

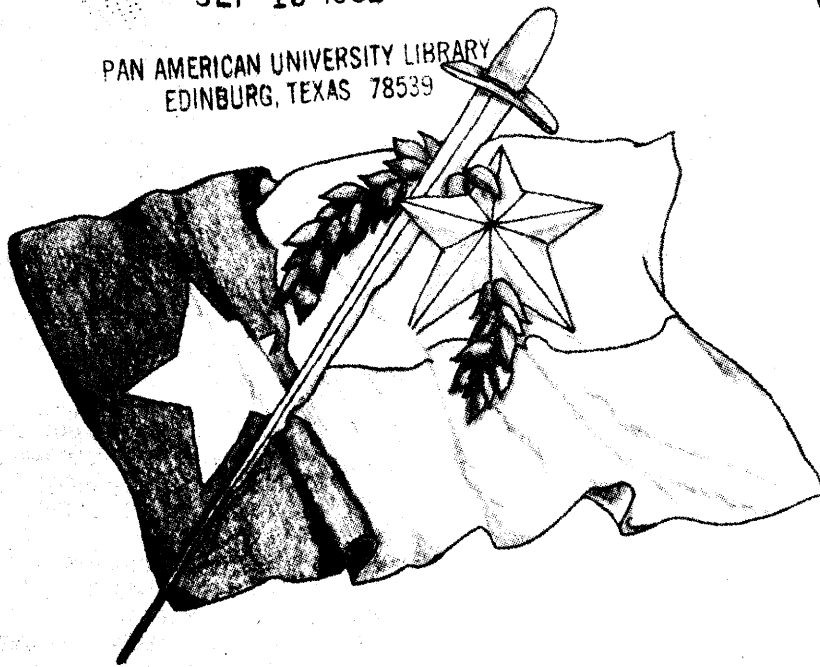
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Texas Register

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Highlights

- ★ The State Board of Insurance proposes amendments to a chapter concerning Life, Accident, Health Insurance; proposed date of adoption - October 15..... page 3314
- ★ The Texas Department of Human Resources proposes new rules concerning minimum standards for drop-in day care centers; proposed date of adoption - October 15... page 3316
- ★ The Texas Merit System Council adopts amendments to a chapter concerning the merit system of personnel administration; effective date - September 28 page 3326

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1982 with the exception of January 5, April 27, November 16, November 30, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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Information Available: The nine 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
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "7 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 7 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* (explained below), rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

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* (a listing of all the titles appears below);

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).

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 8, February 1982

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The Attorney General

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

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

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

Requests for Opinions

RQ-915. Request from Mike Driscoll, Harris County attorney, Houston, concerning whether the Harris County sheriff has a duty to seize and impound stray livestock and livestock running at large within that portion of Harris County which is within the corporate limits of the City of Houston.
TRD-827029

RQ-916. Request from Hamp Atkinson, Chairman, House Public Education Committee, House of Representatives, Austin, concerning whether a school board of trustees may organize at times other than that which is provided for in Texas Education Code, §23.19.
TRD-827030

RQ-917. Request from Raymon L. Bynum, commissioner of education, Texas Education Agency, Austin, concerning whether computer programs developed by Texas Education Agency are excepted from public disclosure by the Texas Constitution, Article III, §51, or because they are not "public records" within the Open Records Act.

TRD-827031

RQ-918. Request from Ron Wilson, chairman, Health Services Committee, House of Representatives, Austin, concerning whether pursuant to Texas Civil Statutes, Article 1269k, §13, a housing authority is required to give public notice for final authorization of construction of housing projects, if the vote for final authorization was held after September 1, