expenses are rank-ordered from low to high to produce projected per diem expense arrays.

(E) Rate setting methodology. Reimbursement rates are determined by selecting the median day of service and the corresponding per diem expense times 1.07, from each cost area. The resulting cost area amounts are totaled to determine the per diem reimbursement rate.

(2) Residential health care rates.

(A) Room and food cost component. This cost component is determined by totaling the food cost area, facility cost area, and an allocated portion of the administration cost area amounts which result from the supervised living and emergency care rate determination calculations in subsection (b)(1)(A)-(D) of this section.

(B) Personal care cost component. This component is determined by using the following methodology.

(i) Prepay = hours x rate where:
prepay = the monthly rate to be paid during the prospective period for the personal care cost component; Hours = the expected hours of service per month for primary home care (PHC) clients; and Rate = the expected PHC cost per day for personal care cost.

(ii) The rate is determined by cost finding methods used in the Primary Home Care Program. The cost per hour for the latest available time period (the base period) of one year is determined. Appropriate and reasonable economic inflators or adjusters are determined by the department and applied to the base period cost per hour. The result is the prospective period personal care cost per hour, or the rate.

(iii) The hours are determined by measuring the hours per month for an actuarially equivalent population receiving PHC, during the latest available time period (the base period). The actuarially equivalent population is defined as those primary home care clients, with live-in providers, who tend to have homogeneous health statistical characteristics. In measuring the hours per month during the base period, statistical measures of central tendency and variability such as the mean, median, mode, standard deviation, and percentiles are computed. After an evaluation of the statistical measures cited, the department determines a reasonable and appropriate trend factor to apply to the base period hours of service per month. The trend factor is based on an analysis of the base period and previous time periods, and considers appropriate contingency margins inherent in forecasting. The result of applying the trend factor to the base period service hours per month yields the hours. It is

possible that a trend factor will not be required, if data analysis shows that the expected number of hours in the prospective time period should not change from the base period. The department also considers the statistically appropriate number of hours which will give the provider a consistent incentive to provide services in an economic manner which is in the best interest of the client. The department considers the use of percentiles (and other statistical measures, as appropriate) that are statistically and actuarially prudent for risk basis rate setting in calculating the hours component of the prepaid rate.

(C) Rate setting methodology. The resulting room and food cost component and personal care cost component are determined separately.

(3) Exceptions to the rate setting methodology. Reimbursement rates may be adjusted to compensate for anticipated future changes in the Residential Care Program requirements.

(c) Factors affecting allowable costs. To be allowable under this program the provider must ensure that costs are:

(1) necessary and reasonable for the proper and efficient administration of a program to deliver services for which the department has contracted;

(2) authorized or not prohibited under state or local laws or regulations;

(3) consistent with any limitations or exclusions described in this section, federal or state laws, or other governing limitations as to types or amounts of cost items;

(4) consistent with policies, regulations, and procedures that apply uniformly to both the Shared Attendant Services Program and other activities of the organization of which the provider is a part;

(5) treated consistently using generally accepted accounting principles (GAAP) appropriate to the circumstances;

(6) not allocable to or included as a cost of any other program in either the current or a prior period; and

(7) the net of all applicable credits.

(d) Definition of reasonableness. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. In determining the reasonableness of a given cost, the department considers the following:

(1) whether the cost is of a type generally recognized as ordinary and necessary for the operation of the business or the performance under the contract;

(2) the restraints or requirements imposed by generally accepted sound business practices, arm's length bargaining, federal and state laws and regulations, and contract terms and specifications; and

(3) the action that a prudent person would take in the circumstances, considering his responsibilities to the public, the government, his employees, clients, shareholders, or members, and the fulfillment of the pur-

pose for which the business was organized.

(e) Unallowable costs. The following list of expenses is not intended to be inclusive of all possible unallowable costs. It is a general guide to the various unallowable costs frequently encountered in cost reports submitted by providers. Unallowable costs are expenses incurred by a provider which are not directly or indirectly related to the provision of contracted services according to applicable laws, rules, and standards:

(1) advertising expenses except advertising for employee recruitment, and advertising to meet statutory or regulatory requirements;

(2) allowances for bad debts or other uncommon accounts;

(3) business expense from business operations not related to the provision of services for which the department has contracted;

(4) contributions to political activities or contributions to charity;

(5) discounts for administrative reasons; courtesy, cash, trade, and quantity discounts; rebates; or other discounts granted;

(6) dues and membership fees;

(7) entertainment expenses, except for entertainment which is reported as an employee benefit;

(8) expenses incurred for services not related to the provision of services for which the department has contracted;

(9) expenses for purchases of goods and services from revenues received from restricted or unrestricted gifts, donations, endowments, and trusts;

(10) expenses which are not the legal obligation of the provider;

(11) expenses of donated items, including depreciation and amortization of the value of the donations;

(12) fees for corporation or association board of directors; partnership or corporation filing fees;

(13) fines and other penalties for violation of statute or ordinance; penalties for late payment of taxes, utilities, mortgages, and other similar penalties;

(14) fund-raising and promotion expenses; public relations expenses;

(15) insurance expenses for life insurance premiums if the beneficiary is the provider organization; and for insurance on assets not related to the delivery of services for which the department has contracted;

(16) interest expense on loans for assets not related to the delivery of services for which the department has contracted; interest expenses must be reduced or offset by interest income except interest income from funded depreciation accounts or qualified pension funds;

(17) personal compensation paid to individuals not providing services contributory to the delivery of services for which the department has contracted;

(18) personal expenses not related to the delivery of services for which the department has contracted;

(19) expenses for the purchase of services, facilities or supplies from related organizations or parties shall not exceed the lower of the cost to the related party or organization or the price of comparable services, facilities, or supplies purchased in an arm's length transaction;

(20) rental or lease expense on any item not related to the delivery of services for which the department has contracted;

(21) tax expense for federal, state, or local income tax; any tax levied on assets not related to the delivery of services for which the department has contracted; and

(22) transportation expenses for vehicles which are not generally suited to functions related to the provision of services for which the department has contracted.

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 July 28, 1986.

TRD-8607345

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

September 5, 1986

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

★ ★ ★

Chapter 47. Primary Home Care

Primary Home Care Overview

★40 TAC §47.902

The Texas Department of Human Services (TDHS) proposes an amendment to §47.902, in its Primary Home Care chapter. This amendment allows primary home care services to be provided in a licensed personal or custodial care home that has a residential care contract with the department.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section 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 section.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that clients will be able to receive personal care services outside of their own homes. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-478, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within

30 days of publication in the *Texas Register*.

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

§47.902. Residence.

(a) (No change.)

(b) To receive primary home care services, the recipient must not live in:

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

~~(4)(5)~~ any [other] environment where family members or sources outside the primary home care program are available to provide nursing or personal care; or

(5)(4) a personal care home, unless it is a facility that contracts with the department to provide residential care services. The recipient must arrange for his own admission into the facility and must pay for the total cost of his own room, food, and supervision. [institution; or]

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 July 28, 1986.

TRD-8607344

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

September 5, 1986

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

★ ★ ★

Chapter 85. General Licensing Procedures

The Texas Department of Human Services (TDHS) proposes the repeal of §§85.2036, 85.2037, and 85.4016; amendments to §§85.2001-85.2003, 85.2005, 85.2007, 85.2011-85.2013, 85.2017-85.2024, 85.2026-85.2028, 85.2030, 85.2033-85.2035, 85.2040, 85.2041, 85.4001, 85.4003, 85.4006, 85.4010, 85.4011, 85.4013-85.4015, and 85.4017; and new §§85.1406, 85.2045, and 85.4021, concerning exemptions, day care licensing procedures, and appeals of licensing staff decisions, in its general licensing procedures chapter.

The department is proposing the repeals because agency family day homes are no longer regulated as independent entities by the department, probation is now being incorporated in the proposed amendment to §85.2019, and the requirements governing the proposal for decision in an appeal hearing are in Texas Civil Statutes, Article 6252-13a. New sections have been added to address requirements for exempt programs and licensed facilities and facilities offering overnight and weekend care and general procedures for conduct-

ing appeal hearings on licenses, certifications, and registrations. The amendments are being proposed to streamline the regulation of registered family homes by eliminating biennial registration as a process separate from paying annual fees and to establish a continuum of corrective and adverse actions. Additional amendments clarify administrative procedures.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed repeals, amendments, and new sections 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 repeals, amendments, and new sections.

Mr. Packard also has determined that for each year of the first five years the repeals, amendments, and new sections are in effect the public benefit anticipated as a result of enforcing the repeals, amendments, and new sections will be increased cooperation among the department, child care providers, parents of children in care, and the community in streamlining licensing procedures without causing an increased risk to children in care. In addition, combining licensing staff's technical assistance and enforcement duties is expected to have a long-term preventative effect. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals, amendments, and new sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-384, Department of Human Services, 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

Subchapter O. Exemptions from Licensing

★ 40 TAC §85.1406

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

§85.1406. Multiple Programs: Exempt Programs and Licensed Facilities.

(a) If a governing body operates one program that is exempt based on administrative rule and also operates a day care facility that is subject to regulation, the two facilities must meet the following criteria.

(1) They must be in separate buildings, operate in separate areas of the same building, or use the building at different times.

(2) They must use separate outdoor areas or the same outdoor area at separate times.

(b) The exempt program and the licensed facility must be separated from each other at all times. At the end of the school

day, children may leave an exempt school and enter the regulated facility.

(c) If separateness cannot be established, both programs are subject to regulation.

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 July 30, 1986.

TRD-8607470

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

September 5, 1986

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

★ ★ ★

Subchapter U. Day Care Licensing Procedures

★ 40 TAC §§85.2001-85.2003, 85.2005, 85.2007, 85.2011-85.2013, 85.2017-85.2024, 85.2026-85.2028, 85.2030, 85.2033-85.2035, 85.2040, 85.2041

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

§85.2001. Investigation Visits. Unregulated and regulated facility staff must admit licensing staff and not delay or obstruct licensing staff from making inspections during hours of operation. Although the licensee of a regulated facility may choose to limit children to certain areas of the structure, he must allow the licensing representative to inspect any area of the facility that affects or could affect the health, safety, or well-being of the children in care. When inspection is refused, obstructed, or delayed by facility staff to the extent that licensing staff cannot carry out their responsibility, the facility is entitled to be advised that these actions are in violation of the Human Resources Code, §42.044(a), and that the license may be revoked and/or legal action requested if resistance continues.

§85.2002. Exemptions. If a facility claims that it is not subject to regulation under a provision of the Human Resources Code, §42.041, the facility must send a written claim citing the subsection of the statute or the handbook provision under which the claim is made. The facility must include all documentation supporting the claim. [If the facility's claim is under the provisions of Human Resources Code, §42.041(o)(7), (8), or (9),] The facility must send the claim to the department [director of day care licensing. If the claim is made under another provision, the facility sends it to the licensing staff in the region].

§85.2003. Exemptions under Human Resources Code, §42.041(b)(8).

(a) If a facility claims an exemption under the Human Resources Code, §42.041(b)(8), the organization to which the educational facility belongs must send the following information to the department [director of day care licensing]:

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

(b) A facility which is exempt under §42.041(b)(8), and operates a prekindergarten program solely for educational purposes, can request that the prekindergarten program be exempt from regulation by the department. The facility must send documentation of compliance with all of the following to the department [director of day care licensing]:

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

§85.2005. Exemption under Human Resources Code, §42.041(b)(11).

(a) A facility claiming that it is not subject to regulation under §42.041(b)(11) must send documentation to the department [regional director] showing each of the following:

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

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

§85.2007. Personal History Statement.

(a) Each applicant for a license must complete a personal history statement unless the applicant is a church, a corporation with a board of directors, or a nonincorporated governmental body. [In these situations, the designee of the governing body is required to submit a completed personal history statement.] The person designated as director must complete a personal history statement.

(b)-(e) (No change.)

§85.2011. Separate Licenses.

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

(c) The only licenses that may be combined for a facility are day care center or group day care home and kindergarten/nursery schools and schools: grades kindergarten and above.

(1) The group day care home may not operate during the same hours as the kindergarten/nursery school or school.

(2) A facility may not be licensed as a day care center and a group day care home.

(3) A facility may not be licensed for part of the day and registered for another part of the day.

§85.2012. Issuance of Provisional License.

(a) A provisional license is appropriate if:

(1)-(8) (No change.)

(9) a corrective denial has been imposed, the facility has immediately reapplied, and the facility has waived its right to appeal. A provisional license will not be issued more than two consecutive times.

(b)-(d) (No change.)

§85.2013. Restrictions. A facility must comply with the child care licensing law, the minimum standards under which it is licensed, the restrictions or conditions stated on the

license, and conditions placed on a waiver or variance.

§85.2017. Changing the Restrictions/Conditions [Terms] on a License Requested by Licensee. The department may amend the restrictions or conditions of a license based on the extent of the change and its impact on the facility. If a license is amended to increase the facility's capacity, the governing body must pay \$1.00 for each child over the previous licensed capacity. If the capacity is lowered, there is no refund. The next annual fee payment will reflect the lowered capacity.

§85.2018. Administrative Licensing Suspension. If a facility wishes to request a suspension of its license under Human Resources Code, §42.071(a), the facility must notify the licensing representative in writing of specific plans for resuming operation after a temporary suspension of operation. The department requires that the suspension period requested by the facility must not exceed the time limits of the current license [and must not exceed four months]. The facility must show that standards can be met at the end of the suspension period and must not care for children during the suspension period.

§85.2019. Corrective/Adverse Action [Denial of an Application or Revocation of a License, Certificate, or Registration].

(a) Corrective or adverse action is a continuum of progressive discipline that may be considered and imposed when one [licensing staff may deny a facility's application or revoke or deny a facility's license, registration, or certification for any] of the following has occurred [reasons]:

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

(3) refusal by facility personnel to admit licensing staff for inspection of the facility when there is evidence or cause to believe children's health or safety is endangered [are in danger], or when the facility has been warned in writing that a second refusal to admit licensing staff causes revocation;

(4) report from a law enforcement official or health or fire agency that an endangering [a dangerous] situation exists;

(5)-(17) (No change.)

(18) the facility is in noncompliance with standards after a corrective action [suspension period];

(19) (No change.)

(20) failure to comply on a regular basis with minimum standards or the child care licensing law [during a period of not less than three months];

(21) failure to pay licensing or registration fees within the required time frames;

(22) failure to stop providing child care during a suspension for failure to pay required fees.

(b) Corrective action is imposed on a facility when noncompliance threatens to result in the loss of the license if the noncompliance continues. A corrective action is one of the following:

(1) conditions with due notice is imposed when licensing staff has determined that further noncompliance jeopardizes the license;

(2) probation is imposed when licensing staff has determined that a serious noncompliance occurred at a facility and believes that an established time period is needed to monitor continuing compliance with the standards;

(3) corrective denial is imposed when licensing staff has determined that an application cannot be granted because of noncompliance, but the facility demonstrates the ability to establish continuing compliance with standards in the future. Corrective denial requires the facility to reapply immediately if it continues to operate and to waive the right to appeal;

(4) suspension is imposed when licensing staff has determined that a facility must temporarily close to correct a noncompliance that may have an adverse effect on the children if the noncompliance continues. Suspension requires that a facility close for a definite time period and not reopen until required corrections are completed and licensing staff determines that the facility is complying with applicable standards. Suspension may not be imposed for more than four months.

(c) Adverse action is taken when it is necessary that a facility close because noncompliance poses a serious threat to the children or indicates a continued failure to comply with the standards or law. Adverse action includes revocation of a license or registration and denial of an application or request to register.

(d) The severity of the specific action imposed is determined after assessing the noncompliance or violation that necessitates action, the facility's compliance history, and risk indicators.

§85.2020. Appeal [or Suspension] Not Requested. (No change.)

§85.2021. Appeal Requested.

(a) To appeal a decision to deny an application or revoke a license or registration, the applicant/licensee must submit a written request for an appeal of the decision within 30 days after receipt of the denial or revocation letter. The applicant/licensee must send the letter to the assistant commissioner for [director of] licensing and must state the reasons against the denial or revocation in the letter.

(b) If the applicant/licensee appeals a decision and continues to provide care for children, the appellant and the appellant's staff must permit licensing staff to investigate the facility during the appeal process.

(c) The appellant must send the licensing representative a copy of the appeal letter.

§85.2022. Rehearing Requested. If an applicant/licensee wants to request a rehearing, the applicant/licensee must send a written request to the assistant commissioner for

[director of] licensing, or administrative law judge in registration appeals, within 15 days after receiving the administrative decision.

§85.2023. Requesting the Waiver/Variance. To request permission not to meet a standard or to meet the intent of the standard in a different manner, an applicant/licensee or a holder of registration must submit a completed waiver/variance request form to the licensing representative for that facility. The applicant/licensee may only request a waiver/variance of standards. If the waiver/variance request is denied by the assistant commissioner for [director of] licensing, the applicant/licensee must bring the facility into compliance. The facility is entitled to be notified of the decision regarding the waiver/variance request. If the waiver/variance request is granted, the applicant/licensee must meet all conditions of the waiver/variance.

§85.2024. Requesting an Administrative Review. If an applicant/licensee or a holder of registration disagrees with a decision or action by licensing staff and wishes to request an administrative review, the requestor must describe the decision or action in dispute. [The requestor must state whether he will have an attorney present for the review. If the request concerns a decision or action involving time limits for correction of non-compliance,] The requestor may request an [must make the request for] administrative review by phone, in person, or by letter [, and before the expiration of the time limits]. The requestor may contact any regional [supervisory] staff.

§85.2026. Change of Facility Ownership.

(a) If a change in ownership occurs, the licensee must notify licensing staff of the change. A change in legal organizational structure is a change in ownership under the law even though there may not be a personnel change.

(b) The facility is not required to pay a new application fee or provisional fee when changing only the legal organizational structure with no personnel change.

§85.2027. Opportunity to Show Rehabilitation.

(a) If an applicant/licensee wishes to employ an individual in contact with children who has been convicted [, within the preceding 10 years,] of a criminal offense, the applicant/licensee must send a request to the assistant commissioner for [director of] licensing establishing that rehabilitation has occurred. The facility must establish that rehabilitation has occurred to the extent that the person's behavior is not a substantial risk to children. If children are in care at the facility, the individual must not be in contact with the children until rehabilitation is established. Documentary evidence to be submitted for consideration in determining rehabilitation includes:

- (1)-(12) (No change.)
- (b) (No change.)

§85.2028. Notification of Complaint Investigation. The applicant/licensee, director, or person in charge at the facility is entitled to be notified by licensing staff when a complaint is being investigated.

§85.2030. Disposition of the Complaint. The applicant/licensee, director, or person in charge is entitled to be notified of the results of the investigation of the complaint, including all allegations [the allegation(s)], citation of standards evaluated, noncompliance, corrections needed, and time limit for corrections.

§85.2033. Initial Registration.

(a) The department issues a notice of registration when a registration request, determined in compliance with registration requirements, is processed and when the [\$35] registration fee is paid. If the annual registration fee is paid, the registration continues to be valid [until a stated expiration date] unless revoked by the department for just cause.

(b) (No change.)

§85.2034. Registration Fees [Reregistration].

(a) To maintain its registration status, the caregiver must pay the annual registration fee [and complete and return the reregistration certificate form] by the stated date.

(b) [If the caregiver indicates not operating on the form, the registration expires and no further notification to the caregiver is required.]

[(c) When a caregiver has not [returned a form and] paid the registration fee within 30 days after the mail date, licensing staff mails a second form to the registered family home. If the second form with registration fee is not received from the caregiver within 30 days after the anniversary date [mail date], the registration is suspended [expires with no further notice].

§85.2035. Denial or Revocation of a Registration.

(a) Reasons for revocation or denial are:

- (1)-(3) (No change.)
- (4) assumed cessation of operation based on failure to receive a [returned reregistration form and] fee from the caregiver;
- (5) (No change.)
- (6) violation of the suspension rule.
- (b)-(c) (No change.)
- (d) If the caregiver ceases operation, but provides [he is entitled to be notified that registration is revoked and that if he plans to provide] care for children in the future, he must first register with the department and pay a [\$35] registration fee.

§85.2040. Licensing Fees. All licensing fees must be made payable to the Department of Human Services and must be made only by cashier's check, corporate check, money order, or certified check. Licensing fees include:

- (1)-(4) (No change.)
- (5) [all] registration fees.

§85.2041. Annual License Fee. Before the [annual] anniversary date of the biennial issuance, the governing body of the facility must pay the annual license fee [of \$35 plus \$1.00 for each child the facility is licensed to serve]. At least 60 days before the anniversary date of issuance, licensing staff sends the governing body a notice that the payment is due.

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 July 30, 1986.

TRD-8607468

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 450-3766.

★ ★ ★



Subchapter U. Day Care Licensing Procedures

★ 40 TAC §85.2036, §85.2037

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22, which authorizes the department to administer public assistance programs.

§85.2036. Investigation of Complaints in an Agency Family Day Home.
§85.2037. Reasons for Probation.

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 July 30, 1986.

TRD-8607458

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 450-3766.

★ ★ ★

★ 40 TAC §85.2045

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

§85.2045. *Facilities Offering Overnight or Weekend Care.*

(a) A day care facility may offer overnight or weekend care during which the same child(ren) are in care more than 24 hours. This is acceptable under a day care center or group day care home license if the facility is licensed to offer night care and if it offers care for more than 24 hours no more than three consecutive nights with a maximum total of six nights per month. The facility must meet all conditions of the license and requirements of minimum standards.

(b) If any of the conditions are not met, the facility may request a waiver for the specific standards involved, and conditions may be imposed.

(c) If a regulated foster home also provides day care, resident child care licensing staff regulates all aspects of care.

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 July 30, 1986.

TRD-8807471

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

September 5, 1986

For further information, please call
(512) 480-3786.

★ ★ ★

Subchapter OO. Appeals of
Licensing Staff Decisions

★ 40 TAC §§85.4001, 85.4003, 85.4006,
85.4010, 85.4011, 85.4013-85.4015,
85.4017

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

§85.4001. *Request for Appeal Hearing and Preliminary Procedures.*

(a) The sections in this subchapter apply to hearings on licenses, certifications, and registrations unless otherwise noted. The applicant, licensee, or holder of a certificate or registration has the right to request an appeal hearing on a department decision to deny an application for a license or to revoke a license, certificate, or registration. To request an appeal hearing, the appellant must send a certified letter to the assistant commissioner for [director of] licensing within 30 days after receipt of the adverse action notice [from the department]. The appellant

must include in the letter the reasons against denial or revocation. The appellant must send a copy of the letter to the licensing representative.

(b) Within two weeks after the appellant mails the appeal request, the assistant commissioner for [director of] licensing must notify the appellant whether the request for an appeal hearing has been granted.

(c) If a [the] request for a licensing appeal is granted, the assistant commissioner for [director of] licensing appoints the members of the advisory review board to hear the appeal and asks the general counsel to appoint an administrative law judge to conduct the proceedings [sets the date for the hearing]. This must be done within two weeks after notifying the appellant that his hearing request was granted. The appeal hearing must be held within four weeks after the members of the advisory review board were appointed, unless the time limit is extended for good cause or by agreement.

(d) If a request for a registration appeal is granted, the assistant commissioner for licensing asks the general counsel to appoint an administrative law judge to conduct the proceedings and make a final decision in the case.

§85.4003. *[Appointment of] Advisory Review Board for Licensing Appeals.*

(a) [The director of licensing appoints the members of the advisory review board.] The board consists of five members and one or more alternate members to serve when a regular member cannot. Members must be chosen from among the appellant's peers whose facilities have the same licensing classification as the appellant's. [The director of licensing selects a chairman from the members of the advisory review board.] More than one individual from the same facility may not serve on the review board at the same time. [A member of the review board may not be from a facility which is regulated by the licensing representative who regulates the facility which is appealing. Exceptions may be granted for just cause such as distance.]

(b) The regional director for day care [of] licensing must notify members of the advisory review board of their appointments. [The appellant and the appellant's attorney, if known, must be notified of the board members' names.]

§85.4006. *Nature of the Hearing.*

(a) (No change.)

(b) The appellant has the right to bring up facts which were not evaluated by the licensing representative. The appellant may also offer new interpretations of facts. If the appellant alleges that changes have been made in the facility after the decision to deny the application or revoke the license, this is not directly relevant in the appeal hearing and may be excluded by the administrative law judge.

§85.4010. *Defaults, Postponements, and Continuations.*

(a) Depending on the circumstances, the advisory review board or the administrative law judge may recommend a default decision in favor of the department if the appellant does not appear at the hearing.

(b) A hearing may be postponed or continued by the administrative law judge [department or the advisory review board] for just cause.

§85.4011. *Hearing Record.*

(a) A tape recording or stenographic record must be made of the hearing proceedings. The record includes:

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

(5) proposed findings and exceptions, if requested by the administrative law judge;

(6) any decision, opinion, or report by the advisory review board, administrative law judge, or the appeal review committee [making the final decision in the case]; and

(7) all staff memoranda or data offered to or considered by the advisory review board, the administrative law judge, or the appeal review committee [making the final decision in the case].

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

(d) If the appellant in a licensing appeal wants a copy of the proceedings, he must request the copy in writing and pay the amount that the court reporter quotes as the cost for a copy. If any other person requests a copy, he must pay the same amount.

(e) If the appellant in a registration appeal appeals an adverse decision of the department to district court, he must order the transcript and pay for the original.

§85.4013. *Rules of Evidence.*

(a) The administrative law judge [chairman] excludes irrelevant, immaterial, or unduly repetitious evidence in hearings [before the advisory review board].

(b)-(i) (No change.)

(j) If a person fails to comply with a subpoena or commission, the department, acting through the attorney general or the party requesting the subpoena or commission, may bring suit to enforce the subpoena or commission in a district court [in Travis County].

§85.4014. *Opinion of the Advisory Review Board.* Within one week after the appeal hearing for a licensed facility, the advisory review board must render its opinion about the disposition of the appeal to the assistant commissioner for [director of] licensing.

§85.4015. *Appeal Review Committee for a Licensed Facility Appeal.*

(a) An appeal review committee must review the advisory review board's opinion and the record of the hearing and make the final decision in the case. Members of the appeal review committee are:

(1) the program specialist representing the assistant commissioner for licensing [director of licensing or his designee];

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

(b) All committee members must read the record before the committee meets.

(c) The committee determines if violations of minimum standards, rules, or the law were established by a preponderance of evidence at the hearing.

§85.4017. Decision, Orders, and Notification.

(a) The appeal review committee must render a decision [to the parties] within two weeks after receiving the advisory review board's opinion.

(b) The appellant and his attorney are entitled to have the department's final decision in the case in writing mailed to them within 60 days after the close of the appeal hearing. The department must include in the notification findings of fact and conclusions of law separately stated. [If findings of fact are stated in statutory language, the department must send a concise and explicit statement of the underlying facts supporting the findings.]

(c) (No change.)

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

Issued in Austin, Texas, on July 30, 1986.

TRD-8607489 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 450-3766.

★ ★ ★

★ 40 TAC §85.4016

(Editor's note: The text of the following section proposed for repeal will not be published.

The section may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

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

§85.4016. Proposal for Decision.

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 July 30, 1986.

TRD-8607457 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 450-3766.

★ ★ ★

★ 40 TAC §85.4021

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

§85.4021. Appeal Hearing General Procedures.

(a) For hearings on licenses, certifications, and registrations, the administrative law judge is:

(1) authorized to hold a prehearing conference on his own initiative or on either party's request;

(2) authorized to receive subpoena requests for either party and to see that they are processed by the commissioner or his designee;

(3) authorized to rule on motions, admissibility of evidence, and objections to offers of proof;

(4) responsible for calling the hearing to order and calling recesses as needed;

(5) in charge of the proceedings;

(6) authorized to administer oaths;

(7) authorized to examine witnesses.

(b) For hearings on licenses or certifications only, the following apply.

(1) An administrative law judge is assigned and serves as a nonvoting member of the advisory review board.

(2) The advisory review board members are entitled to ask questions and examine the evidence. They may question witnesses about written statements or supporting material. They may ask the appellant to explain the basis for his appeal.

(c) For hearings on registrations only, the following apply.

(1) An administrative law judge is designated to hear the appeal.

(2) The hearing is held within 28 days after the administrative law judge is designated, unless the administrative law judge postpones it for good cause on either party's request.

(3) Following the hearing, the administrative law judge makes the final department decision, draws up the findings of fact and conclusions of law, and sends them to the appellant.

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 July 30, 1986.

TRD-8607472 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
September 5, 1986
For further information, please call
(512) 450-3766.

★ ★ ★

Withdrawn

Rules 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 effective immediately upon filing. 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* office and a notice of the withdrawal will appear in the *Register*.

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter H. Cancellation, Denial, and Nonrenewal of Certain Property and Casualty Insurance Coverage

★ 28 TAC §§5.7001, 5.7013-5.7015

The State Board of Insurance has withdrawn from consideration §§5.7001, 5.7013-5.7015, concerning property and casualty insurance. The text of the amendment and new sections appeared in the July 15, 1986, issue of the *Texas Register* (11 Tex-Reg 3240). The effective date of the sections is July 30, 1986.

Issued in Austin, Texas, on July 30, 1986.

TRD-8607464 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 30, 1986
For further information, please call
(512) 463-6327.



★ ★ ★

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.

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 1. ADMINISTRATION Part V. State Purchasing and General Services Commission

Chapter 111. Executive Administration Division Parking

★ 1 TAC §§111.41-111.43

The State Purchasing and General Services Commission adopts the repeal of §§111.41-111.43, without changes to the proposed text published in the May 9, 1986, issue of the *Texas Register* (11 TexReg 2137).

The sections are repealed to adopt new rules to comply with the mandate of the 69th Legislature, 1985, as contained in Rider 28, Page 1-172 of the commission's Appropriation Bill for fiscal year 1986-1987.

The repeals permit the commission to adopt new sections which will provide greater clarity to the public as to what constitutes a parking and traffic violation in the Capitol complex area which may be ticketed by commission security officers; establish the amount of a fine for a parking or traffic violation; establish the bases for forfeiture of a state parking privilege and the procedures for such forfeiture; and establish the circumstances under which an illegally parked vehicle may be removed and impounded.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 601b, §4.12, which provide the State Purchasing and General Services Commission with the authority to promulgate rules and regulations necessary to regulate parking and traffic in the Capitol complex area.

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 July 24, 1986.

TRD-8607292

John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: August 31, 1986
Proposal publication date: May 9, 1986
For further information, please call
(512) 463-3446.

★ ★ ★

The State Purchasing and General Services Commission adopts new §§111.41-111.43, without changes to the proposed text published in the May 9, 1986, issue of the *Texas Register* (11 TexReg 2137).

The new sections provide greater clarity to the public and to state employees holding state parking permits about parking/traffic regulations in the Capitol complex. Greater clarity promotes a more efficient and equitable utilization of the complex's limited parking resources.

The new sections specify those actions that constitute a parking or traffic offense on state property in the Capitol complex area which may be ticketed by commission security officers, establish the amount of the fine for a parking or traffic violation, establish the bases and procedures for forfeiture of a state parking privilege, and establish the circumstances under which an illegally parked vehicle may be removed and impounded.

Only one comment was received which asked to except the parking lots of the John H. Winters Human Services Center from that portion of §111.41(c)(9), which would make parking in a space with the rear of the vehicle facing the curb or parking stop a parking violation.

Making comments against the adoption was Marilyn K. Johnston, commissioner, Texas Department of Human Services.

The agency did not modify the section as requested because a vehicle backed into a parking space extends over a curb or parking top by 12-24 inches more than if parked with the front of the vehicle facing the curb or parking stop. This prevents the vehicle on the other row from pulling all the way in, thus resulting in it sticking out in the traffic aisle and impeding traffic. Moreover, backing into a parking space impedes traffic since the car must stop and back up, often causing both lanes of traffic to stop and wait for the vehicle to park. Finally, commission security officers must check vehicles to determine whether a proper permit is affixed. These permits are required to be displayed

on the rear window of a vehicle. Thus, if a vehicle is backed into a parking space the security officer often has to leave his vehicle and walk around the car to determine whether it has the proper permit. This adversely impacts the commission's ability to obtain maximum utilization of its security forces.

The new sections are adopted under Texas Civil Statutes, Article 601b, §4.12, which provide the State Purchasing and General Services Commission with the authority to promulgate rules and regulations necessary to regulate parking and traffic in the Capitol complex area.

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 July 24, 1986.

TRD-8607291

John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: September 1, 1986
Proposal publication date: May 9, 1986
For further information, please call
(512) 463-3446.

★ ★ ★

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 77. Comprehensive Instruction

Subchapter W. Driver Education Standards for an Approved Course in Driver Education

★ 19 TAC §§77.471-77.477, 77.479, 77.480

The Texas Education Agency adopts amendments to §§77.471-77.477, 77.479, and 77.480. Amendments to §§77.475 and 77.476 are adopted with changes to the proposed text published in the May 30, 1986, issue of the *Texas Register* (11 TexReg 2501). The rest are adopted without changes and will not be republished.

The amendments eliminate inconsistencies and clarify certain sections of the

driver education rules and are needed as a result of revisions to Chapter 77 adopted by the State Board of Education in November 1985. The change to the proposed text deletes a provision that students must be 14 or older when the classroom phase of driver education begins and 15 or older when the in-car phase begins. Instead, the current requirement that students must be 15 or older for both phases is retained.

The amendments clarify who is eligible to train driver education teaching assistants; increase from 5:1 to 6:1 the driver education teaching assistant to supervising teacher ratio; eliminate the commissioner's waiver for the 1985-86 school year, since it is no longer applicable; eliminate language in the rules allowing driver education to be scheduled in the quarter system; increase from three to six hours the required classroom instruction prior to licensing in concurrent programs; increase from six to eight hours the maximum amount of time a driver education teacher may work in one day; and remove extraneous driver education teaching assistant training curricula from the rules.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §21.102, which directs the Central Education Agency to develop a program of instruction in driver education and traffic safety for public school students.

§77.475. Scheduling.

(a) Driver education programs may be scheduled with the classroom phase presented in block form or concurrently with the laboratory phases. Under the block form program, a student may apply to the Texas Department of Public Safety for an instruction permit after completion of the required classroom instruction. Under the concurrent program, a student may apply to the Texas Department of Public Safety for an instruction permit after completion of six hours of classroom instruction devoted to the lessons in *Driver Education Classroom and In-Car Instruction* that cover driving laws and procedures.

(b) The remaining required time must be devoted to completion of these lessons later in the course. When a student receives an instruction permit from the Texas Department of Public Safety under the concurrent schedule provision, the license number must be recorded by the instructor. Students licensed under the concurrent program must subsequently complete the required class instruction. If a student does not subsequently complete the required class instruction, the instructor must complete Form DL-42 and send it to the License and Driver Record Division of the Texas Department of Public Safety. Form DL-42 should be initiated as soon as it is evident the student will not complete the required hours of instruction. The Texas Department of Public Safety may then revoke the student's instruction permit.

§77.476. Instructor Hours, Class Size, and Age Level.

(a) The maximum amount of instruction time permissible for any driver education instructor shall not exceed eight hours per day. However, instructors may not exceed six hours per day of in-car instruction. This eight-hour limit shall be determined by the sum of all hours of classroom instruction per day, regardless of the subjects taught, plus the total hours per day of in-car instruction. (This total of eight hours applies in all approved programs regardless of the number of schools involved.)

(b) The number of students that may be enrolled in a driver education class must not exceed 35. However, the number of students per class may exceed 35 if the school operates under a plan that makes use of state-approved teaching assistants, adequate facilities, and innovative teaching methods and materials. Plans involving classes of more than 35 students must be approved in writing by the Central Education Agency.

(c) Both the classroom and in-car instruction are limited to eligible students 15 years of age or older at the time the driver education class begins; however, students certified by the Texas Department of Public Safety as eligible for a minor's restricted driver's license may enroll in the classroom and simulation phases of driver education if they are 14 years of age when the class begins.

(d) In-car instruction given on public roadways is limited to students who have an "instruction permit" or drivers license issued by the Texas Department of Public Safety for the type of vehicle being driven.

(e) Students may be dropped from the driver education class for any violation of Texas motor vehicle laws.

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 July 23, 1986.

TRD-8607288 W. N. Kirby
Commissioner of Education

Effective date: August 14, 1986
Proposal publication date: May 30, 1986
For further information, please call
(512) 463-9212.

★ ★ ★

Chapter 81. Instructional Resources

The Texas Education Agency adopts amendments to §§81.62, 81.63, 81.71-81.74, 81.102, 81.104, 81.106, 81.107, 81.110, 81.114-81.116, 81.119, 81.120, 81.122, 81.126, 81.127, 81.129, 81.136, 81.153, 81.154, and 81.173 and new sections 81.152 and 81.164. The amendments to §§81.63, 81.72, 81.107, 81.110, 81.119, 81.120, 81.126, 81.129, and 81.153 and new 81.152 are adopted with changes to the proposed text published in the June

10, 1986, issue of the *Texas Register* (11 TexReg 2629). The amendments to §§81.62, 81.71, 81.73, 81.74, 81.102, 81.104, 81.106, 81.114-81.116, 81.122, 81.127, 81.136, 81.154, and 81.173 and new 81.164, are adopted without changes and will not be republished.

The amendments and new sections ensure the efficient and effective administration of the state textbook program, with a savings of time and cost to state and local government. The changes to the proposed text specify that §81.63(b) expires with the completion of required activities provided in Proclamation 62; that §81.110(d), the deletion of recommendations of alternate books in §§81.110(a)(5), 81.126(a), and 81.129(g), and the finished-format requirement in §81.120(e) will become effective with Proclamation 63; and the new system of providing sample textbook copies to school districts at publishers' expense in §81.152 will not be implemented until Proclamation 64. The current sampling system remains in effect during Proclamations 62 and 63. In addition, §81.110(a)(1) is made more specific to require that advisors to the State Textbook Committee read carefully all books submitted in their subject field, while §81.107(a) allows greater flexibility in appointments to the State Textbook Committee. An editorial change to §81.129(e) adds the words "and representatives," inadvertently omitted from the proposed text, and editorial changes to §81.153 are made.

The amendment to §81.62 provides for the adoption of teachers' resource books or packets in those grades and subject areas where student textbooks are not appropriate and requires publishers to furnish teachers' editions without cost to the state, which is already current practice.

The amendment to §81.63 deletes a prohibition against complimentary supplementary materials.

The amendment to §81.72 provides that a book in any subject area may be bid in more than one binding only if called for in the proclamation, and adds price limitations for multibound books if called for in the proclamation.

The amendment to §81.73 changes kindergarten through elementary to grades one through six to clarify the requirement for grade designations on book covers.

The amendment to §81.74 requires publishers to submit readability level designations and the name of the formula used for only elementary textbooks submitted in core curriculum areas and for those secondary textbooks for which appropriate formulas are available.

The amendment to §81.102 authorizes the board to establish within each proclamation pricing structures for materials submitted for adoption and enables the board to place maximum limits on the price of textbooks. The amendment also deletes the requirement that the schedule for adoption include provision for review of

the proclamation by two advisory committees that have been discontinued by the board.

The amendment to §81.104 deletes the provision for survey and evaluation of textbooks after the third year of use and deletes a reference to two advisory committees which are no longer in existence.

The amendment to §81.107 changes the term "congressional" to "state board of education" district to reflect changes in law, and deletes the requirement that a textbook committee member must teach as well as reside in the state board district to be represented. The amendment also requires a publisher to notify any educator of future ineligibility to serve as a member of the state textbook committee before he or she accepts employment with a publisher.

The amendment to §81.110 deletes the provision that the textbook committee may make recommendations for alternate books which may be adopted in the event the board removes one of the recommended books and requires the entire committee, rather than representatives of the committee, to attend the board textbook hearing and the board meeting at which textbooks are adopted.

The amendment to §81.115 requires each board member to maintain a register of contacts with publishers to comply with Texas Civil Statutes, Article 6252.23.

The amendment to §81.116 states that the official bid price shall not exceed any price limitation stated in the proclamation nor the price information submitted with the official samples.

The amendment to §81.119 states that the same textbook shall not be bid in two subject areas and provides for the substitution of minor revisions or a later edition of current adopted textbooks during the contract period.

The amendment to §81.120 deletes the provision allowing publishers to place unfinished books in regional education service centers for review by the public and requires all books bid to be in finished form when transmitted to the service center to be available to the public.

The amendment to §81.122 requires public access to textbooks in regional education service centers outside of normal working hours to be scheduled by appointment and requires each service center to issue a news release publicizing the date textbooks will be available for review at the center.

The amendment to §81.126 deletes provisions that stipulate alternates may be included in the report of the textbook committee.

The amendment to §81.127 states the specific recommendations the commissioner of education will consider in developing

his list of recommended changes and corrections.

The amendment to §81.129 specifies the documents and the time they must be submitted prior to the board's action to adopt textbooks and designates the amount required by the board to be deposited with the treasurer. The amendment also requires a request for change of depository to be submitted by September 1, and deletes the subsection allowing the board to adopt textbooks listed as alternates by the state textbook committee.

The amendment to §81.136 allows out-of-adoption textbooks to be provided to jails without being returned to the publisher and requiring written permission of the publisher.

New §81.152 eliminates state sampling and requires publishers to sample local districts at no expense to the state or local district. The section provides for earlier sampling to school districts. The section also includes a penalty clause for failure to provide samples as required by the section, and clarifies the specific materials that will be filed according to the list of books to be bid. The repeal of old §81.152 is adopted elsewhere in this issue.

The amendment to §81.153 changes the date of appointment of local textbook committees to the November school district board meeting and requires each local textbook committee to make its selections prior to the March board meeting.

The amendment to §81.154 specifies that if a district wants to retain more than 25% of out-of-adoption textbooks, a request shall be filed with the textbook division.

New §81.164 governs the operations of textbook depositories. The section gives agency staff a basis for working with depositories and for making recommendations to the board for new depositories or changes in status.

The amendment to §81.173 allows for the preparation on audio tape and delivery of textbooks for the visually handicapped; provides for the pricing on a per page basis of all such textbooks for the visually handicapped; and specifies that the bid price will be in effect for the entire adoption period.

James W. Long of the Hendrick-Long Publishing Company suggested that textbook adoption rules include uniform guidelines governing gifts and entertainment, provided to school district superintendents, by publishers.

The board did not develop rules for local limitations during the adoption process, but indicated an interest in the continued monitoring of gifts, entertainment, gratuities, etc., provided by publishers on the local level.

Jane Wells, representing the Association of American Publishers, asked that TEA staff develop guidelines for sampling and

that the phrase "as called for in the proclamation" be inserted in §81.120(c).

The board approved both proposals. The deputy commissioner for finance and compliance will work with publishers and schools to develop equitable sampling guidelines.

Frank E. Ferguson of Curriculum Associates, Inc., said that absorbing the burden of providing statewide samples could add as much as \$250,000 to his company's submission costs, and asked that such a change in sampling policy not be made in the middle of the current adoption cycle.

The board postponed implementation of the section requiring sampling by publishers until Proclamation 64.

Subchapter D. State Textbook Program

General Provisions

★ 19 TAC §81.62, §81.63

The amendments are adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks, provide for full and complete investigation of all books and accompanying bids, and provide for public comments in regard to textbook adoption or in support of or against any textbook presented; the Texas Education Code, §12.11, which provides for the establishment and functioning of the State Textbook Committee; and the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance with the requirements of the Texas Education Code, Chapter 12.

§81.63. *Materials Available For Use With Textbooks.*

(a) (No change.)
(b) Complimentary supplementary materials. Complimentary supplementary materials may be submitted with textbooks or teachers editions only when such materials have been specifically requested and described in a proclamation calling for textbooks.

(1) Publishers shall not provide complimentary supplementary pupil materials to local districts for classroom use.

(2) The teacher edition, in a format determined by the publishers not to exceed two parts, shall be provided at no charge.

(3) This subsection expires with the completion of required activities provided in Proclamation 62.

(c) Violations. Violation of this rule shall be just cause for the State Board of Education to refuse to allow a publisher to participate in subsequent adoption for a period not to exceed three years.

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 July 29, 1986.

TRD-8607427

W. N. Kirby
Commissioner of Education

Effective date: August 19, 1986

Proposal publication date: June 10, 1986

For further information, please call
(512) 463-6212.

★ ★ ★

General Content Requirements and Manufacturing Standards

★ 19 TAC §§81.71-81.74

The amendments are adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks, provide for full and complete investigation of all books and accompanying bids, and provide for public comments in regard to textbook adoption or in support of or against any textbook presented; the Texas Education Code, §12.11, which provides for the establishment and functioning of the State Textbook Committee; and the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance with the requirements of the Texas Education Code, Chapter 12.

§81.72. *Manufacturing Standards and Specifications.*

(a)-(f) (No change.)

(g) Beginning with textbook Proclamation 63, a textbook in two or more bindings may be bid only if specifically called for in the proclamation. If multiple bindings are optional in the proclamation, the price shall be comparable to the cost of a single volume. If more than one binding is required in the proclamation the cost may exceed a single volume price.

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 July 29, 1986.

TRD-8607426

W. N. Kirby
Commissioner of Education

Effective date: August 19, 1986

Proposal publication date: June 10, 1986

For further information, please call
(512) 463-6212.

★ ★ ★

State Adoption, Acquisition, and Custody of Textbooks

★ 19 TAC §§81.102, 81.104, 81.106, 81.107, 81.110, 81.114-81.116, 81.119, 81.120, 81.122, 81.126, 81.127, 81.129, 81.136

The amendments are adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to

adopt textbooks, provide for full and complete investigation of all books and accompanying bids, and provide for public comments in regard to textbook adoption or in support of or against any textbook presented; the Texas Education Code, §12.11, which provides for the establishment and functioning of the State Textbook Committee; and the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance with the requirements of the Texas Education Code, Chapter 12.

§81.107. *State Textbook Committee: Appointment and Qualifications.*

(a) All appointments to the State Textbook Committee shall be made in accordance with the Texas Education Code, §12.11. Each person appointed shall reside and/or teach in the state board district to be represented.

(b) The commissioner of education shall ensure that all persons recommended by the commissioner for appointment to the committee meet the statutory and State Board of Education rule requirements concerning qualifications for membership. In making these recommendations, the commissioner shall be exempt from the requirements of §161.3 of this title (relating to Appointment of Members) concerning consultation with members of the State Board of Education. The commissioner shall notify each board member of the name and shall furnish a vita of the person being recommended from that member's state board district 30 days prior to the meeting at which the recommendations are presented to the board.

(c)-(g) (No change.)

(h) Prior to employing an educator to review textbooks, sell textbooks, or otherwise represent a publishing company, the publisher shall notify the person that receipt of any remuneration would negate his or her eligibility to serve on the State Textbook Committee.

§81.110. *Duties.*

(a) The duties of the committee shall be to:

(1) examine carefully all books submitted for adoption, using advisors in each subject field who shall read carefully all books for that subject area called for in the adoption:

(2)-(4) (No change.)

(5) for Proclamation 62 only, submit a list, to the commissioner of education, of any alternate books which are recommended in the event the board removes one of the original recommended books and any changes, corrections, deletions, additions, and substitutions which individual members and their advisors identify. Alternate books shall be listed in order of priority. Beginning with Proclamation 63, the committee may not recommend alternate books; however, the committee shall provide the commissioner with other materials specified in this subsection.

(b)-(d) (No change.)

(e) The State Textbook Committee shall be present for the textbook hearing held by the State Board of Education and for the State Board of Education meeting at which textbooks are adopted.

(f) The commissioner of education shall provide the consultative services required by the committee, and clerical staff services when the committee is performing its duties in Austin.

§81.119. *Revised, Identical, or Special Editions.*

(a) Publishers who offer books for adoption that are revisions or new copyrights of textbooks currently under contract shall file a complete list of deletions, additions, and changes in printing, illustrations, organization of materials, and format which have been made in the revised version.

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

(d) Beginning with textbook Proclamation 63, the same textbook shall not be bid in two or more subject areas.

(e) Publishers may submit a request to the commissioner for substitution of minor revisions or a later edition of the current adopted textbook. Such request shall state that there will be no additional cost to the state.

§81.120. *Samples.*

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

(c) For all submissions required by this section, samples of teacher's editions, teacher's manuals, guides, and supplementary materials to be furnished without cost as called for in the proclamation, shall be filed at the same time and in the same manner as the textbooks which they accompany.

(d) (No change.)

(e) For Proclamation 62 only, publishers who are unable to complete and bind books and teacher's editions or manuals in time for bound samples to be provided to the State Textbook Committee and their advisors and to regional education service centers may provide complete but unbound copies in page proof or Xerox form. All copies filed with the regional education service centers must be in the same form as those supplied to the State Textbook Committee members. Copies filed in page proof must include end-of-chapter activities if they are to be included in the finished book. Page proof copies must include captions or narrative to accompany illustrations and a description of all pictures which will be included in the final copy. Beginning with Proclamation 63, all samples submitted shall be printed in finished format.

(f)-(i) (No change.)

§81.126. *Report of the State Textbook Committee.*

(a) For Proclamation 62 only, in accordance with the Texas Education Code, §12.12(e), the State Textbook Committee shall recommend to the State Board of Education a complete list of textbooks which it approves for adoption. The committee shall

designate not more than five books in each category as books recommended for adoption, and list additional books as alternates which the committee approves as suitable for adoption in the event that one or more of the recommended books are removed from the list by the State Board of Education. The report shall also list corrections, deletions, substitutions, additions, and other changes which in the opinion of the committee should be made in the recommended and alternate textbooks, learning systems, and supplementary materials. Beginning with Proclamation 63, the committee may not recommend alternate books; however, the committee report shall contain other materials specified in this subsection.

(b)-(e) (No change.)

§81.129. Consideration and Adoption of Textbooks by the State Board of Education.

(a) Two weeks prior to the date of board action to adopt textbooks, each publisher participating in the adoption process shall file the following documents for board acceptance:

- (1) official bid;
- (2) receipt from the state treasurer for \$2,500 deposit;
- (3) certificate of existence or certificate of authority; and
- (4) affidavit of eligibility and anti-trust compliance.

(b) Any request to join or change depositories, change depository status, or to establish a new depository, must be submitted to the commissioner of education by September 1.

(c) On a date specified in the schedule for the textbook adoption process the State Board of Education shall hold a hearing which may, at the pleasure of the chairman of the board, be designated as an official meeting of the State Board of Education. The hearing shall be organized so that oral comments will be heard on textbooks for one category or subject matter area at one time. Testimony at the hearing will be accepted only from residents of Texas and nonresidents who are official representatives of a publishing company and who offered evidence, written or oral, at the joint hearing conducted by the commissioner of education and the State Textbook Committee. Persons who wish to testify must notify the commissioner of education on or before the date specified in the schedule for the adoption process. The notice must identify the subject matter areas and the particular books about which testimony will be presented. The board reserves the right to limit the time allotted to each person testifying.

(d) At a meeting specified in the schedule for the textbook adoption process, the state board of education shall consider:

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

(e) A board committee designated by the chairman of the board shall consider the State Textbook Committee's and the commissioner's reports concerning textbooks for

state adoption by the board. The commissioner of education or the commissioner's representative and representative of the State Textbook Committee shall be available to respond to inquiries from the committee. The committee shall review the committee's and the commissioner's reports and report to the board.

(f) For each textbook, learning system, or set of supplementary instructional materials, the board shall specify which of the changes recommended by the State Textbook Committee or the commissioner of education must be made as a condition for adoption of the textbook, learning system, or set of materials.

(g) For Proclamation 62 only, in the event that a book from the list of five books in each adoption category recommended by the State Textbook Committee is removed by action of the State Board of Education, the book ranked next in order of preference by the committee on the alternate list shall be placed on the recommended list of five books in that adoption category. Beginning with Proclamation 63, the committee may not recommend alternate books.

(h) Upon finding a book subject to removal from the committee's recommended list, the board may direct the commissioner of education to confer with the publisher to determine if adjustment or changes can be made to avoid its removal.

(i) In accordance with the Texas Education Code, §§12.13, 12.14, 12.16, and 12.24, the State Board of Education shall adopt a list of approved textbooks.

(j) If the State Textbook Committee recommends and the board determines that substantial modifications should be made in books, learning systems, or supplementary instructional materials in a specific subject area, the board may delay adoption of textbooks or materials in that subject area pending the completion of the required modifications by the textbook publishers. When an adoption is delayed, the board shall specify the following:

(1)-(5) (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 July 29, 1986.

TRD-8607425 W. N. Kirby
Commissioner of Education

Effective date: August 19, 1986
Proposal publication date: June 10, 1986
For further information, please call
(512) 463-8212.

★ ★ ★



Local Operations

★ 19 TAC §81.152

The Texas Education Agency adopts the repeal of §81.152, without change to the proposed text published in the June 10, 1986, issue of the *Texas Register* (13 TexReg 2634).

The repeal is necessary to allow the adoption of new §81.152, which provides for earlier sampling to school districts and requires publishers to sample local districts at no expense to the state or local district.

The new sampling procedures will apply beginning with Proclamation 64. During Proclamations 62 and 63, the previous procedures, which have been incorporated into new §81.152, will still be used.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks, provide for full and complete investigation of all books and accompanying bids, and provide for public comment in regard to textbook adoption or in support of or against any textbook presented; and the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance with the requirements of the Texas Education Code, Chapter 12.

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 July 29, 1986.

TRD-8607424 W. N. Kirby
Commissioner of Education

Effective date: August 19, 1986
Proposal publication date: June 10, 1986
For further information, please call
(512) 463-8212.

★ ★ ★

The new section is adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks, provide for full and complete investigation of all books and accompanying bids, and provide for public comments in regard to textbook adoption or in support of or against any textbook presented; the Texas Education Code, §12.11, which provides for the establishment and functioning of the State Textbook Committee; and the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance with the requirements of the Texas Education Code, Chapter 12.

§81.152. Sample Copies of Textbooks for Local School Districts.

(a) For Proclamations 62 and 63, the provisions in this subsection shall apply.

(1) School districts may be supplied with samples of books in those subjects for which adoptions are made each year. These shall be shipped to school districts on requisitions filed by bonded textbook custodians in independent districts and by county superintendents for county systems of schools. These requisitions must be sent to the textbook division prior to December 20. Samples supplied on the following schedule shall be considered to be adequate in all systems. Publishers are not expected to supply additional copies. Samples shall be supplied according to the following table of scholastic enrollments:

- (A) less than 500 pupils—one set;
- (B) 501-1,500 pupils—two sets;
- (C) 1,501-5,000 pupils—four sets;
- (D) 5,001-10,000 pupils—eight sets;
- (E) 10,001-50,000 pupils—16 sets;
- (F) 50,001-100,000 pupils—32 sets;
- (G) 100,001 and up—75 sets.

(2) The number of sets of samples (one copy of each book adopted) shown in the schedule in paragraph (1)(A)-(G) of this subsection are the maximum to be allowed. If fewer sets are needed, the requisition should be reduced accordingly to avoid unnecessary handling and transportation charges.

(3) The scholastic enrollments to be used as the basis for distribution of samples are taken from the most recent records in the Texas Education Agency.

(4) Only pupil texts, teacher editions, manuals, and other materials on the adopted list are included in the sample book shipment.

(5) Samples are for use by members of local textbook committees. They are not to be numbered, marked in any manner, or issued to pupils. As soon as the local committee's report has been approved, they are packed carefully in stout boxes and forwarded in a single shipment, freight charges collect, to the State Textbook Depository, Austin. This shipment is made by April 1 of each year. If the books do not arrive at the state depository in new-book condition, the school district officials are held accountable at contract prices for missing or damaged samples. Future textbook requisitions are not honored until proper accounting has been made for samples.

(6) School district officials may retain only copies of those books selected which will be used as texts in actual class instruction. These copies will be charged to the school's account and will reduce accordingly the total quotas which may be allowed on future requisitions.

(7) Only those samples shipped to school districts from the publisher's depositories and charged on official state invoice forms will be accepted for credit at the state depository.

(8) Samples must conform in content to the official copies on file in the text-

book division, except that changes authorized by the commissioner may be included. Each copy must be manufactured to comply with manufacturing standards and specifications and carry the state label on the inside front cover.

(9) Publishers pay all charges incurred in packaging and shipping samples to school districts. Each package in a shipment should be marked: "The books included in this package must be accounted for by textbook custodians in the same manner as all other textbooks shipped on state orders." Transportation charges from school districts to the state textbook depository are paid from the state textbook fund; however, publishing companies refund these charges to the state upon bills to be submitted by the textbook division. Payment for samples is made after September 1 of each year.

(10) Samples which have not been ordered from the state depository by September 1 of each year are returned to the publisher, transportation charges collect, for full credit, and the value of these samples is deducted from the total amount due the depository or company on the first payment made following the return of samples.

(11) Samples of instructional systems will not be mailed to schools. Instead, a listing of systems with prices and a detailed description of the component parts will be distributed to schools. Samples of learning systems shall be available for review through the regional education service centers in accordance with §81.121 of this title (relating to Special Provisions Concerning Samples of Learning Systems and Supplementary Instructional Materials). These systems will be adopted and ordered as regular textbooks are ordered.

(b) For Proclamations 64 and thereafter, the provisions in this subsection shall apply.

(1) Each publisher shall ship to every school district in this state a minimum of one sample of each adopted textbook, teacher edition, or teacher resource book, and one prospectus for each adopted learning system or teacher resource packet no later than December 1.

(2) Additional copies of sample materials shall be provided to meet the appropriate needs of the local textbook committee. Samples of learning systems or teacher resource packets may be supplied to local districts at the discretion of the publisher.

(3) Each sample supplied to school districts shall be provided and distributed at the expense of the publisher. No state or local funds shall be expended to purchase, distribute, or ship sample materials.

(4) All sample materials supplied by a publisher shall be clearly marked with the statement "complimentary copy—not for classroom use."

(5) Each local district shall report the titles and publishers of adopted textbooks, teacher editions, or teacher resource books and prospectuses for learning systems

or teacher resource packets for which appropriate samples were not received by January 2, in accordance with the provisions of this subsection.

(6) Failure to comply with the provisions of this rule shall be just cause for the State Board of Education to refuse to allow a publisher to participate in subsequent adoptions for a period not to exceed three years.

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 July 29, 1986.

TRD-8007423

W. N. Kirby
Commissioner of Education

Effective date: August 19, 1986
Proposed publication date: June 10, 1986
For further information, please call
(512) 463-9212.

★ ★ ★

★ 19 TAC §81.153, §81.154

The amendments are adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks, provide for full and complete investigation of all books and accompanying bids, and provide for public comments in regard to textbook adoption or in support of or against any textbook presented; the Texas Education Code, §12.11, which provides for the establishment and functioning of the State Textbook Committee; and the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance with the requirements of the Texas Education Code, Chapter 12.

§81.153. Selection of Textbooks by Local School Districts.

(a) (No change.)

(b) On or before the local board meeting in November of each year, each board of trustees and each county board shall appoint a local textbook committee composed of not fewer than five and not more than 15 members. The official minutes of each board, at which the appointment of a textbook committee is made must include a record of the names of persons appointed to serve on the textbook committee.

(c) Appointments to the textbook committee shall be made by the board of trustees upon the recommendation of the superintendent of schools and by the county board upon the recommendation of the county superintendent. Should any board reject any recommendation, the superintendent shall present to the board another recommendation in lieu of the one rejected.

(d) (No change.)

(e) It shall be the duty of the local textbook committee to examine all books on the multiple lists adopted by the State Board of Education, to select the textbooks from these lists for use in its school system, and to rec-

commend its selections to the board of trustees or county board for ratification.

(f) Each local textbook committee makes its selections at a meeting of the committee held prior to the March board meeting. In the event selections recommended by the committee are not ratified by the local board, the committee shall make other selections at a meeting held as soon as possible following the meeting of the board at which time any of the previous selections were not ratified. The quorum of the committee for any meeting at which selections are made must consist of at least a majority of the members of the committee.

(g) (No change.)

(h) After ratification by the board of trustees or county board, two copies of the textbook committee's report, carrying the signatures of members of the committee who participated in the selection, the board president, and the board secretary, shall be sent by the superintendent or the county superintendent to the Textbook Division not later than March 31. Forms on which such reports are to be made shall be provided by the Textbook Division. Only those books recommended by the textbook committee and ratified by the board of trustees or the county board shall be furnished by the state for use in any school.

(i) The selections as certified to the Textbook Division shall be final and, therefore, shall not be subject to reconsideration during the contract period or periods covering the books selected.

(j) Requisitions shall be developed and submitted in accordance with the Texas Education Code, §12.61, and this section. Except as otherwise provided by statute, requisitions shall be based on maximum prior year enrollment plus 10%; however, in cases of rapid growth in enrollment or other unforeseen emergencies, supplemental requisitions for textbooks to meet demonstrated actual need shall be permitted. Where two or more titles are selected from a multiple list, requisitions may be made for a combined total of the selected titles. After books which have been duly selected have been requisitioned and delivered to the school district, these books shall be continued in use during the contract period or periods. It is not permissible to return copies of one title in order to secure copies of another title on the same multiple list.

(k) High school textbooks may be distributed to seventh or eighth grade pupils enrolled in accelerated classes. The distribution of high school textbooks to high school students shall be based on subject enrollment subject to statutory quotas.

(l) Where selections have not been made from the multiple lists of prior adoptions, the current local textbook committees may select such texts if the subjects are to be taught in their systems during the ensuing school term. Such selections shall be reported with other multiple list selections on the regular form where spaces are provided

for indicating them. New selections shall not be permitted from multiple lists of texts which are readopted. School district officials must continue to use the texts previously selected.

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 July 29, 1986.

TRD-8607422 W. N. Kirby
Commissioner of Education

Effective date: August 19, 1986
Proposal publication date: June 10, 1986
For further information, please call
(512) 463-9212.

★ ★ ★

★ 19 TAC §81.164

The new section is adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks, provide for full and complete investigation of all books and accompanying bids, and provide for public comments in regard to textbook adoption or in support of or against any textbook presented; the Texas Education Code, §12.11, which provides for the establishment and functioning of the State Textbook Committee; and the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance with the requirements of the Texas Education Code, Chapter 12.

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 July 29, 1986.

TRD-8607421 W. N. Kirby
Commissioner of Education

Effective date: August 19, 1986
Proposal publication date: June 10, 1986
For further information, please call
(512) 463-9212.

★ ★ ★

Special Textbooks

★ 19 TAC §81.173

The amendment is adopted under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks, provide for full and complete investigation of all books and accompanying bids, and provide for public comments in regard to textbook adoption or in support of or against any textbook presented; the Texas Education Code, §12.11, which provides for the establishment and functioning of the State Textbook Committee; and the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance

with the requirements of the Texas Education Code, Chapter 12.

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 July 29, 1986.

TRD-8607420 W. N. Kirby
Commissioner of Education

Effective date: August 19, 1986
Proposal publication date: June 10, 1986
For further information, please call
(512) 463-9212.

★ ★ ★

TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission

Chapter 83. Sanitary Rulings

★ 22 TAC §83.1, §83.14

The Texas Cosmetology Commission adopts the repeal of §83.1 and §83.14, without changes to the proposed text published in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2858).

The repeals are justified because they clarify the rules on enforcement of sanitary rulings and the definitions and uses of wet and dry sanitizers. The repealed sections are replaced with new, clearer sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

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 July 25, 1986.

TRD-8607374 Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: September 1, 1986
Proposal publication date: June 20, 1986
For further information, please call
(512) 463-5542.

★ ★ ★

The Texas Cosmetology Commission adopts new §83.1 and §83.14, without changes to the proposed text published in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2858).

The new sections clarify the enforcement of commission rules and the definitions and uses of wet and dry sterilizers.

The new sections prevent misunderstanding and confusion due to misinterpretation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

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 July 25, 1986.

TRD-8607377 Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: September 1, 1986
Proposal publication date: June 20, 1986
For further information, please call
(512) 463-5542.

★ ★ ★

★22 TAC §83.29

The Texas Cosmetology Commission adopts new §83.29, without changes to the proposed text published in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2859).

The new section makes clear to customers and operators that shoes and shirts must be worn in order for services to be performed in any cosmetology establishment.

The new section clarifies the statutes on this matter.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

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 July 25, 1986.

TRD-8607375 Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: September 1, 1986
Proposal publication date: June 20, 1986
For further information, please call
(512) 463-5542.

★ ★ ★



Chapter 89. General Provisions

★22 TAC §§89.1-89.4, 89.8-89.15, 89.17, 89.18, 89.22-89.26, 89.28, 89.30, 89.32, 89.34, 89.35, 89.37, 89.39-89.41, 89.46, 89.47, 89.51-89.54, 89.67, 89.70, 89.71

The Texas Cosmetology Commission adopts the repeal of §§89.1-89.4, 89.8-89.15, 89.17, 89.18, 89.22-89.26, 89.28, 89.30, 89.32, 89.34, 89.35, 89.37, 89.39-89.41, 89.46, 89.47, 89.51-89.54, 89.67, 89.70, 89.71, without changes to the proposed text published in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2859).

The repeals are justified because they clarify the statutes as they apply to the commission, its licensees, and patrons of its licensees. The sections are repealed in favor of new, clearer sections.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

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 July 25, 1986.

TRD-8607372 Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: September 1, 1986
Proposal publication date: June 20, 1986
For further information, please call
(512) 463-5542.

★ ★ ★

★22 TAC §§89.1-89.4, 89.6, 89.15, 89.17, 89.18, 89.22, 89.23, 89.25, 89.28, 89.30, 89.32, 89.34, 89.35, 89.39-89.41, 89.46, 89.47, 89.51-89.53, 89.67, 89.70, 89.71

The Texas Cosmetology Commission adopts new §§89.1-89.4, 89.6, 89.15, 89.17, 89.18, 89.22, 89.23, 89.25, 89.28, 89.30, 89.32, 89.34, 89.35, 89.39-89.41, 89.46, 89.47, 89.51-89.53, 89.67, 89.70, and 89.71. New §§89.8, 89.11-89.13, 89.15, 89.18, 89.30, and 89.35 are adopted with changes to the proposed text published in the June 20, 1986 issue of the *Texas Register* (11 TexReg 2860). The other sections are adopted without changes and will not be republished.

These new sections concern the requirements which all cosmetology licensees and establishments must meet. The final sentence of §89.8(a) is deleted. In §89.11(b)(3), the phrase "or in the case of field trips" is inserted. In §89.12, the spelling of the word "accessible" is corrected. In §89.13(a) the phrase "except as provided

in §89.11" is inserted. In §89.15(l), the dates are changed. The final sentence is deleted from §89.18. In §89.30, the sentence "Schools failing to submit. . ." is deleted. The sentence, "Tank tops and bare feet are not allowed" was added to §89.35(a) and (c).

These new sections better clarify the statutes.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 8451a, which provides the Cosmetology Commission with the authority to promulgate rules.

§89.8. Student Registration.

(a) Each student enrolling in a school of cosmetology must submit a registration blank and \$25 student permit fee on enrollment. The registration must be filed within 10 days of enrollment in order to receive credit for hours accrued.

(b) A student may be enrolled in only one school of cosmetology at any one time. (See §89.14 of this title (relating to Concurrent Enrollments and Make-Up Hours)).

§89.11. Daily Attendance Register.

(a) Each cosmetology school or program shall maintain a daily record of attendance with each student personally punching the time clock. Attendance records will be maintained in the school and available to authorized personnel of the Texas Cosmetology Commission for a period of 24 months after the student completes or terminates attendance. All schools will be required to use a time clock to track hours. All schools shall be required to post a sign at the time clock which states:

(1) the Texas Cosmetology Commission statutes prohibit the clocking in or out of a student by anyone other than that individual;

(2) no credit shall be given for any times written in except in documented cases of time clock failure;

(3) initialing will be accepted in limited occurrences, i.e., no more than two times per month per student or in the case of field trips; and

(4) students leaving the facility for any reason must clock out, except if an instructional area on a campus is located outside the approved facility, those areas must be approved by the commission and the student must be under the supervision of an instructor.

(b) Documentation of time clock failure must be submitted to the Texas Cosmetology Commission office, and a copy attached to the hour report and include a work order for repair indicating dates of failure.

§89.12. Rules and Regulations. All rules and regulations of the commission shall be published and displayed in the schools and licensed cosmetology establishments. A statement shall appear on the rules that violations shall be reported to the commission. Schools

may post rules and regulations on behavior, attendance, dress, and progress, and the school may suspend or terminate a student for noncompliance. Schools must place the current commission rules and regulations in a place where they will be readily accessible to students.

§89.13. Reduction, Increasing, or Withholding of Hours.

(a) Hours of instruction that have been properly acquired by the student may not be deducted or increased for any reason. This statement will appear on school registrations immediately preceding the signatures of student and instructor. Increase or decrease of credit hours earned on any basis other than clock hours actually completed is prohibited except as provided in §89.11.

(b) When a student withdraws or graduates from a beauty culture school, earned hours may not be withheld for any reason. The hours must be reported to the Texas Cosmetology Commission within 10 days of withdrawal or graduation.

§89.15. Definitions of License Authorizations.

(a) Instructor license. An instructor license authorizes the holder to instruct in any approved cosmetology school or program and practice all phases of cosmetology in a beauty salon or practice any of the specialties in a licensed specialty salon. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the license.

(b) Cosmetologist. A cosmetologist (operator) license authorizes the holder to practice all phases of cosmetology in a beauty salon or any specialties in a specialty salon. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the license.

(c) Wig specialists. A wig specialist certificate authorizes the holder to practice wigging, hairweaving, or perform eye tabbing in a beauty or specialty salon. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the license. No other services may be performed. To do so will lead to revocation of a specialty license.

(d) Manicurist. A manicurist license authorizes the holder to practice manicuring and pedicuring in a licensed beauty or specialty salon. A manicurist shall not treat or remove calluses, soft calluses, or ingrown nails. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the license. No other services may be performed. To do so will lead to revocation of a specialty license.

(e) Shampoo-conditioning specialist. A shampoo specialist certificate authorizes the holder to practice the art of shampooing, application of conditioners and rinses, scalp manipulation, and shampooing hair goods in a licensed beauty salon. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the license. No

other services may be performed. To do so will lead to revocation of a specialty license.

(f) Facial specialist. A facial specialist certificate authorizes the holder to practice facial, application of facial cosmetics, manipulations, eye tabbing, arches, lash and brow tints, and the temporary removal of superfluous hair by the use of depilatory, mechanical tweezers, or wax in a licensed beauty or specialty salon. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the license. No other services may be performed. To do so will lead to revocation of a specialty license.

(g) Hairweaving specialist. A hairweaving specialist certificate authorizes the holder to practice the art of hairweaving in a licensed beauty or specialty salon. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the license. No other services may be performed. To do so will lead to revocation of a specialty license.

(h) Temporary license. A temporary license authorizes the holder of a valid license from another state or nation to practice cosmetology in the State of Texas for 60 days while waiting for reciprocity clearance or waiting to take the commission examination. A temporary license is not renewable. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the license.

(i) Student permit. A student permit authorizes the holder to practice cosmetology only in an approved school, and only after 10% of the required hours for graduation (150 hours for public high school students) are accrued. A photograph approximately 1½ inches by 1½ inches shall be attached to the front of the permit.

(j) Exemption. Persons licensed in this state to practice medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or nursing who practiced any phase of cosmetology prior to August 31, 1985, as authorized by Texas Civil Statutes, Article 8451a, §39(2), may no longer continue this practice without a current license from the Texas Cosmetology Commission, unless they are operating within the scope of their license. (Texas Civil Statutes, Article 8451a, §39(2), revised August 1, 1985). Persons in this category may apply to take a Texas Cosmetology Commission certification examination one time prior to January 31, 1987, after which time formal training in a licensed beauty culture school will be required.

§89.18. Student Instructor—Instructor Ratio.

Schools may enroll three student instructors for each licensed instructor teaching in the school on a full-time basis. The student instructor shall at all times work under the direct supervision of the full-time licensed instructor and may not service patrons, but will concentrate on teaching skills.

§89.30. Examination Applications. Application for examination must be filed 10 days prior to the first date set by law for examination and verify the applicant has com-

pleted the total hours required in the particular course of instruction at that time. The examination application consists of the front portion of the permit with photograph, the second portion labeled application, and a health certificate not over one year old which includes a tuberculosis test. A copy of the student permit and photograph must be posted in the school, should the student continue to attend and accrue hours between the time of application and date scheduled for exam. The applicant will be required to furnish valid proof of identification prior to admittance for examination. The examination application may not be withheld for the purpose of tuition collection. Students holding dates scheduled for exam who do not appear without a seven-day notice to the commission of cancellation may be denied scheduling for at least 60 days.

§89.35. Uniforms.

(a) Cosmetology school students shall wear a uniform of washable material with the armpits covered as prescribed by the school. Tank tops and bare feet are not allowed.

(b) Salon employees shall wear an attire of washable material with armpits covered. Tank tops and bare feet are not allowed.

(c) Applicants for a commission examination must appear in a professional uniform of washable material with the armpits covered, provided that such attire shall not bear any writing or other identifying marks. Tank tops and bare feet are not allowed.

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 July 25, 1986.

TRD-8807376

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: September 1, 1986
Proposal publication date: June 20, 1986
For further information, please call
(512) 463-5542.

★ ★ ★

★ 22 TAC §89.21

The Texas Cosmetology Commission adopts the repeal of §89.21, without changes to the proposed text published in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2880).

The section needed to be changed because of the commission's new policies regarding proof of valid student hours. This section is replaced with a new, clearer version.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 8451a, §4, which provide the Cosmetology Commission with the authority to promulgate rules.

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 July 25, 1986.

TRD-8607379

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: August 18, 1986

Proposal publication date: June 20, 1986

For further information, please call
(512) 463-5542.

★ ★ ★

★22 TAC §89.72, §89.75

The Texas Cosmetology Commission adopts new §89.72 and §89.75, without changes to the proposed text published in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2884).

These new sections clarify the curricula which private and public cosmetology programs are expected to follow and the circumstances under which students in such programs may go on field trips.

These new sections clarify curricula and field trips for all cosmetology course operators.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

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 July 25, 1986.

TRD-8607378

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Effective date: September 1, 1986

Proposal publication date: June 20, 1986

For further information, please call
(512) 463-5542.

★ ★ ★

Part XI. Board of Nurse Examiners

Chapter 217. Licensure and Practice Definitions

★22 TAC §217.1

The Board of Nurse Examiners adopts an amendment to §217.1, without changes to the proposed text published in the May 23, 1986, issue of the *Texas Register* (11 TexReg 2414).

The amendment adds new definitions which relate to the Peer Assistance Program rule adopted as a result of House Bill 900, 69th Legislature, 1985.

The amendment defines an impaired professional and program.

Mike Brown, RN, Midland; Pat Waters, RN, Groves; Ilene Rice and Nursing Administration, Good Shepherd Medical Center, Longview; Wanda Helgesen, RN, Martha Runkle, RN, Providence Member Hospital; and Texas Nurses' Association commented in favor of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing, and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

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 July 29, 1986.

TRD-8607415

Margaret L. Rowland
Executive Secretary
Board of Nurse Examiners

Effective date: August 19, 1986

Proposal publication date: May 23, 1986

For further information, please call
(512) 835-4890.

★ ★ ★

★22 TAC §217.16

The Board of Nurse Examiners adopts new §217.16, with changes to the proposed text published in the May 23, 1986, issue of the *Texas Register* (11 TexReg 2414).

The Peer Assistance Program rule is written to comply with the passing of House Bill 900, 69th Legislature, 1985. The Board of Nurse Examiners did make a change in §217.16(1)(M) by removing the mandatory implication of this subsection and inserting the word "may". In making this change, the peer assistance program is not mandated to report the impaired professional registered nurse to the board, but may do so if there has been any prior disciplinary action by the board.

This new section is in regard to additional criteria necessary for the establishment of a peer assistance program for registered professional nurses as provided for in House Bill 900, 69th Legislature, 1985.

The Board of Nurse Examiners received five favorable comments and only one with concerns in certain areas, although the organization is in favor of the new section as a whole. The Texas Nurses Association raised questions regarding mandatory reporting of the impaired registered professional nurse.

Mike Brown, RN, Midland; Pat Waters, RN, Groves; Ilene Rice and Nursing Administration, Good Shepherd Medical Center, Longview; Wanda Helgesen, RN, Martha Runkle, RN, Providence Memorial Hospital; Texas Nurses' Association commented in favor of the new section.

The Board of Nurse Examiners agreed with the comments and changed §217.16(1)(M) to remove the mandatory requirement of reporting an impaired registered professional nurse who has had prior disciplinary action.

The new section is adopted under Texas Civil Statutes, Article 4514, §1, and Article 5561(c)(2), which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law. The board shall establish additional criteria for a peer assistance program for registered professional nurses.

§217.16. Peer Assistance Programs. A peer assistance program for registered, professional nurses will identify, assist, and monitor professional colleagues with job impairing mental health, alcohol, or drug problems so they may continue to practice nursing.

(1) Additional criteria.

(A) The program will provide statewide peer advocacy services available to all registered nurses impaired by chemical abuse or mental illness.

(B) The program shall have a statewide monitoring system that will be able to track the nurse while preserving anonymity.

(C) The program shall provide a network of trained peer intervenors located throughout the state.

(D) The program shall have a written plan for the education and training of intervenors and other program personnel.

(E) The program shall have a written plan for the education of registered nurses, other practitioners, and employers.

(F) The program shall have a mechanism for documenting program compliance and for timely reporting of noncompliance to the board.

(G) The program shall demonstrate financial stability and funding sufficient to operate the program.

(H) The program shall collect and make available to the board and other appropriate persons data relating to impaired professional nurses and the success/failure of peer assistance.

(I) The program shall have a written plan for a systematic total program evaluation.

(J) The program shall be subject to periodic evaluation by the board or its designee.

(K) Counselors utilized by the peer assistance program shall meet the minimum criteria for counselors as established by the board.

(L) The program shall establish a plan to verify previous disciplinary action relative to impairment prior to admitting a nurse to the peer assistance program.

(M) If there has been any prior disciplinary action by the board, the program may report the impaired nurse to the board.

(2) Contractual agreement. The approved program(s) will enter into a contractual agreement with the board to provide the services of an impaired professional program. Said contract can be withdrawn for noncompliance and is subject to annual review and renewal.

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 July 29, 1986.

TRD-8607414 Margaret L. Rowland
Executive Secretary
Board of Nurse Examiners

Effective date: August 19, 1986
Proposal publication date: May 23, 1986
For further information, please call
(512) 835-4880.

★ ★ ★

Part XV. Texas State Board of Pharmacy

Chapter 281. General Provisions Practice and Procedure

★22 TAC §281.24

The Texas State Board of Pharmacy, adopts an amendment to §281.24, without changes to the proposed text published in the June 3, 1986, issue of the *Texas Register* (11 TexReg 2540).

The amendment is adopted for the establishment of procedures for the proper institution, conduct, and determination of all proceedings and matters within the jurisdiction of the board.

This amendment further outlines what is included under the term "unprofessional conduct" set out in the Texas Pharmacy Act, §28(2).

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §28, which provide the Texas State Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of this Act, consistent with this Act.

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

Issued in Austin, Texas, on July 23, 1986.

TRD-8607383 Fred S. Brinkley, Jr.
Executive Director
Texas State Board of Pharmacy

Effective date: August 18, 1986
Proposal publication date: June 3, 1986
For further information, please call
(512) 832-0681.

★ ★ ★

Part XXIX. Texas Board of Land Surveying

Chapter 661. General Rules of Procedures and Practices Branch Offices

★22 TAC §661.120

The Texas Board of Land Surveying adopts new §661.120, without changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2226).

The new section provides protection to the consumer public by insuring that any survey work performed or offered from any branch office of a surveying firm will be under the direct and full-time supervision of a registered public surveyor.

All branch offices of a firm or a registered public surveyor which offers surveying services to the public in one or more locations must have a full time registered public surveyor on staff in each branch office.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 5282c, §9, which provide the Texas Board of Land Surveying with the authority to make and enforce all reasonable and necessary rules, regulations, and bylaws not inconsistent with the Texas Constitution, the laws of this state, and this Act.

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

Issued in Austin, Texas, on July 28, 1986.

TRD-8607418 Betty J. Pope
Executive Secretary
Texas Board of Land Surveying

Effective date: August 19, 1986
Proposal publication date: May 13, 1986
For further information, please call
(512) 452-9427.

★ ★ ★

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services Chapter 27. ICF-MR Subchapter UUUU. Support Documents

★40 TAC §27.9801

The Texas Department of Human Services adopts an amendment to §27.9801, with changes to the proposed text published in the May 23, 1986, issue of the *Texas Register* (11 TexReg 2418).

The amendment is necessary to permit per diem supplemental reimbursements to community-based ICF-MR VI facilities providing care for recipients whose needs require amounts of care that are substantially greater than those normally associated with ICF-MR VI. The descriptive phrase "community-based" has been inserted, where necessary, to clarify the department's intent that this supplemental reimbursement apply specifically to private providers.

This amendment will ensure that community-based ICF-MR providers will be able to continue offering care to recipients whose needs for exceptional amounts of care might otherwise impose economic burdens on the facilities or might bar eligible residents from ready access to appropriate care.

No comments were received regarding adoption of the amendment.

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

§27.9801. *Reimbursement Methodology for Vendor Rates.*

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

(d) Rate setting methodology. Reimbursement rates for each class of service are determined by selecting the projected per diem expense, multiplied by 1.07, from each cost area within each class of service that corresponds with the median Medicaid day of service, and summing the cost area amounts to determine the per diem reimbursement rates. Except as specified in paragraphs (5) and (6) of this subsection, the department applies this methodology to services provided on or after January 1, 1984.

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

(6) Supplemental reimbursement rate determination for community-based ICF-

MR VI. Because the needs of some community-based ICF-MR VI recipient-patients require significantly greater-than-normal amounts of care, the reimbursement rates for these recipient-patients are supplemented for services rendered on or after May 1, 1986. The supplemental rates apply only when recipient-patients' level-of-care assessment forms indicate qualifying scores for all six of the following criteria: conditions/procedures qualifying scores; mobility/ambulation—6; transferring—7; bathing—7; dressing/grooming—7; eating—6; toileting—7.

(A) The department determines the service-delivery cost for the community-based supplemental ICF-MR rate by calculating the estimated time required by the appropriate class of direct-care personnel. To calculate this time estimate, the department uses the results of time/motion studies conducted by the State of Ohio and found to have nationwide validity. Each time-estimate is multiplied by the projected hourly wage-rate for a given class of personnel. The projected wage-rate includes a factor for payroll, taxes, and benefit expenses. To estimate employee compensation costs, the department uses its Medicaid-provider cost reports and wage-and-hour survey data.

(B) The department determines what portion of the community-based ICF-MR VI class rate covers employee compensation costs for direct-care personnel.

(C) The community-based ICF-MR VI supplemental reimbursement rate is the difference between the results of calculations described in subparagraphs (A) and (B) of this paragraph.

(e) (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 July 30, 1986.

TRD-8607450
Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: August 20, 1986
Proposal publication date: May 23, 1986
For further information, please call
(512) 450-3786.

★ ★ ★

Chapter 45. Medical Assistance Programs

Subchapter F. General Policies

★ 40 TAC §45.504

The Texas Department of Human Services adopts an amendment to §45.504, in its Medical Assistance Programs chapter, without changes to the proposed text published in the June 13, 1986, issue of the *Texas Register* (11 TexReg 2713).

The amendment is justified because it allows the department or its health insur-

ing agent to recoup payments from a provider if the department or its health insuring agent paid the provider and subsequently determined that the provider was aware of the third-party resource.

The amendment will function to save state and federal dollars by recouping payments that were made to providers when a third-party resource existed.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on July 25, 1986.

TRD-8607304
Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: September 1, 1986
Proposal publication date: June 13, 1986
For further information, please call
(512) 450-3786.

★ ★ ★

Part III. Texas Commission on Alcohol and Drug Abuse

Chapter 151. Licensure

★ 40 TAC §§151.601-151.606

The Texas Commission on Alcohol and Drug Abuse adopts new §§151.601-151.606, without changes to the proposed text published in the May 27, 1986, issue of the *Texas Register* (11 TexReg 2471).

The new sections clarify the procedure by which the commission approves facilities for accepting court referrals for commitment and describe the criteria for eligibility of facilities. The requirements assist the commission in its oversight and planning functions under Texas Civil Statutes, Article 5561c-2, Title II.

The new sections set out procedures and criteria by which alcohol treatment facilities apply for approval for receiving court commitments and reporting to the commission.

Requests for comment were solicited from all counties in Texas through the clerk's offices. One favorable comment was received from Judge Guy Herman of Austin. No changes were made or recommended.

The new sections are adopted under Texas Civil Statutes, Article 5561c-2, Title II, which provide for the commitment by various courts to alcohol treatment facilities approved by the commission. The rules set out the commission's requirements for approval.

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 July 17, 1986.

TRD-8607281
Ross Newby
Executive Director
Texas Commission on
Alcohol and Drug Abuse

Effective date: August 14, 1986
Proposal publication date: May 27, 1986
For further information, please call
(512) 463-6510.

★ ★ ★

Chapter 155. Community Services

★ 40 TAC §§155.31-155.34

The Texas Commission on Alcohol and Drug Abuse adopts new §§155.31-155.34, without changes to the proposed text published in the April 25, 1986, issue of the *Texas Register* (11 TexReg 1917).

This will reduce cost to the public for processing a publicly intoxicated individual who has committed no other crime through the criminal justice system. Intoxicated individuals will receive treatment services in lieu of incarceration. Costs reduced are those associated with arrest, booking, incarceration, and court costs.

The intent of the commission is to provide written rules and standards covering procedures and minimum criteria for the approval of alcohol and/or drug treatment facilities to receive and treat individuals voluntarily accepting services under the Texas Penal Code, §42.08.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Penal Code, §42.08, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to approve facilities for the treatment of individuals appearing in a public place under the influence of alcohol or any other substance as an alternative to arrest for public intoxication.

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 July 17, 1986.

TRD-8607282
Ross Newby
Executive Director
Texas Commission on
Alcohol and Drug Abuse

Effective date: August 14, 1986
Proposal publication date: April 25, 1986
For further information, please call
(512) 463-6510.

★ ★ ★

Part XII. Texas Advisory Board of Occupational Therapy
Chapter 361. Statutory Authority and Definitions

★40 TAC §361.2

The Texas Advisory Board of Occupational Therapy adopts an amendment to §361.2, without changes to the proposed text published in the June 13, 1986, issue of the *Texas Register* (11 TexReg 2736).

The amendment adds the definition of monitored services.

The amendment increases consumer protection by defining the meaning of words "monitored services" as used in the statute.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on July 21, 1986.

TRD-8607240

Vernon H. Newman
 Assistant Commissioner
 Texas Rehabilitation
 Commission

Effective date: September 22, 1986
 Proposal publication date: June 13, 1986
 For further information, please call
 (512) 445-8368.

Chapter 383. Referral and Supervision

★40 TAC §383.1

The Texas Advisory Board of Occupational Therapy adopts an amendment to §383.1, without changes to the proposed text published in the June 13, 1986, issue of the *Texas Register* (11 TexReg 2737).

The amendment defines monitored services as referred to in this chapter as well as in the statute itself and defines the amount of supervision necessary to deliver such services.

The amendment increases consumer protection by defining the meaning of the words "monitored services" as used in the statute.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on July 21, 1986.

TRD-8607239

Vernon H. Newman
 Assistant Commissioner
 Texas Rehabilitation
 Commission

Effective date: September 21, 1986
 Proposal publication date: June 13, 1986
 For further information, please call
 (512) 445-8368.

★ ★ ★

State Board of Insurance Exempt Filings

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

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

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

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

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual*. Section G of Rule 38 of the *Texas Automobile Manual* has been amended to include a new Subsection 19, reading as follows:

19. Driving Through Education—
 Bollinger Driver Improvement Program—
 Driver Improvement Course Credit.
 (a) An auto afforded personal auto coverage shall be subject to a credit of 10% applied to the rate otherwise applic-

able, provided satisfactory evidence (certificate of completion or photostat thereof issued by Driving Through Education—Bollinger Driver Improvement Program) is presented to the company that the principal operator of such auto has successfully completed the Driving Through Education—Bollinger Driver Improvement—Driver Improvement Course Credit.

(b) If the policy insures two or more autos, the credit shall apply only to the auto principally operated by the person awarded the Driving Through Education—Bollinger Driver Improvement Program—Driver Improvement Course Credit Certificate of Completion.

(c) The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36-month period in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after September 1, 1986.

This amendment is effective September 1, 1986.

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 July 22, 1986.

TRD-8607257

Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: September 1, 1986
 For further information, please call
 (512) 463-6327.

★ ★ ★

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual*.

The board has adopted physical damage rating symbols for certain 1986 and 1987 model private passenger automobiles.

The symbols adopted were developed from Manufacturers F.O.B. list price data and adjusted in accordance with the prescribed vehicle series rating rule.

The F.O.B. list price/symbol chart from which the appropriate symbols are derived is on Page 2 of the Symbol and Identification Section of the *Texas Automobile Manual*.

If applicable, the appropriate symbol has been raised or lowered based on the experience thresholds set out in the vehicle series rating rule in the Symbol and Identification Section of the *Texas Automobile Manual*. The amendment is effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*.

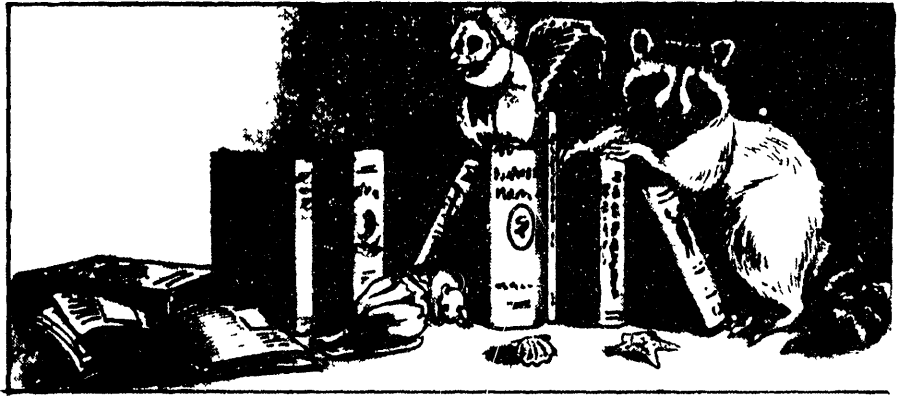
This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607279 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 21, 1986
For further information, please call
(512) 463-6327.

★ ★ ★



Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, 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.

Posting of open meeting notices. 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, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Texas Adult Probation Commission

Thursday, July 31, 1986, 10 a.m. The Program Committee of the Texas Adult Probation Commission met in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda summary, the committee will consider waiver requests for the counties of Hood, Hunt, Midland, Taylor, Val Verde, and Wheeler; and management audit report for Hunt County.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: July 30, 1986, 4:43 p.m.
TRD-8607504

Friday, August 1, 1986, 9 a.m. The Texas Adult Probation Commission will meet in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda summary, the commission will consider waiver requests for the counties of Hood, Hunt, Midland, Taylor, Val Verde, and Wheeler; and a management audit report for Hunt County.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: July 30, 1986, 4:45 p.m.
TRD-8607505

★ ★ ★

Texas Department of Agriculture

Wednesday, August 6, 1986, 1:30 p.m. The Texas Department of Agriculture will meet at the Pecos County Courthouse Annex, 103 West Callan, Fort Stockton. According to the agenda, the department will conduct an administrative hearing to review an alleged violation of Texas pesticide laws by Lukins Flying Service, holder of a commercial applicator license.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583

Filed: July 25, 1986, 10:57 a.m.
TRD-8607314

Friday, August 8, 1986, 10 a.m. The Texas Department of Agriculture will meet in the Texas Department of Agriculture Satellite Office, Sixth Floor, Number 2 Civic Center Plaza, El Paso. According to the agenda, the department will conduct an administrative hearing to review an alleged violation of Texas Agriculture Code §103.001, by Lazcano's Produce as petitioned by Prater & Pal's Produce Company, Inc.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583

Filed: July 24, 1986, 1:48 p.m.
TRD-8607287

The Texas Department of Agriculture will meet at 421 East Ferguson, Tyler. Days, times, and agendas will follow.

Monday, August 11, 1986, 1 p.m. The department will hold an administrative hearing to review an alleged violation of Texas Agriculture Code, §76.116(a)(1), by Rodney M. Scrivner, doing business as SSI Industries, Inc.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 28, 1986, 1:39 p.m.
TRD-8607392

Tuesday, August 12, 1986, 11:30 p.m. The department will hold an administrative hearing to review an alleged violation of Texas Agriculture Code, §75.005, by John Babers, doing business as Gober Gin.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 28, 1986, 1:38 p.m.
TRD-8607394

Tuesday, August 12, 1986, 2:30 p.m. The department will hold an administrative hearing to review an alleged violation of Texas Agriculture Code, §76.116(a)(1), by Randle Stephens, Stephens Ag-Air.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: July 28, 1986, 1:38 p.m.
TRD-8607393

Texas Commission on Alcohol and Drug Abuse

Tuesday, August 5, 1986, 9 a.m. The Commissioners of the Texas Commission on Alcohol and Drug Abuse will meet in the conference room, 1705 Guadalupe Street, Austin. Items on the agenda include the approval of the April 8, 1986, and June 26, 1986, minutes; the Goals and Strategies Committee report; the Advisory Council report; the proposed policy on criteria for funding of the governing board structure; proposed revision to licensure review board policy; adoption of the intended use report; a proposed amendment to DWI education program standards and procedures; audit appeal #1 (86)—Golden Triangle Community Services; public comment; fiscal year 1987 continuation funding; and reports from the executive director and chairman. The commission will also meet in executive session.

Contact: Becky Davis, 1705 Guadalupe Street, Austin, Texas 78701, (512) 463-5510

Filed: July 24, 1986, 11:44 a.m.
TRD-8607280

★ ★ ★

State Bar of Texas

Monday, July 28, 1986, 2 p.m. The Executive Committee of the State Bar of Texas met in emergency session via conference call at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee considered adoption of a resolution to the legislature regarding any proposed decrease in appropriations by the legislature to the appellate courts of Texas. The emergency status was necessary so the decision of the committee could be transmitted to the legislature during its called session beginning August 6, 1986.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1401.

Filed: July 28, 1986, 8:28 a.m.
TRD-8607340

Texas State Board of Dietitians

Friday, August 15, 1986, 10 a.m. The State Board of Dietitians will meet in the second floor conference room at 1101 East Anderson Lane, Austin. According to the agenda summary, the board will consider approval of the minutes from the April 28, 1986, meeting; hear the executive secretary's report, the chairman's report, and committee reports; consider ratification of application approved by executive secretary; review and act on expired licenses and on applications for licensure, provisional licensure and examination eligibility; and setting of the next meeting date. The board will also meet in executive session.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

Filed: July 30, 1986, 4:06 p.m.
TRD-8607503

★ ★ ★

Texas Economic Development Commission

Thursday, August 7, 1986. Committees of the Texas Economic Development Commission will meet at the Houstonian Hotel, 111 North Post Oak Lane, Houston. Times, rooms, committees, and agendas to follow.

1 p.m. In the Camelia Room, the Administration Committee will discuss current personnel actions and implications on the Texas Economic Development Commission of the Governor's Executive Order MW-39 establishing a freeze on all employee hiring except in emergency situations; and to discuss and possible act on obtaining E&O liability insurance for commissioners. The committee will also meet in executive session to discuss pending personnel matters including actions filed against the commission by former employees pursuant to Article 6252-17 2(e).

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

Filed: July 29, 1986, 3:48 p.m.
TRD-8607249

3 p.m. In the Elm Room, the Legislative Affairs Committee will discuss the special session of the Texas legislature pursuant to Governor's Proclamation 41-2087 and the effect of possible action of the special session on the commission; discuss the Governor's Executive Order MW-39 regarding the state employee hiring freeze and the implications of this freeze on the commission; and discuss and possibly act upon economic development legislation which may be introduced into the special session or future legislative sessions.

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

Filed: July 29, 1986, 3:48 p.m.
TRD-8607432

5 p.m. The Texas Small Business Industrial Development Corporation will approve the minutes of the July 15, 1986, meeting; consider and act on a project requesting inducement resolution—Co Gas, Inc.; Discuss and possibly act on TEXCAP program guidelines and allocation of TSBIDC fees; discussion and possible action on Environmental Protection Agency Grant Participation Notes Bond Program; discuss the request for proposal for TEXCAP program administrator; and select the next meeting date and time.

Contact: Wardaleen F. Belvin, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: July 29, 1986, 3:48 p.m.
TRD-8607431

★ ★ ★

Texas Education Agency

Thursday, August 7, 1986, 10 a.m. The Advisory Committee of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. Items on the agenda summary include approval of the minutes; discussion of staff work since last meeting; recommendations regarding construction of economic models, indices; and planning for next meeting.

Contact: Maureen Moore Scheevel, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: July 30, 1986, 10:17 a.m.
TRD-8607467

★ ★ ★

Texas Employment Commission

Wednesday, August 6, 1986, 8:30 a.m. The Texas Employment Commission will meet in Room 644, Texas Employment Commission Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss prior meeting notes; discuss internal procedures of commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 31; and set the date of the next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: July 29, 1986, 1 p.m.
TRD-8607412

★ ★ ★

Office of the Governor

Friday, August 1, 1986, 10 a.m. The Border Economic Development Task Force met in Room 106, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the task force conducted

meetings of the Education and Training Committee; of the Border Task Force; the Environment, Tourism, Quality of Life, and Infrastructure Committee; and the Business, Agribusiness, and Regional Cooperation Committee. The meeting was rescheduled from July 25, 1986.

Contact: Tom Adams, Suite 412, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1827

Filed: July 24, 1986, 2:51 p.m.
TRD-8607297

Thursday, August 14, 1986, 1 p.m. The Youth Committee of the State Job Training Coordinating Council of the Office of the Governor will meet in Room 1.122 of the Joe C. Thompson Conference Center, University of Texas at Austin. Items on the agenda include the Governor's Youth Programs; youth employment and training models; the Teen Parent Project; unique and innovative 1986 JTPA summer youth programs; and changes in youth eligibility under JTPA.

Contact: Joe Jennings, 107 West 27th Street, Austin, Texas 78712, (512) 471-6010.

Filed: July 30, 1986, 9:39 a.m.
TRD-8607466

★ ★ ★

Texas Health and Human Services Coordinating Council

Tuesday, August 5, 1986. Committees of the Texas Health and Human Services Coordinating Council will meet at 117 Trinity Street, Austin. Times, rooms, committees, and agendas follow.

9 a.m. In Room 360T, the Data and Planning Committee will consider the election of a chair; the approval of minutes of the prior committee meetings; data initiatives; and new business.

Contact: Beck Runte, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: July 28, 1986, 10:51 a.m.
TRD-8607346

9 a.m. In Room 304T, the Administration and Finance Committee will elect a chairperson; approve the minutes of the prior committee meetings; consider an appropriations request; and new business.

Contact: DeAnn Friedholm, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: July 28, 1986, 10:49 a.m.
TRD-8607348

10:30 a.m. In Room 304T, the Similar Services Working Group will elect a chairperson; select areas to focus on for the study of combining similar services and agencies; and consider new business.

Contact: DeAnn Friedholm, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: July 28, 1986, 10:50 a.m.
TRD-8607347

1:30 p.m. In Room 304T, the Texas Health and Human Services Coordinating Council will approve the minutes of the last meeting of the council and of the Issues Committee; consider an update on the state fiscal situation; reports from committees and working groups including the residential contract care working group, the indigent health care working group, the Administration and Finance Committee, the Data and Planning Committee, and similar services working group; a status report on the reference guide; the Dental Care Advisory Committee status report; a report on the study on school age latch-key children in Texas from the United Way of Texas, and child care working group; a United Way initiative on emergency services; and new business.

Contact: DeAnn Friedholm, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: July 28, 1986, 10:49 a.m.
TRD-8607349

★ ★ ★

Texas Industrial Accident Board

Monday, August 4, 1986, 9:30 a.m. The Texas Industrial Accident Board met in Room 107 of the Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board discussed the review of board files.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: July 30, 1986, 4:03 p.m.
TRD-8607500

★ ★ ★

State Board of Insurance

Monday, August 4, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance met in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section conducted a hearing on Docket 9319—application of Sam C. Hake-mian, and John L. Ricciardelli, of Miami, Florida, to acquire control of Texas Fire and Casualty Company, Dallas.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: July 25, 1986, 2:15 p.m.
TRD-8607324

Tuesday, August 5, 1986, 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 the extension of emergency affectiveness and proposal for permanent adoption of amendments to 28 TAC §§.7001-5.7014, concerning cancellation, denial, and non-renewal

of certain property and casualty insurance coverage; the fire marshal's report on personnel matters; the commissioner's report on personnel matters, pending and contemplated litigation; and board orders on several different matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: July 28, 1986, 2:50 p.m.
TRD-8607384

Wednesday, August 6, 1986, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will make a decision on American Bankers Insurance Company of Florida filing of rates for Alternate Private Credit Insurance.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: July 29, 1986, 4:04 p.m.
TRD-8607434

Thursday, August 7, 1986, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9316—application of original charter of Western General Insurance Company, Houston.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: July 28, 1986, 10:46 a.m.
TRD-8607350

Monday, August 11, 1986, 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 consider Docket 9314—stock purchase of American Exchange Life Insurance Company, Dallas.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: July 28, 1986, 10:46 a.m.
TRD-8607351

★ ★ ★

Texas Board of Land Surveying

Monday-Wednesday, August 11-13, 1986, 8 a.m. daily. The Texas Board of Land Surveying will meet at the Marriott Hotel, 701 East 11th Street, Austin. According to the agenda, the board will meet to conduct the August 1986 examination and consider any other business to come before the board.

Contact: Betty J. Pope, 7703 North Lamar Boulevard, Suite 304, Austin, Texas 78752, (512) 452-9427.

Filed: July 28, 1986, 10:38 a.m.
TRD-8607352

★ ★ ★

Legislative Budget Board

Friday, July 25, 1986, 11:30 a.m. The Legislative Budget Board Subcommittee on Criminal Justice met in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the subcommittee met in an organizational meeting and considered any business that came before the subcommittee. The emergency status was necessary to organize the subcommittee to do business. The meeting was rescheduled from Saturday, July 26 1986.

Contact: Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 463-1166

Filed: July 25, 1986, 9:44 a.m.
TRD-8607307

Friday, August 22, 1986, 9 a.m. The Legislative Budget Board will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the board will approve the operating budget and any other business.

Contact: Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 463-1166.

Filed: July 28, 1986, 1:44 p.m.
TRD-8607395

★ ★ ★

Texas Legislative Council

Friday, August 22, 1986, 9 a.m. The Texas Legislative Council will meet in Lieutenant Governor's Committee Room 220, State Capitol, Austin. Items on the agenda include the executive director's report; consideration of the proposed council operating budget for fiscal year 1987; and any other business presented to the council.

Contact: Robert I. Kelly, P.O. Box 12128, Austin, Texas 78711, (512) 463-1151.

Filed: July 28, 1986, 3:11 p.m.
TRD-8607385

★ ★ ★

Legislative Reference Library

Friday, August 22, 1986, 9 a.m. The Legislative Library Board of the Legislative Reference Library will meet in the Lieutenant Governor's Committee Room 220, State Capitol, Austin. Items on the agenda include the appointment of the director; and approval of the operating budget of 1986-1987.

Contact: Sally Reynolds, P.O. Box 12488, Austin, Texas 78711.

Filed: July 29, 1986, 2:50 p.m.
TRD-8607433

Texas Low-Level Radioactive Waste Disposal Authority

Tuesday, August 12, 1986, 2 p.m. The Texas Low-Level Radioactive Waste Disposal Authority will meet in Suite 300, 7703 North Lamar, Austin. Items on the agenda summary include the approval of minutes of the previous meeting; the general manager's report and communications; old and new business; and public comments.

Contact: L. R. Jacobi, Jr., 7703 North Lamar, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: July 29, 1986, 10:18 a.m.
TRD-8607409

★ ★ ★

Texas Department of Mental Health/Mental Retardation

Committees of the Texas Department of Mental Health/Mental Retardation will meet in the auditorium, General Office, 909 West 45th Street, Austin. Days, times, committees, and agendas follow.

Thursday, August 7, 1986, 2 p.m. The Executive Committee will consider the proposed naming of the chapel at Terrell State Hospital, Winton Gable All Faith Chapel; and appointment recommendations to the citizen's planning advisory committee.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas, (512) 463-4588.

Filed: July 24, 1986, 4:30 p.m.
TRD-8607301

Thursday, August 7, 1986, 2:15 p.m. The Rule Review Committee will consider the proposal of amendments to rules governing client abuse and neglect in Texas Department of Mental Health/Mental Retardation facilities, rules governing client abuse and neglect in community Mental Health/Mental Retardation centers, and rules governing least restrictive environment.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas, (512) 463-4588.

Filed: July 24, 1986, 4:27 p.m.
TRD-8607299

Thursday, August 7, 1986, 2:30 p.m. The Business Committee will consider adjustments to the fiscal year 1986 budget; approval of the fiscal year 1987 budget; and approval of the fiscal year 1988-89 legislative appropriation request.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas, (512) 463-4588.

Filed: July 24, 1986, 4:27 p.m.
TRD-8607302

Friday, August 8, 1986, 9 a.m. The board of directors will meet to consider the following items: approval of the minutes of the June 22, 1986, and June 26 and 27, 1986,

meetings; citizens comments; the commissioner's calendar; recommendations from the Rule Review Committee and Business Committee; and litigation. The board also will meet in executive session.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas, (512) 463-4588.

Filed: July 24, 1986, 4:29 p.m.
TRD-8607300

★ ★ ★

Texas Music Commission

Friday, August 1, 1986, 10 a.m. The Texas Music Commission met in the Speaker's Committee Room, State Capitol, Austin. According to the agenda summary, the commission considered old and new business, and invited public comment.

Contact: Bekki Lammert, P.O. Box 2910, Austin, Texas 78769, (512) 463-1100

Filed: July 24, 1986, 3:37 p.m.
TRD-8607296

★ ★ ★

Board of Pardons and Paroles

Monday-Friday, August 4-8, 1986, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: July 25, 1986, 10:25 a.m.
TRD-8607308

Tuesday, August 5, 1986, 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 and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

Filed: July 25, 1986, 10:17 a.m.
TRD-8607309

★ ★ ★

Public Utility Commission of Texas

Monday, August 4, 1986. The Hearings Division of the Public Utility Commission of Texas met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Times and agendas follow.

9 a.m. According to the agenda, the division held a rescheduled prehearing conference in Dockets 6566 and 6716—application of General Telephone Company of the Southwest to modify its access tariff to provide for a white page surcharge and application of General Telephone Company of the Southwest to eliminate the directory assistance service rate upon approval of white page surcharge. This meeting was rescheduled from Monday, July 28, 1986.

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

Filed: July 24, 1986, 2:59 p.m.
TRD-8607294

10 a.m. According to the agenda, the division met in an emergency meeting to consider Docket 6890—Application of Central Power and Light Company for approval of the Transfer of a Portion of Oklahoma Unit No. 1 to the Public Utilities Board of the City of Brownville. The emergency status was necessary because of the time sensitive nature of the relief requested.

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

Filed: July 29, 1986, 2:42 p.m.
TRD-8607428

Monday, August 25, 1986, 10 a.m. The Hearings Division of the Public Utilities Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division conducted a rescheduled hearing of the merits in Docket 6669—Petition of Airco, Inc., against Houston Lighting and Power Company.

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

Filed: July 24, 1986, 2:59 p.m.
TRD-8607293

★ ★ ★

Railroad Commission of Texas

Monday, July 28, 1986, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The revision concerned Docket 4-86,925—application of Wilco Disposal, Inc., to consider a permit to maintain and use pits on its Wilco Disposal, Inc., SWD facility, Duval

County. The emergency status was necessary because the item was properly noticed at the meeting of July 21, 1986, and was passed.

Contact: Greg Waner, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7291.

Filed: July 25, 1986, 11:09 a.m.
TRD-8607332

Monday, July 28, 1986, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda for a meeting held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The addition concerned various additional matters falling within the Oil and Gas regulatory jurisdiction. The emergency status was necessary because these items were properly noticed at the meeting of July 21, 1986, and were passed.

Contact: Elizabeth Wilson Davis, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6920.

Filed: July 25, 1986, 11:11 a.m.
TRD-8607333

Monday, August 4, 1986, 9 a.m. The Railroad Commission of Texas met in the 12th floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: July 25, 1986, 11:09 a.m.
TRD-8607331

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) 463-7251.

Filed: July 25, 1986, 11:08 a.m.
TRD-8607329

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

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: July 25, 1986, 11:08 a.m.
TRD-8607327

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, F.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: July 25, 1986, 11 a.m.
TRD-8607318

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 78711-2967, (512) 463-6710.

Filed: July 25, 1986, 11:07 a.m.
TRD-8607322

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 78711-2967, (512) 463-6931.

Filed: July 25, 1986, 10:58 a.m.
TRD-8607315

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6922.

Filed: July 25, 1986, 11:01 a.m.
TRD-8607321

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: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: July 25, 1986, 11:07 a.m.
TRD-8607326

Consideration of Docket 4-83,123—extension of Rule 26(B) exception for state lands, Duval County.

Contact: Susan Cory, P.O. Box 12967, Austin, Texas 78711, (512) 463-6922

Filed: July 25, 1986, 11 a.m.
TRD-8607319

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

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: July 25, 1986, 10:59 a.m.
TRD-8607317

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, (512) 463-6976.

Filed: July 25, 1986, 11:08 a.m.
TRD-8607330

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) 463-7149.

Filed: July 25, 1986, 11:08 a.m.
TRD-8607328

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; consideration of the acceptance of an incremental bond for the operations of Aluminum Company of America at its Sandow Mine under Permit 1; the partial release of the reclamation obligation of Continental Oil Company's Conquista Project operating under Permit 008, Sites 6 and 7; and the permit application approval of Texas Municipal Power Agency's Gibbons Creek Lignite Mine III in Docket 23.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

Filed: July 25, 1986, 11:01 a.m.
TRD-8607320

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: July 25, 1986, 10:58 a.m.
TRD-8607325

Addition to the previous agenda:

Consideration of the adoption of a statement of reasons for adoption of 16 TAC §§5.616-5.621 inclusive.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: July 25, 1986, 3:38 p.m.
TRD-8607337

Tuesday, August 5, 1986, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the division will consider an oral argument in Dockets 027201ZZT and 027143ZZT—general rate increase TTTCA/TBC Tariffs 7, 10, 11, 13, 18, 19, 22, 24, and RCT Tariff 25 Series; increase all specific and distance linehaul rates therein by 9%; and general rate increase, TTTCA/TBC Tariffs 7, 10, 11, 13, 18, 19, 22, and 24 increase all linehaul rates therein by 6%.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7315.

Filed: July 25, 1986, 10:59 a.m.
TRD-8607316

Monday, August 18, 1986, 1:30 p.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the division will conduct a statewide oil and gas hearing.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

Filed: July 25, 1986, 11:11 a.m.
TRD-8607334

★ ★ ★

Texas Rehabilitation Commission

Friday, August 1, 1986, 10 a.m. The Texas Planning Council for Developmental Disabilities of the Planning and Evaluation Committee of the Texas Rehabilitation Commission met in Room 302, 118 East Riverside Drive, Austin. Items on the agenda included the approval of the summary report; a status report of the Developmental Disabilities state plan; consideration of the transitional service development including SCR 129, RFP update, and the Transition Task Force; and the committee's role and responsibilities in evaluation.

Contact: Roger Webb, 118 East Riverside Drive, Austin, Texas 78704 (512) 445-8004.

Filed: July 24, 1986, 10:46 a.m.
TRD-8607278

Monday, August 4, 1986, 4:30 p.m. The Board of Directors of the Texas Rehabilitation Commission met in Suite 302, 118 East Riverside Drive, Austin. According to the agenda, the board will give an update of the legislative process.

Contact: Vernon H. Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126.

Filed: July 25, 1986, 10:08 a.m.
TRD-8607305

★ ★ ★

Texas Savings and Loan Department

Friday, August 8, 1986, 10 a.m. The Savings and Loan Section of the Finance Commission of the Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the section will consider the final adoption of proposed amendments to Chapter 57, the change of the office location, and change of name; Chapter 61, Hearings; Section 65.18, Letters of Credit; consider proposed amendments to Section 59.9, Exemption for Supervisory Purchase; Section 53.10, Designation as Supervisory Purchase; Section 53.11, Remote Service Units; and Section 63.13, Fee for Charter Application Under Section 2.15. The section also will meet in executive session in regard to personnel and supervisory matters.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: July 30, 1986, 4:46 p.m.
TRD-8607506

School Land Board

Tuesday, August 5, 1986, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the minutes of the previous board meeting; pooling of applications and agreement amendments; the direct sale of tracts; consideration and final approval of land trades; excess acreage applications; the good faith claimant applications; coastal public lands—easement applications; lease applications; commercial lease applications; consideration of rules on posted price; and final adoption of rules for coastal public land fees.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: July 28, 1986, 4:09 p.m.
TRD-8607396

★ ★ ★

State Committee of Examiners for Speech-Language Pathology and Audiology

Friday, August 1, 1986, 9 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology met in an emergency session in Room T-507, 1100 West 49th Street, Austin. According to the agenda, the committee added an agenda item regarding the proposed rules of the Board of Examiners in the fitting and dispensing of hearing aids concerning definition and procedures. The emergency status was necessary because the proposed rule was not published in the *Texas Register* until after the final day for legal posting of this open meeting notice.

Contact: June Robertson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7502.

Filed: July 30, 1986, 4:05 p.m.
TRD-8607502

★ ★ ★

Texas Tech University

Thursday, August 7, 1986. Committees of Board of Regents of Texas Tech University and Texas Tech University Health Sciences Center will meet in the board suite, Administration Building, Texas Tech, Lubbock. Times, committees, and agendas follow.

8:30 a.m. The Public Affairs and University Relations Committees will hear reports. The committee also will meet in executive session.

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

Filed: July 30, 1986, 10:41 a.m.
TRD-8607481, 8607482

9 a.m. The Academic and Student Affairs Committee of Texas Tech University will

amend the construction contract for the Civil-Agricultural Engineering Building renovation; award the construction contract for the renovation of Natatorium, Phase II of installation and renovation of fire alarms in buildings, rehabilitate various sections of the utility tunnels and systems; receive bids to renovate campus secondary electrical service to 35 campus buildings and renovation of the second floor of the Home Economics Building; appoint the project architect to renovate and expand studios, work areas, and the program offices of the Educational Television Station and to construct a greenhouse for the Biology Department and renovate roof and two top floors of the Biology Building, the board chairman will sign the easement agreement with the City of Lubbock to replace the existing agreement which provides the utility corridor along the west side of University Avenue.

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

Filed: July 30, 1986, 10:40 a.m.
TRD-8607477

9:30 a.m. The Academic and Student Affairs Committees will hear reports. The committees also will meet in executive session. The Academic and Student Affairs Committee of Texas Tech University will consider granting the emeritus status; the revision to the Student Affairs Handbook; and ratify leaves of absence. The Academic and Student Affairs Committee of Texas Tech University Health Sciences Center will consider the revision of the School of Medicine Faculty Council bylaws; the change in title for academic administrators at the School of Medicine and regional academic health centers; approve the Table of Programs in accordance with 1984 guidelines set by the Coordinating Board; and approve the formation of Southwest Institute for Addictive Diseases.

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

Filed: July 30, 1986, 10:39 a.m.
TRD-8607476, 8607475

10:30 a.m. The Finance and Administration Committees will hear reports; consider budget adjustments; approve the faculty sick leave policy; the fiscal year 1987 operating budget; amend budget rules and procedures policy; approve the group dental insurance carrier; ratify the delegation of authority; and hear the Campus Communications report. The Finance and Administration Committee of Texas Tech University will extend the campus bus service contract with the City of Lubbock; the policy to govern granting of the fiscal year 1987 academic scholarships; and the policy to govern the fiscal year 1987 emergency enrollment loans. The Finance and Administration Committee of Texas Tech University Health Sciences Center will approve the bylaws for schools of Allied Health and nursing practice plans; approve

the memo of understanding with R. E. Thomason General Hospital; approve the continuation of the master coordinating agreement with Amarillo Hospital District; approve the R. E. Thomason General Hospital agreement to provide pathology diagnostic services; the addendum to the master coordinating agreement with El Paso County Hospital District for emergency room physician services; the addendum to the affiliation agreement with the Medical Center hospital, Odessa, for resident, library, and other services costs; approve the liability insurance for the School of Nursing students; and hear the Medical Practice Income Plan.

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

Filed: July 30, 1986, 10:40 a.m.
TRD-8607478, 8607483

1:15 p.m. The Development Committees will hear reports. The committees also will meet in executive session. The Development Committee of Texas Tech University will consider the appointment of new members to the board of directors of the foundation and reappointment of present members to the board of directors of the foundation.

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

Filed: July 30, 1986, 10:40 a.m.
TRD-8607479, 8607480

2 p.m. The Board of Regents will hear reports of the Academic and Student Affairs, Finance and Administration, and Development Committees; and act on the minutes. The board also will meet in executive session.

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

Filed: July 30, 1986, 10:39 a.m.
TRD-8607474

3:35 p.m. The Board of Regents will hear reports of the Academic and Student Affairs, Finance and Administration, Campus and Building, and Development Committees; and act on the minutes. The board also will meet in executive session.

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

Filed: July 30, 1986, 10:38 a.m.
TRD-8607473

★ ★ ★

Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin. Days, times, rooms, and agendas follow.

Tuesday, August 5, 1986, 10 a.m. In Room 118, the commission will consider water district bond issues; release from escrow; change in plans; use of surplus funds; the appointment of temporary directors; a motion to dismiss an application; water quality proposed permits; amendments and renewals of permits; water right applications; certificates of adjudication; extension of time; cancellation of permits; and rules of Subchapter M, §§335.391-335.393.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 24, 1986, 3:59 p.m.
TRD-8607298

Tuesday, August 5, 1986, 10 a.m. In Room 118, the commission will consider the application by Cameron County Fresh Water Supply District No. 1 for approval of \$8,250,000 bond issue.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 25, 1986, 4:15 p.m.
TRD-8607339

Monday, August 11, 1986, 2 p.m. In Room 118, the commission will consider final adoption of proposed rules 31 TAC §§335.322, 335.324, 335.325, 335.332, (proposed amendments July 8, 1986); §§335.1, 335.4, 335.6, 335.8, 335.9, 335.17, 335.22, 335.23, 335.41, 335.44, 335.61, 335.112, 335.152, 335.201, 335.202, (proposed amendments July 11, 1986); §§335.222 (proposed repeal July 11, 1986); §§335.2, 335.24, 335.43, 335.45, and 335.221-335.226 (new proposed rules July 11, 1986).

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 30, 1986, 3:58 p.m.
TRD-8607497

Wednesday, August 13, 1986, 3 p.m. In Room 118, the commission will consider the adoption of 31 TAC Chapter 293 (§§293.1-293.343) concerning water districts.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 30, 1986, 4:01 p.m.
TRD-8607499

The Office of Hearings Examiner of the Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas to follow.

Tuesday, September 2, 1986, 9 a.m. In Room 215, the office will meet to consider the application by Jarrell Group, Ltd., 1314 Sam Bass Circle, Round Rock, for Proposed Permit 13276-01 to authorize the disposal by irrigation of treated domestic wastewater effluent at a volume not to exceed an average of 120,000 gallons per day. The applicant proposes to build a domestic wastewater treatment plant to serve a proposed mobile home

park which will include 533 prefabricated and mobile home sites on approximately 240 acres. The facility will consist of a lift station, bar screen, activated sludge process operated in the complete mix mode, secondary clarification, a chlorine contact chamber, and an aerobic sludge digester.

Contact: Robert Caine, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 28, 1986, 3:10 p.m.
TRD-8607391

Wednesday, September 3, 1986, 9 a.m. In Room 1149A, the office will consider the application of T Bar M, Inc., 6060 Dilbeck, Dallas, for renewal of Permit 11279-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 55,000 gallons per day from T Bar M Tennis Ranch Wastewater Treatment Plant, which is located approximately ½ mile northwest of the intersection of FM Road 1863 and State Highway 46, approximately five miles west of New Braunfels in Comal County. The effluent is discharged into a dry ravine, thence to Blieders Creek, thence to the Comal River in Segment 1811 of the Guadalupe River Basin.

Contact: Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 28, 1986, 3:11 p.m.
TRD-8607389

Thursday, September 4, 1986, 9 a.m. In Room 618, the office will consider the application of Hugh Hornsby and Max Walden, 1901 Capital Parkway, Suite 201, Austin, for Proposed Permit 13259-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day from the proposed Highway 973 wastewater treatment plant. The applicant proposes these wastewater treatment facilities to serve a mobile home park.

Contact: Martin Wilson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 28, 1986, 3:10 p.m.
TRD-8607390

Tuesday, September 9, 1986, 9 a.m. In Room 215, the office will consider the application of SVS Utilities, Inc., 1607 West Avenue, Austin for Proposed Permit 13269-01 to authorize the disposal by irrigation of treated domestic wastewater effluent at a volume not to exceed an average of 430,000 gallons per day. The applicant proposes to build a domestic wastewater treatment plant to serve a proposed residential subdivision and commercial development. The treated effluent will be used to irrigate 180 acres of native grassland. Application rates for the irrigated land shall not exceed 2.7 acre-foot/acre-year. No discharge of pollutants into the waters of the state is authorized by this permit.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 28, 1986, 3:13 p.m.
TRD-8607386

Wednesday, September 10, 1986, 9 a.m. In Room 512, the office will consider the application by Paul A. Lewis, 1800 West Loop South, Suite 1801, Houston, for Proposed Permit 13301-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 310,000 gallons per day from the Friendship Ranch wastewater treatment facilities which will serve a proposed 405-acre development.

Contact: Steve Dickman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 28, 1986, 3:14 p.m.
TRD-8607387

Wednesday, September 10, 1986, 9 a.m. In Room 215, the office will consider the application by Travis Vista, Section II, 13101 Indigo Cove, Austin for Permit 11531-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day from the wastewater treatment facilities which are located approximately 600 feet northwest of FM Road 620 and one mile east of Mansfield Dam in Travis County. The effluent is discharged into Lake Travis in Segment 1404 of the Colorado River Basin.

Contact: Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 28, 1986, 3:13 p.m.
TRD-8607388

Tuesday, September 23, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will hold a hearing on M.V. Simpson and Wife, Zela Stacy Simpson who seek a permit to maintain an existing exempt 60 acre-foot capacity reservoir and dam on Horse Branch, tributary of Sabana River, tributary of Leon River, tributary of Little River, tributary of Brazos River, Brazos River Basin, for irrigation purposes in Comanche County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 30, 1986, 3:58 p.m.
TRD-8607498

★ ★ ★

Regional Agencies Meetings Filed July 24

The Alamo Area Council on Governments, executive committee, met at 118 Broadway, San Antonio, on July 30, 1986, at 12:30 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Garza County Appraisal District, Appraisal Review Board, will meet in the courtroom, County Courthouse, Post, on August 6, 1986, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Henderson County Appraisal District, Appraisal Review Board, met at 101 East Corsicana, Athens, on July 28, 1986, at 9 a.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

The Leon County Central Appraisal District, Appraisal Review Board, met at the district office, Centerville, on July 28-30, 1986, at 9 a.m. The Board of Directors also met at the same location, on July 28, 1986, at 7:30 p.m. Information may be obtained from Tom G. Holmes, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Texas Panhandle Mental Health Authority, Executive Committee of the Board of Trustees, met at 1901 Medi-Park, Amarillo, on July 31, 1986, at noon. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The West Central Texas Council of Governments, Regional Advisory Council on Aging, will meet at the administrative offices, 1025 East North 10th Street, Abilene, on August 11, 1986, at noon. Information may be obtained from Dr. Lewis Lemmond, P.O. Box 3195, Abilene, Texas 79604, (916) 672-8544, ext. 46.

The Wheeler County Appraisal District, Board of Review, met in the commissioner's courtroom, Wheeler, on July 31, 1986, at 9 a.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8607277

★ ★ ★

Meetings Filed July 25

The Golden Crescent Regional Planning Commission, Board of Directors, met at 1908 North Laurent, Victoria, on July 30, 1986, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Middle Rio Grande Development Council, Board of Directors, met in the County Courtroom, Highway 83 and Fourth Street, Leakey, on July 30, 1986, at 2 p.m. Information may be obtained from Mike Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Wheeler County Appraisal District, Board of Directors, will meet at the district office, county courthouse square, Wheeler, on August 12, 1986, at 2 p.m. Information

may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

The Wise County Appraisal District, will meet at 205 South State, Decatur, on August 14, 1986, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

TRD-8607313

★ ★ ★

Meetings Filed July 28

The Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, Board of Directors, met at the district office, Natalia, on August 4, 1986, at 10 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Comal Appraisal District, Appraisal Review Board, will meet at the appraisal office, 644 North Loop 337, New Braunfels, on August 11-13, and 15, 1986, at 9 a.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130.

The Dallas Area Rapid Transit, Minority Affairs Committee, met at 601 Pacific Avenue, Dallas, on July 29, 1986, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Mental Health/Mental Retardation Center of East Texas, Board of Trustees, met at 2323 West Front Street, Tyler, on July 31, 1986, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Erath County Appraisal District, Board of Directors, will meet at 1390 Harbin Drive, Stephenville, on August 6, 1986, at 10 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Central Appraisal District of Johnson County, Appraisal Review Board, met at 109 North Main, Cleburne, on July 29, 1986, at 9 a.m. The board will meet at the same location, on August 4-6, 1986, at 9 a.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Sabine River Authority of Texas, Board of Directors, met at the Rayburn Club, San Rayburn, on August 1, 1986, at 9 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200.

The Tarrant Appraisal District, Board of Directors, met in Suite 505, 1701 River Run, Fort Worth, on July 31, 1986, at 9 a.m. In-

formation may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 505, Fort Worth, Texas 76107, (817) 332-3151.

The Wood County Appraisal District, Appraisal Review Board, met in the conference room, 217 North Main, Quitman, on August 1, 1986, at 9 a.m. The board will meet at the same location, on August 7, 1986, at 9 a.m. Information may be obtained from Carson Wages, P.O. Box 951, Quitman, Texas 75783.

TRD-8607341

★ ★ ★

Meetings Filed July 29

The Bexar Appraisal District, Appraisal Review Board, met at 535 South Main, San Antonio, on August 1, 1986, at 9 a.m. The board also met at the same location, on August 4, 1986, at 8:30 a.m. The board will meet August 5-8, 11-14, 18-22, 25-28, 1986, at 8:30 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Gillespie County Appraisal District, Appraisal Review Board, will meet in the city hall assembly room, Fredericksburg, on August 6, 1986, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Grand Parkway Association, met in 140 East Wing, 5757 Woodway, Houston, on July 30, 1986, at 9 a.m. Information may be obtained from Robert Randolph, 2801 First City Tower, 1001 Fannin, Houston, Texas, (713) 651-2380.

The High Plains Underground Water Conservation District No. 1, Board of Directors, met at 2930 Avenue Q, Lubbock, on August 4, 1986, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

TRD-8607410

★ ★ ★

Meetings Filed July 30

The Burnet County Appraisal District, will meet at 215 South Pierce Street, Burnet, on August 14, 1986, at 6:30 p.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Dawson County Central Appraisal District, Board of Directors, will meet at 920 North Dallas Avenue, Lamesa, on August 6, 1986, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Education Service Center Region II, combined Board of Directors and Joint Committee will meet at Joe Cotten's Bar-B-Q, Highway 77, Robstown, on August 20, 1986, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78401, (512) 883-9288.

The Education Service Center Region IV, Board of Directors, will meet in the boardroom, 7145 West Tidwell, Houston, on August 12, 1986, at 6 p.m. Information may be obtained from Tom Pate, Jr., P.O. Box 863, Houston, Texas 77011, (713) 462-7708.

The Education Service Center Region VII, Board of Directors, will meet at the Holiday Inn, Henderson, on August 14, 1986, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas, (214) 984-3071.

The Education Service Center Region IX, Board of Directors, will meet in the boardroom, 301 Loop 11, Wichita Falls, on August 7, 1986, at 1:30 p.m. The Regional Advisory Committee will also meet, at the same location, on the same date, at 10 a.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, 76305, (817) 322-6928.

The Henderson County Appraisal District, Appraisal Review Board, met at 101 East Corsicana, Athens, on August 4, 1986, at 9 a.m. The Board of Directors will meet on the same day, at the same location, at 7:30 p.m.

Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

The Scurry County Appraisal District, Board of Directors, will meet at 2612 College Avenue, Snyder, on August 5, 1986, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Central Tax Authority of Taylor County, Board of Directors, will meet at 340 Hickory Street, Abilene, on August 13, 1986, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

The Tyler County Tax Appraisal District, Appraisal Review Board, will meet at 103 Pecan, Woodville, on August 11, 1986, at 10 a.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8607463

★ ★ ★

Meetings Filed July 31

The Capital Area Planning Council, Governor's Regional Review Committee, will meet in Suite 100, 2520 IH 35 South, Austin, on August 7, 1986, at 8:30 a.m. Information may be obtained from Bruce A. Perryman, (512) 443-7653.

The Fisher County Appraisal District, Board of Directors, will meet at the tax office, Roby, on August 12, 1986, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Hunt County Tax Appraisal District, Appraisal Review Board, will meet in the boardroom, 4815-B King Street, Greenville, on August 1, 1986, at 8:30 a.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

TRD-8607507

★ ★ ★

In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board Correction of Error

A proposed section submitted by the Texas Air Control Board contained an error as published in the July 22, 1986, issue of the *Texas Register* (11 TexReg 3342).

The first table at the top of the page in boldface should not be in brackets, as it is new language.

Notice of Contested Case Hearing

Pursuant to the authority provided in the Texas Clean Air Act (the Act), §§3.15-3.17, 3.27, and 3.271, Texas Civil Statutes, Article 4477-5; and the Procedural Rules of the Texas Air Control Board (TACB), §§103.31, 103.41, and 103.81, an examiner for the TACB will conduct a hearing with regard to Horizon Concrete Services, Inc., and its intent to locate a concrete batch plant in Granbury Industrial Park, Waples Drive, Granbury, Hood County, pursuant to TACB Regulation VI, §116.6, and Standard Exemption 71.

The said company is directed to appear at the time and place shown in this notice and demonstrate by a preponderance of evidence that the facility will comply with all requirements of TACB Regulation VI, §116.6.

The record of this hearing will be used by the TACB in determining whether or not the concrete batch plant may be constructed at the intended site in conformance with the requirement of §116.6 and Standard Exemption 71.

Information regarding the proposed facility and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; the regional office of this agency located at 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116; and the Granbury Public Library, 222 North Travis, Granbury, Texas 76048.

The examiner has set the hearing to begin at 2 p.m., September 8, 1986, at the Texas Air Control Board auditorium, 6330 Highway 290 East, Austin, Texas 78723. Propositive parties to the hearing will be the TACB staff and the company. Any other persons desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner Paul M. Shinkawa, TACB, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the above address by 5 p.m., August 8, 1986. Previous correspondence with the TACB is not effective for this purpose. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing but who does not desire to be a party, may call the legal division of the TACB at (512) 451-5711, ext. 350,

to determine the names and addresses of all admitted parties. The parties may then be contacted about the possibility of presenting testimony.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, Texas at (512) 451-5711, ext. 350, a day or two prior to the hearing date to confirm the setting since continuance are granted from time to time.

Issued in Austin, Texas, on July 28, 1986.

TRD-8607413 Allen Ell Bell
Executive Director
Texas Air Control Board

Filed: July 29, 1986
For further information, please call (512) 451-5711, ext. 354.

★ ★ ★

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 07/28/86-08/03/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 07/01/86-07/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/86-09/30/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 07/01/86-09/30/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 07/01/86-09/30/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 07/01/86-09/30/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 07/01/86-09/30/86	18.00%	N/A

Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from

07/01/86-09/30/86	18.00%	N/A
Judgment Rate—Article 1.05, §2		
08/01/86-08/31/86	10.00%	10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on July 21, 1986.

TRD-8607258 Al Endsley
Consumer Credit
Commissioner

Filed: July 23, 1986
For further information, please call (512) 479-1280.

★ ★ ★

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 08/04/86-08/10/86	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 08/01/86-08/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/86-09/30/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 07/01/86-09/30/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 07/01/86-09/30/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 07/01/86-09/30/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 07/01/86-09/30/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from		
07/01/86-09/30/86	18.00%	N/A
Judgment Rate—Article 1.05, §2		
08/01/86-08/31/86	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
- (3) Credit for personal, family, or household use.
- (4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on July 28, 1986.

TRD-8607480 Al Endsley
Consumer Credit
Commissioner

Filed: July 30, 1986
For further information, please call (512) 479-1280.

★ ★ ★

Texas State Board of Dental Examiners

Correction of Error

An adopted section submitted by the Texas State Board of Dental Examiners contained an incorrect effective date as published in the July 22, 1986, issue of the *Texas Register* (11 TexReg 3349).

The effective date of §115.2 is August 4, 1986.

Texas Economic Development Commission

Consultant Contract Award

This contract award for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the January 28, 1986, issue of the *Texas Register* (11 TexReg 568).

On May 30, 1986, a consultant contract was awarded to Bonner, Inc., 400 West 15th Street, Suite 820, Austin, Texas 78701. The contract was awarded for the firm to serve as public relations, advertising, and marketing counsel; assist the Texas Economic Development Commission (TEDC) in creating an image of the State of Texas which will encourage expansion of existing businesses, attract new businesses to the state, and aid communities in promoting business growth; design and implement a marketing strategy that will encourage expansion of existing businesses in the state and produce qualified business prospects to be serviced by TEDC staff members; and assist in the creation of a strong constituency support group for TEDC programs and services and generate revenue supplements for the strategic marketing program.

The total value of the contract is \$175,000. Work was begun on the contract on June 1, 1986, and shall terminate on or about August 31, 1987.

Delivery of marketing materials and the contractor's final report is due on or before August 31, 1987.

Issued in Austin, Texas, on July 21, 1986.

TRD-8607419 David V. Brandon
Executive Director
Texas Economic Development
Commission

Filed: July 29, 1986
For further information, please call (512) 472-5059.

★ ★ ★

Texas Department of Health Emergency Impoundment Order

Notice is hereby given that Tep Log Services, Inc., Radioactive Material License 8-1959, no longer owns or possesses the sources of radiation authorized by the license nor controls the only authorized storage location at 311 West Third Street, Alice, Texas 78332 and that the National Bank of Alice has unlawful possession of the sources of radiation be impounded in their current location and not be removed except by specific written permission of the agency. The issued order is as shown following this notice.

In accordance with *Texas Regulations for Control of Radiation* 13.10(f)(1), the person receiving the order has been given opportunity for a hearing if the person makes a written application to the agency within 30 days of the date of publication.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, from 8 a.m.-5 p.m., Monday-Friday (except holidays).

The Texas Department of Health, Texas Radiation Control Agency issues an order to First National Bank of Alice, Mr. James R. Coleman, President, 2200 East Main, P.O. Box 3190, Alice, Texas 78333; Mr. Malcom K. Doerr, President, Tep Log Services, Inc., P.O. Box 546, Mathis, Texas 78368; and Tepco Engineering, Inc., Mr. Harry B. Hill, President, 311 West Third Street, Alice, Texas 78332.

Whereas, the Bureau of Radiation Control, which is the Radiation Control Program (the agency), has determined that Tep Log Services, Inc. (the licensee), holder of Texas Radioactive Material License 8-1959 (the license), no longer owns or possesses the sources of radiation authorized by the license nor controls the facilities at 311 West Third Street (the only authorized storage location), Alice, Texas 78332; and

Whereas, radioactive material formerly owned and possessed by the licensee is stored at the above address, said radioactive material being described as: four sources of Cs-137, 125 millicuries; one source of Cs-137, 37 millicuries; one source of Cs-137, 5.7 millicuries; one source of AM-241(Be), three curies; one source of AM-241(Be), one curie; one source of Ra-226, unknown quantity (activity); and

Whereas, it is unlawful for any one to use, manufacture, produce, transport, transfer, receive, acquire, own, possess, process, or dispose of any source of radiation unless licensed, registered, or exempted by the agency in accordance with the provisions of Texas Civil Statutes, Article 4590f, (the Radiation Control Act); and

Whereas, the possession of radiation sources by anyone who is not equipped to observe or fails to observe the provisions of Texas Civil Statutes, Article 4590f, or any rules issued thereunder constitutes a hazard threatening the health and safety of the people of Texas; and

Whereas, the National Bank of Alice, owns but is not licensed to possess, the above described radioactive material; and

Whereas, Tepco Engineering, Inc., and/or their representative, Mr. Harry B. Hill, is not licensed to possess the above described radioactive material; and

Whereas, the agency finds that an emergency exists that requires immediate action to protect the public health and safety and the environment;

Now therefore, premises considered, and pursuant to Texas Civil Statutes, Article 4590f, §11(d) and §14, it is hereby ordered that: the previously described radioactive material, and any other radioactive material in the possession of either Tep Log Services, Inc., or First National Bank of Alice, or their representatives or agents, be impounded; and the previously mentioned radioactive material shall be secured in its current location and shall not be removed except by specific written permission of the agency.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607529

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 23, 1986

For further information, please call (512) 835-7000.



Notice is hereby given that John Mundine, P.O. Box 1234, Luling, Texas having unlawful possession of a 2.81 curie americium-241/beryllium source, was ordered by the Bureau of Radiation Control to surrender for impoundment the radioactive material in his possession. The issued order is as shown following this notice.

In accordance with *Texas Regulations for Control of Radiation* (TRCR) 13.10(f)(1), the person receiving the order has been given opportunity for a hearing if the person makes a written application to the agency within 30 days of the date of publication.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, from 8 a.m.-5 p.m., Monday-Friday (except holidays).

The Texas Department of Health, Texas Radiation Control Agency issued an order to John Mundine, P.O. Box 1234, Luling, Texas.

Whereas, the Bureau of Radiation Control, which is the radiation control program (the agency), has found that John Mundine (the company), possesses radioactive material described as: Gamma Industries (unit name), AmBe241 (isotope), 281Ci (activity), NB572 (serial number); and

Whereas, it is unlawful for any one to use, manufacture, produce, transport, transfer, receive, acquire, own, possess, process, or dispose of any source of radiation unless licensed, registered, or exempted by the agency in accordance with the provisions of Texas Civil Statutes, Article 4590f, (the Radiation Control Act); and

Whereas, the possession of radiation sources by anyone who is not equipped to observe or fails to observe the provisions of Texas Civil Statutes, Article 4590f, or any rules issued thereunder constitutes a hazard threatening the health and safety of the people of Texas; and

Whereas, the company is not licensed for possession of the previously identified source of radiation; and

Whereas, the agency finds that an emergency exists that requires immediate action to protect the public health and safety and the environment;

Now therefore, premises considered, and pursuant to Texas Civil Statutes, Article 4590f, §11(d) and §14, it is hereby ordered that the company shall immediately surrender for impoundment those sources of radiation in their possession for which a license is required and which are specifically identified above.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607253 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 23, 1986
For further information, please call (512) 458-7236.

★ ★ ★

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 table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Denton	Jostens, Inc.	05-3939	Denton	0	06/16/86
El Paso	Raytheon Service Company	03-3960	Burlington, MA	0	06/27/86
Fort Worth	Diagnostic Imaging Center	05-3895	Fort Worth	0	06/20/86
Throughout Texas	Frank Malek & Associates	11-3943	Montgomery	0	06/19/86

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Arlington	HCA South Arlington Medical Center	05-2228	Arlington	9	06/25/86
Arlington	HCA South Arlington Medical Center	05-2228	Arlington	16	06/25/86
Austin	Texas Nuclear Corporation	06-3524	Austin	5	06/25/86
Bay City	E. I. Du Pont De Nemours and Co., Inc.	11-3938	Bay City	1	06/17/86
Brownsville	HCA Valley Regional Medical Center	08-2274	Brownsville	7	06/20/86
Burnet	Sheppard Memorial Hospital	06-3515	Burnet	4	06/13/86
Corpus Christi	Humana Hospital Corpus Christi	08-2816	Corpus Christi	13	06/20/86
Dallas	Mobil Exploration and Producing Services, Inc.	05-1627	Dallas	29	06/30/86
Dallas/Houston	E. I. DuPont DeNemours and Company (Inc.)	05-2481	Boston, MA	7	06/25/86
Denison	Texoma Medical Center	05-1600	Denison	11	06/27/86
Denison	Texoma Medical Center	05-1624	Denison	21	06/27/86

El Campo	El Campo Memorial Hospital	11-2664	El Campo	3	06/20/86
Fort Worth	Jaine H. Castro, M.D.	05-3751	Fort Worth	1	06/20/86
Fort Worth	City of Fort Worth	05-2888	Fort Worth	5	06/18/86
Georgetown	Georgetown Hospital	06-3152	Georgetown	6	06/20/86
Houston	Synco International Corporation	11-1911	Houston	61	06/20/86
Houston	TAPCO International, Inc.	11-2475	Houston	6	06/18/86
Houston	CRC-EVANS Automatic Welding	11-3416	Houston	4	06/18/86
Houston	Gulf Coast Testing & Inspection Co.	11-2378	Houston	13	06/27/86
Nacogdoches	Memorial Hospital	10-1071	Nacogdoches	18	06/24/86
Port Arthur	First Oil and Chemical Company	10-3498	Port Arthur	3	06/25/86
Port Arthur	Park Place Hospital	10-1707	Port Arthur	15	06/24/86
Quannah	Southern Cotton Oil Company	04-2354	Quannah	3	06/30/86
Richardson	H-R Industries, Inc.	05-3742	Richardson	2	06/17/86
Sherman	Texas Instruments, Inc.	05-2682	Sherman	8	06/12/86
Throughout Texas	Mustang Electrical Services, Inc.	07-815	Longview	14	06/17/86
Throughout Texas	Welex	11-387	Houston	66	06/11/86
Throughout Texas	Geo-Log, Inc.	05-1944	Granbury	30	06/11/86
Throughout Texas	Resource Technology Corporation	11-3698	Houston	2	06/11/86
Throughout Texas	Star-Jet Services, Inc.	08-2214	Corpus Christi	9	06/12/86
Throughout Texas	Alamo Testing Laboratories	09-3463	San Antonio	4	06/12/86
Throughout Texas	Dresser Atlas	11-446	Houston	80	06/12/86
Throughout Texas	Atomic Energy of Canada Limited	99-721	Ottawa, Canada	22	06/13/86
Throughout Texas	J. R. Testing Lab, Inc.	04-3836	Ablene	3	06/17/86
Throughout Texas	State Department of Highways and Public Transportation	06-197	Austin	42	06/17/86
Throughout Texas	Central and South West Services, Inc.	05-3167	Dallas	7	06/17/86
Throughout Texas	The Sabine Mining Company	07-3422	Hallsville	4	06/17/86
Throughout Texas	Cargill Drilling and Reclamation, Inc.	07-3782	Longview	3	06/17/86
Throughout Texas	General Electric Medical Systems	05-2800	Irving	10	06/16/86
Throughout Texas	Professional Service Industries, Inc.	99-931	Oak Brook, IL	61	06/18/86
Throughout Texas	Technical Welding Laboratory, Inc.	11-2187	Pasadena	36	06/18/86
Throughout Texas	Chemical Waste Management, Inc.	10-2907	Port Arthur	4	06/17/86
Throughout Texas	El Paso Engineering and Testing, Inc.	03-1567	El Paso	22	06/20/86
Throughout Texas	Baytown Industrial X-Ray, Inc.	11-2143	Baytown	22	06/19/86
Throughout Texas	Columbia Scientific Industries	06-1381	Austin	40	06/23/86
Throughout Texas	Texas Industrial X-Ray, Inc.	10-1851	Lufkin	34	06/25/86

Throughout Texas	Dowell Schlumberger Incorporated	99-764	Tulsa, OK	46	06/25/86
Throughout Texas	Petroleum Perforators, Inc.	08-1314	Alice	9	06/25/86
Throughout Texas	Daniel Industries, Inc.	11-3456	Houston	4	06/25/86
Throughout Texas	Century Geophysical Corporation	99-1562	Tulsa, OK	26	06/25/86
Throughout Texas	Southwestern Laboratories	05-1934	Dallas	14	06/24/86
Throughout Texas	Bonded Inspections, Inc.	05-693	Garland	32	06/30/86
Throughout Texas	In-House Inspection Company	11-3381	Huffman	3	06/27/86
Throughout Texas	Pan American Industries, Inc.	11-3669	Houston	3	06/27/86
Throughout Texas	D-Arrow Inspection, Inc.	11-3816	Houston	4	06/27/86
Throughout Texas	ITL Manlift Services, Inc.	11-3795	Searcy, AR	3	06/27/86
Throughout Texas	CBI NA-CON, Inc.	11-1902	Houston	8	06/27/86
Throughout Texas	Bonded Inspections, Inc.	05-693	Garland	30	06/27/86
Throughout Texas	Gulf Coast Testing & Inspection Co.	11-2378	Houston	13	06/27/86
Throughout Texas	Texas Nuclear Corporation	061105GL	Austin	19	06/26/86
Throughout Texas	Pittsburgh Testing Laboratory	11-1850	Houston	12	06/26/86
Throughout Texas	Texas Department of Health	06-1155	Austin	27	06/25/86
Throughout Texas	Pengo Wireline	05-3079	Fort Worth	27	06/30/86
Throughout Texas	Reinhart & Associates	06-3189	Austin	3	06/27/86



RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Beaumont	St Elizabeth Hospital	10-269	Beaumont	34	06/18/86
Clarksville	Red River General Hospital	07-2978	Clarksville	9	06/20/86
Fort Worth	General Portland, Inc.	05-1698	Fort Worth	11	06/13/86
Houston	Houston Imaging Center	11-2025	Houston	12	06/24/86
Irving	Damon Clinical Laboratories	05-2164	Irving	4	06/20/86
Pittsburg	Southwestern Electric Power Company	07-2008	Pittsburg	11	06/13/86
Terrell	Terrell Community Hospital	05-3048	Terrell	7	06/24/86
Throughout Texas	Chen and Associates Inc.	09-3839	San Antonio	1	06/17/86
Throughout Texas	Heath Constructors, Inc.	09-2522	San Antonio	3	06/17/86
Throughout Texas	Tracor Instruments Austin, Inc.	06-1186	Austin	25	06/25/86
Tomball	Tomball Community Hospital	11-2514	Tomball	7	06/20/86
West	West Community Hospital	06-2979	West	9	06/18/86

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Dallas	Pope Testing Laboratories, Inc.	05-622	Dallas	11	05/21/86
Fort Worth	City of Fort Worth	05-2531	Fort Worth	4	06/25/86
Houston	Texas Research Institute of Mental Sciences	11-318	Houston	34	06/20/86
Throughout Texas	Radiography Inspection, Inc.	12-3662	Turpin, OK	3	06/16/86
Throughout Texas	Houston Fire and Safety Equipment Company	11-2150	Houston	6	06/17/86
Throughout Texas	Lin-San Inspection, Inc.	08-3577	Corpus Christi	5	06/18/86

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on July 23, 1986.

TRD-8607238 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: April 22, 1986
For further information, please call (512) 458-7245.



Intent to Revoke a Certificate of Registration

The Texas Department of Health, Bureau of Radiation Control, is seeking the revocation of Certificate of Registration 3-12009, issued to Health Care for Industry, because the agency determined that the registrant is no longer located at 7105-P North Mesa, El Paso, Texas 79912. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone and by certified mail have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78765-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607254 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 23, 1986
For further information, please call (512) 458-7236.

★ ★ ★

The Bureau of Radiation Control, Texas Department of Health, filed a complaint against the following registrant, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the certificate of registration, order the registrant to cease and desist use of radiation machine(s), and order the registrant to divest itself of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of the complaint, no order will be issued. The complaint is as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificate of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, from 8 a.m.-5 p.m., Monday-Friday (except holidays).

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Chiropractic Arts and Science Center, 3300 Crawford, Houston, Texas 77004, (the registrant), holder of Certificate of Registration 11-11579.

I

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On March 27, 1985, the registrant was billed \$85 for fees due on Certificate of Registration 11-11579, covering the period from April 1984-September 1985. On March 7, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

II

On November 8, 1985, the registrant was billed \$60 for fees due on Certificate of Registration 11-11579, covering the period from September 1985-August 1986. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

Issued in Austin, Texas, on July 23, 1986.

TRD-8607285 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 24, 1986
For further information, please call (512) 458-7236.

★ ★ ★

The Texas Department of Health, Bureau of Radiation Control, is seeking the revocation of Certificate of Registration 11-09546, issued to Redi-Med, for the following reasons.

The certificate of registration expired December 31, 1985. The registrant has not submitted a request to renew the registration.

The agency determined that the registrant is no longer at 10909 IH 10, Houston, Texas 77029. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone and by certified mail have been unsuccessful.

Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607252 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 23, 1986
For further information, please call (512) 458-7236.

★ ★ ★

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of such radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will issue. The complaints are shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas from 8 a.m.-5 p.m. Monday-Friday (except holidays).

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against F. Stuart McGinney, D.D.S., P.O. Box 1, Junction, Texas 76849 (the registrant), holder of Certificate of Registration 9-11953.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule

12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 13, 1986, the registrant was billed \$96 for fees due on Certificate of Registration 9-11953 covering the period from April 1984-March 1986. On March 6, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

Issued in Austin, Texas, on July 25, 1986.

TRD-8607407 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 29, 1986
For further information, please call (512) 458-7236.

★ ★ ★

Intent to Revoke Radioactive Material License

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the radioactive material licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of the radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued. The complaints are shown following this notice.

This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas from 8 a.m.-5 p.m. Monday-Friday (except holidays).

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Leak Specialist, Inc., 17511 El Camino Real, #148, Houston, Texas 77058 (the licensee), holder of Radioactive Material License 11-2466.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On February 26, 1986, the licensee was billed \$298 for fees due on Radioactive Material License 11-2466, covering the period from April 1984-December 1985, and January 1986-December 1986, respectively. In correspondence dated April 17, 1986, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a) and 41.1(a), divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Daniel G. Corredor, M.D., 7500 Beechnut, Suite 214, Houston, Texas 77074 (the licensee), holder of General License Acknowledgement 981.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a general license acknowledgement, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On October 25, 1985, the licensee was billed \$50 for fees due on General License Acknowledgement 981, covering the period from July 1985-June 1986. In correspondence dated May 7, 1986, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the general license acknowledgement. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the general license acknowledgement of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a) and 41.1(a), divest himself of the radioactive materials, presenting evidence

satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

Issued in Austin, Texas, on July 23, 1986.

TRD-8607286 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 24, 1986

For further information, please call (512) 458-7238.

★ ★ ★

Intent to Revoke a Radioactive Material License and a Certificate of Registration

The Texas Department of Health, Bureau of Radiation Control, is seeking the revocation of Radioactive Material License 5-2916 and Certificate of Registration 5-01294, issued to South Oak Cliff Community Hospital, because the agency determined that the licensee/registrant is no longer located at 728 South Corinth, Dallas, Texas 75203. The licensee/registrant declared bankruptcy and left no forwarding address.

All attempts by the agency to contact the licensee/registrant by telephone and by certified mail have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the radioactive material license and certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the radioactive material license and certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the radioactive material license and certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607255 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 23, 1986

For further information, please call (512) 458-7238.

★ ★ ★

Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, has revoked Certificate of Registration 6-13491, held by Medical Diagnostic Service, 706 West Martin Luther King, Suite A, Austin, Texas 78701, pursuant to *Texas Regulations for Control of Radiation*, Part 13.8.

Notice is also given that the department rescinds an order of revocation issued April 2, 1986, to Medical Diagnostic Services, referencing Certificate of Registration 11-14256, which is the incorrect number for Medical Diagnostic Services.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p.m., Monday through Friday (except holidays).

Issued in Austin, Texas, on July 28, 1986.

TRD-8607408 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 29, 1986
For further information, please call (512) 458-7236.

★ ★ ★

Order Amending Controlled Substances Schedules

The Texas Controlled Substances Act, Texas Civil Statutes, Article 4476-15, contains schedules of controlled substances, i.e., lists of drugs and chemical entities which have potential for addiction or abuse. The Act authorizes the Texas commissioner of health to modify the schedules by adding or deleting substances. The Act also requires the commissioner, whenever he makes a change to the schedules, to file a notice of this change with the Texas secretary of state's office (notice goes to the attention of the Statutory Filings Division). Furthermore, in order that the public can be informed of these changes, the commissioner files notice of the changes in the In Addition section of the *Texas Register*.

On July 17, 1986, the commissioner deleted the substance dronabinol (synthetic), when in sesame oil and encapsulated in soft gelatin capsules, from Schedule I, §2.03, and added it to Schedule II, §2.04, in new paragraph (f). Existing paragraph (f) has been redesignated as paragraph (g). The amended §2.04 will read as follows.

§2.04.

(a)-(e) No change.

(f) Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product. [Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol].

(g) Immediate precursors. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to methamphetamine.

(h) Phenylacetone and methylamine if possessed together with intent to manufacture methamphetamine.

(1) Immediate precursor to amphetamine and methamphetamine.

(i) Phenylacetone (Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.);

(1) immediate precursors to phencyclidine (PCP):

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile (PCC).

Dronabinol is the synthetic equivalent of the isomer of delta-9-tetrahydrocannabinol (THC) which is the principal

psychoactive substance in *Cannabis sativa L.*, marijuana. It has been approved by the U.S. Food and Drug Administration for treating the severe nausea and vomiting associated with cancer chemotherapy. While not specifically listed, dronabinol has been included in Schedule I of the Texas Controlled Substances Act, Texas Civil Statutes, Article 4476-15.

Issued in Austin, Texas, on July 29, 1986.

TRD-8607436 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 29, 1986
For further information, please call (512) 458-7248.

★ ★ ★

Radioactive Material License Amendment

Notice is hereby given by the Texas Department of Health that it has granted an amendment to the following radioactive material license:

issued to Syncor International Corporation, Radioactive Material License 11-3919, for their facility located in Houston, Texas (mailing address: Syncor International Corporation, 6950 Port West Drive, Suite 190, Houston, Texas 77024). The amendment authorizes a change in name from Nuclear Pharmacy, Incorporated, to Syncor International Corporation.

The Division of Licensing, Registration, and Standards has determined that the amendment has no significant impact on the human environment; the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety and the environment; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety and the environment; the amendment of the license will not be inimical to public health and safety, or have a detrimental impact on the environment; and the licensee satisfies any applicable special requirements in the *Texas Regulations of Control of Radiation* (TRCR), Part 44.

This notice affords the opportunity for a public hearing upon written request by a person affected as required by Texas Civil Statutes, Article 4590f, §11B(b), as amended, and as set out in TRCR 13.6. A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be used, 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. A written hearing request must be received within 30 days from the date of this notice by David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Should no request for a public hearing by timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas. Information relative to the

proposed amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on July 23, 1986.

TRD-8607284 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 24, 1986

For further information, please call (512) 458-7236.

★ ★ ★

Request for Comments

Under authority of the Omnibus Budget Reconciliation Act of 1981, the Texas Department of Health is making application to the U.S. Public Health Service for funds to continue the Maternal and Child Health Services and Preventive Health and Health Services Block Grants during Federal Fiscal Year 1987.

A Fiscal Year 1987 Intended Use of Funds Report has been prepared by the department for each of the block grants as required by the aforementioned Act. Prior to the preparation of these reports, four hearings and five planning conferences were held within the department's public health regions, and public comment received from these hearings/conferences has been included. The reports consist of statements of compliance and assurance, program need, goals, objectives, activities/services, reports/data, criteria for fund distribution, and federal fiscal year 1986 accomplishments.

These reports are available for public review and comment by any person (including any federal, state, local, or other public agency) and may be viewed at the Texas Department of Health and at the following regional offices: Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7738; Public Health Region 1, Old Health Center Building, 300 Victory Drive, Canyon, Texas 79016, (806) 655-7157; Public Health Region 2, 4709 66th Street, Lubbock, Texas 79414, (806) 797-4331; Public Health Region 3/12, 6090 Surety Drive, Suite 115, El Paso, Texas 79905, (915) 779-7783; Public Health Region 4, Commerce Plaza Office Building, 1290 South Willis, Suite 100, Abilene, Texas 79605, (915) 695-7170; Public Health Region 5, 2561 Matlock Road, Arlington, Texas 76114, (817) 460-3032; Public Health Region 6, 2408 South 37th Street, Temple, Texas 76503, (817) 778-6744; Public Health Region 7/10, 1517 West Front Street, Tyler, Texas 75702, (214) 595-3585; Public Health Region 8, 1401 South Rangerville Road, Harlingen, Texas 78550, (512) 423-0130; Public Health Region 9, Old Memorial Hospital, Garner Field Road, Uvalde, Texas 78801, (512) 278-7173; Public Health Region 11, 1110 Avenue G, Rosenberg, Texas 77471, (713) 342-8685; In addition, the reports may be viewed at the following local health departments. Angelina County & Cities Health District, 915 Ellis Avenue, Lufkin, Texas 75901, (409) 632-1372; Corpus Christi-Nueces County Department of Public Health, 1702 Horne Road, Corpus Christi, Texas 78416, (512) 855-4051; Grayson County Health Department, 521 West Houston, Sherman, Texas 75090, (214) 893-0131; Harris County Health Department, 2501 Dunstan, Houston, Texas 77005, (713) 526-1841; Laredo-Webb County Health Department, 2600 Cedar Street, Laredo, Texas 78041, (512) 723-2051; San Angelo-

Tom Green County Health Department, City Hall, San Angelo, Texas 76902, (915) 655-9121; San Antonio Metropolitan Health District, 332 West Commerce Street, San Antonio, Texas 78285, (512) 299-8781; Texarkana-Bowie County Family Health Center, 902 West 12th Street, Texarkana, Texas 75502, (214) 792-8211; Victoria County Health Department, 107 West River Street, Victoria, Texas 77901, (512) 578-6281; Wichita Falls-Wichita County Health Department, 1700 Third Street, Wichita Falls, Texas 76301, (817) 322-9702; Written comments regarding these block grants may be sent to Ms. Catherine E. Litter, Director, Grants Management Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756.

Issued in Austin, Texas, on July 29, 1986.

TRD-8607435 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 29, 1986

For further information, please call (512) 458-7470.

★ ★ ★

Houston-Galveston Area Council Consultant Contract Award

Subject. Research on private sector participation in the planning and development of transit services and facilities.

Scope of work. Scope of work furnished upon request.

Submittal deadline. August 28, 1986.

Submit to. Lawrence N. Dallam, Manager, Transportation Department, Houston-Galveston Area Council, P.O. Box 22777, Houston, Texas 77227.

The proposed consultant contract would analyze ways of involving the private sector in planning of transit services and the development of transit facilities in the metropolitan area. The Houston-Galveston Area Council intends to award this contract to Rice Center, located at Nine Greenway Plaza, Houston, Texas 77046, unless a better offer is received. The value of the proposed scope of services would be for a maximum amount of \$70,000. Further inquiries as to the scope of work should be directed to: Lawrence N. Dallam, Manager, Transportation Department, Houston-Galveston Area Council, P.O. Box 22777, Houston, Texas 77227.

Issued in Austin, Texas, on July 26, 1986.

TRD-8607353 Lawrence N. Dallam
Transportation Manager
Houston-Galveston Area Council

Filed: July 28, 1986

For further information, please call (512) 627-3200.

★ ★ ★

Texas Department of Human Services Amended Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) published notice of an award of a consultant contract. The request for proposal was published in the June 28, 1985, issue of the *Texas Register* (10 TexReg 2142), and the notice of award was published in the October 22, 1985, issue of the *Texas Register* (10 TexReg 4142).

The contractor selected was West Texas Psychological Associates, 3471 Knickerbocker Road, Suite 508, San Angelo, Texas 76903.

At this time, DHS is amending the total cost of the contract not to exceed \$165,000. All other information remains the same.

Issued in Austin, Texas, on July 25, 1986.

TRD-8607303 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: July 25, 1986
For further information, please call (512) 450-3766.



Emergency Nutrition and Temporary Emergency Relief Program

The Temporary Emergency Relief Program (TERP), Chapter 34, §34.006(e), authorizes the Texas Department of Human Services (DHS) to publish a list of those counties, other political subdivisions, and nonprofit organizations that have contracted with the department to provide temporary emergency relief services. House Bill 330, 69th Legislature, 1985, authorized the continuation of the Temporary Emergency Relief Program, and Senate Bill 526 established the Emergency Nutrition Program. Because DHS is implementing the new program as a component of TERP, the name of the program has been amended to the Emergency Nutrition and Temporary Emergency Relief Program (ENTERP). Proposed rule changes concerning the expansion and continuation of TERP were published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3215). The sections were adopted without changes in the November 22, 1985, issue of the *Texas Register* (10 TexReg 4128). The contractors are as follows:

ENTERP Contractors

Contractor Name	Counties Served
Potter County Deaf Smith County Roberts County Panhandle Community Services	Potter Deaf Smith Roberts Armstrong, Briscoe, Carson, Castro, Collingsworth, Dallam, Donley, Gray, Hall Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Randall, Sherman, Wheeler
Crosby County Hale County The County of Lubbock, Lubbock, Texas South Plains Community Action Association Inc. El Paso County General Assistance Agency Big Bend Community Action Committee, Inc.	Crosby Hale Lubbock Bailey, Cochran, Hockley, Lamb, Lynn, Terry, Yoakum El Paso
People for Progress, Inc. Central Texas Opportunities, Inc.	Brewster, Culberson, Hudspeth, Jeff Davis, Presidio
Community Action Corp. of Wichita Falls and North Texas Area Tom Green County Community Action Council	Fisher, Mitchell, Nolan Brown, Callahan, Coleman Comanche, Eastland, Runnels Archer, Clay, Jack, Montague Wichita, Young Coke, Concho, Crockett, Irion, Kimble, Menard, Reagan, Schliecher, Sterling Sutton
Scurry County Welfare McCulloch County Commissioner's Court	Scurry McCulloch
Knox County Shackelford County Stephens County Taylor County Tom Green County Commissioner's Court	Knox Shackelford Stephens Taylor Tom Green
Aspermont Small Business Develop- ment Center, Inc. Economic Opportunities Advance- ment Corp. of Cottle Foard, Hardeman & Wilbarger Co.	Haskell, Jones, Kent, Stonewall, Throckmorton Baylor, Cottle, Foard, Hardeman, Wilbarger
Johnson County Dallas County Cooke County Fannin County Grayson County Tarrant County	Johnson Dallas Cooke Fannin Grayson Tarrant

Contractor Name	Counties Served
Community Health Service Agency, Inc.	Hunt
Palo Pinto Community Service Corp.	Erath, Hood, Palo Pinto, Parker, Somervell, Wise
Community Services, Inc.	Denton, Ellis, Kaufman, Navarro, Rockwall
The County of Collin Caldwell County Commissioner's Court	Collin Caldwell
Travis County Commissioner's Court	Travis
Brazos Valley Commissioner's Court	Brazos
Williamson-Burnet County Opportunities, Inc.	Burnet, Williamson
Community Action, Inc. of Hays, Caldwell & Blanco Counties	Blanco, Hays
Combined Community Action, Inc. Brazos Valley Community Action Agency	Bastrop, Lee Burleson, Grimes, Leon, Madison, Robertson, Washington
County Area United Service Enterprises, Inc.	Bosque, Freestone, Hill Limestone
Economic Opportunities Advancement Corporation of Planning Region XI	Falls, McLennan
Bell County Fayette County Commissioner's Court	Bell Fayette
Gregg County	Gregg
Cass County	Cass
Marion County	Marion
Morris County	Morris
Camp County	Camp
Bowie County	Bowie
Lamar County	Lamar
Titus County	Titus
Hopkins County	Hopkins
Delta County	Delta
Franklin County	Franklin
East Texas Human Development Corp. Community Council of Red River County, Inc.	Panola, Upshur, Wood Red River
NET Opportunities, Inc. Community Services, Inc.	Rains Anderson, Henderson, Van Zandt Cherokee, Rusk, Smith
Rusk/Cherokee Community Action Program, Inc.	
East Texas Human Development Corp. Bee County	Harrison Bee

Contractor Name	Counties Served
Webb County	Webb
Jackson County	Jackson
Brooks County	Brooks
Jim Wells County	Jim Wells
Duval County	Duval
Willacy County	Willacy
Kleberg County	Kleberg
Nueces County	Nueces
San Patricio County	San Patricio
Hidalgo County	Hidalgo
Cameron-Willacy Counties Projects, Inc.	Cameron
Community Action Council of South Texas	Starr
Community Action Committee of Victoria, Texas	Lavaca
Community Action Committee of Victoria, Texas	Goliad
Community Action Committee of Victoria, Texas	DeWitt
Community Action Committee of Victoria, Texas	Gonzales
Community Action Committee of Victoria, Texas	Victoria
Community Action Committee of Victoria, Texas	Calhoun
Bee County Community Action Agency	Live Oak
Bee County Community Action Agency	Refugio
Community Action Council of South Texas	Jim Hogg
Community Action Council of South Texas	Zapata
Bexar County	Bexar
Maverick County	Maverick
LaSalle County	LaSalle
Dimmitt County	Dimmit
Community Council of Southwest Texas, Inc.	Edwards, Kinney, Real Uvalde, Val Verde, Zavala
Community Council of South Central Texas, Inc.	Atascosa, Bandera, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, Wilson
Hardin County	Hardin
Orange County	Orange
Some Other Place, Inc.	Jefferson
Community Action	Angelina, Houston, Polk,
Nacogdoches, Inc.	Nacogdoches, San Jacinto, Trinity

Contractor Name**Counties Served**

Tri-County Community Action, Inc.	Jasper, Newton, Sabine, San Augustine, Shelby, Tyler
County of Liberty	Liberty
County of Fort Bend	Fort Bend
County of Montgomery	Montgomery
County of Walker	Walker
Matagorda County	Matagorda
Combined Community Action Inc.	Colorado
Galveston County Community Action Council, Inc.	Wharton
St. Mary's Episcopal Church	Austin
Brazos Valley Community Action Agency	Waller
Programs for Human Services Inc.	Chambers
County of Harris	Harris
County of Galveston	Galveston
County of Brazoria	Brazoria
County of Dawson	Dawson
County of Ward	Ward
The Community Council of Reeves County	Reeves, Winkler
West Texas Opportunities	Andrews, Borden, Ector, Gaines, Glasscock, Howard, Martin, Upton
The Salvation Army	Midland
Pecos County Community Action	Crane, Pecos, Terrell

Issued in Austin, Texas, on July 28, 1986.

TRD-8807343 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: July 28, 1986
For further information, please call (512) 450-3766.

★ ★ ★

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for a name change by The Monarch Insurance Company of Ohio, a foreign fire and casualty insurance company. The home office is in Columbus, Ohio. The proposed name is General Star National Insurance Company.

(2) Application for admission to do business in Texas of GNA Insurance Company, a foreign life insurance company. The home office is in Seattle, Washington.

(3) Application for admission to do business in Texas of Golden Eagle Insurance Company, a foreign fire and casualty insurance company. The home office is in San Diego, California.

(4) Application for a name change by SAI Industrial Assurance Company, a foreign fire and casualty insurance company. The home office is in New York, New York. The proposed name is Putnam Reinsurance Company.

(5) Application for incorporation of U.S. Casualty Company, to be a domestic fire and casualty insurance company. The home office is to be in Austin.

(6) Application for a name change by National Heritage Life Insurance Company, a foreign life, accident, and health insurance company. The home office is in Wilmington, Delaware. The proposed name is U.S. National Heritage Life Insurance Company.

Issued in Austin, Texas, on July 10, 1986.

TRD-8807245 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 23, 1986
For further information, please call (512) 463-6327.

★ ★ ★

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for incorporation of American Funeral Service and Life Insurance Company, to be a domestic life insurance company. The home office is to be in Atlanta, Texas.

(2) Application for a name change by the Edwards Funeral Service Life Insurance Company, a domestic life, accident, and health insurance company. The home office is in Columbus, Ohio. The proposed name is East Texas Funeral Service Life Insurance Company.

(3) Application for admission to do business in Texas of Industrial Fire and Casualty Insurance Company, a foreign casualty insurance company. The home office is in Oak Park, Illinois.

(4) Application for incorporation of Mid-Century Insurance Company of Texas, to be a domestic fire and casualty insurance company. The home office is to be in Austin.

(5) Application for admission to do business in the State of Texas of National Deposit Guaranty Corporation. The home office is in Dublin, Ohio.

(6) Application for admission to do business in the State of Texas of Penn Casualty Insurance Company, a foreign fire and casualty insurance company. The home office is in Santa Monica, California.

(7) Application for a name change by Union Mutual Life Insurance Company, a foreign life, accident, and health insurance company. The home office is in Portland, Maine. The proposed name is UNUM Life Insurance Company.

(8) Application for a name change by Unionmutual Life Insurance Company of America, a foreign life, accident, and health insurance company. The home office is in Portland, Maine. The proposed name is UNUM Life Insurance Company of America.

(9) Application for a name change by Unionmutual Pension and Insurance Corporation, a foreign life insurance company. The home office is in Portland, Maine. The proposed name is UNUM Pension & Insurance Corporation.

(10) Application for a name change by Whittaker Health Services of Austin, Inc., a domestic Health Maintenance Organization. The home office is in Austin. The proposed name is Travelers Health Plan of Austin, Inc.

(11) Application for a name change by Whittaker Health Services of Texas, Inc., a domestic Health Maintenance Organization. The home office is in Irving, Texas. The proposed name is Travelers Health Plan of Texas, Inc.

(12) Application for admission to do business in the State of Texas of Union Savings American Life Insurance Company, a foreign life, accident, and health insurance company. The home office is in Phoenix, Arizona.

Issued in Austin, Texas, on July 21, 1986.

TRD-8807244 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 23, 1986
For further information, please call (512) 463-6327.

★ ★ ★

Legislative Budget Office Joint Budget Hearing Schedule

The following schedule for the period of August 4-8, 1986, provides the dates and locations of the joint executive and legislative budget office hearings for appropriations requests for the 1988-1989 biennium.

Public Utility Commission of Texas, 9 a.m., August 4, Room 102, John H. Reagan Building, Austin; Texas Conservation Foundation, 9 a.m., August 4, Room 107, John H. Reagan Building, Austin; Texas Parks and Wildlife Department, 10 a.m., August 4, Room 107, John H. Reagan Building, Austin; Board of Tax Professional Examiners, 10 a.m., August 4, Room 213, Capitol Building, Austin; Texas Department of Agriculture, 10 a.m., August 5, Room 107, John H. Reagan Building, Austin; Board of Registration for Professional Engineers, 10 a.m., August 5, Room 213, Capitol Building, Austin; The University of Texas System Administration and Available University Fund, 8:30 a.m., August 5, Room 208, Ashbel Smith Hall, 201 West Seventh Street, Austin; The University of Texas at San Antonio including The University of Texas

Institute of Texan Cultures, 9:30 a.m., August 5, Room 208, Ashbel Smith Hall, 201 West Seventh Street, Austin; The University of Texas of the Permian Basin, 10:30 a.m., August 5, Room 208, Ashbel Smith Hall, 201 West Seventh Street, Austin; The University of Texas Health Science Center at San Antonio, 1:30 p.m., August 5, Room 208, Ashbel Smith Hall, 201 West Seventh Street, Austin; Texas Low-Level Radioactive Waste Disposal Authority, 9 a.m., August 6, Room 107, John H. Reagan Building, Austin; Banking Department of Texas, 9 a.m., August 6, Room 213, Capitol Building, Austin; State Board of Insurance, 10 a.m., August 6, Room 102, John H. Reagan Building, Austin.

Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Issued in Austin, Texas, on July 25, 1986.

TRD-8607338 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: July 25, 1986
For further information, please call (512) 463-1200.

★ ★ ★

North Central Texas Council of Governments

Request for Proposal

This request by the North Central Texas Council of Governments (NCTCOG) for consultant services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Contact Person. Shirley Henry, Administrative Aide, North Central Texas Council of Governments, 616 Six Flags Drive, Suite 200, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

Due Date. The due date for proposals is Friday, August 29, 1986, noon, in the office of the indicated contact person.

Background. The purpose of this project is to provide the City of Fort Worth with an assessment of parking facilities in the Fort Worth stockyards area. This assessment will: identify, evaluate, and quantify current parking facilities, problems, and needs in the Fort Worth stockyards area; and recommend actions, policies, and facilities or other solutions that, when implemented, will address and accommodate the parking and traffic circulation inadequacies identified for: 1) current development; 2) approved, firm, or anticipated new development; and 3) other potential future redevelopment or revitalization projects of the stockyards area.

The North Central Texas Council of Governments, in accordance with the Civil Rights Act of 1964, Title VI, 78 Statute 252, 42 United State Code 2000d to 2000d-4, and 49 Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such act, hereby notifies all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this

invitation and will not be discriminated against on the grounds of race, color, sex, age, of national origin in consideration of an award.

The contract will comply with all federal and state laws and regulations applicable to subcontractors, including, but not limited to, equal employment opportunity, the Davis-Bacon Act, and records management.

Issued in Austin, Texas, on July 17, 1986.

TRD-8607246 William J. Pittstick
Executive Director
North Central Texas Council of Governments

Filed: July 23, 1986
For further information, please call (817) 640-3300.

★ ★ ★

Texas Department of Public Safety Correction of Error

A proposed amendment submitted by the Texas Department of Public Safety contained an error as published in the July 15, 1986, issue of the *Texas Register* (11 TexReg 3244).

Section 19.1(c)(2) should read: "The scientific director may suspend or revoke the certification of a brand and/or model of instrument and remove it from the list of certified instruments for cause."

Texas Savings and Loan Department Application for Change of Control of an Association

Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On July 25, 1986, the savings and loan commissioner received an application for approval of the acquisition of control of Houston Savings Association, Houston, Harris County, by George R. Farish, 1919 Allen Parkway, Suite 100, Houston, Texas 77019.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca, Austin, Texas 78701, (512) 479-1250.

Issued in Austin, Texas, on July 28, 1986.

TRD-8607397 Russell R. Oliver
General Counsel
Texas Savings and Loan Department

Filed: July 29, 1986
For further information, please call (512) 479-1250.

★ ★ ★

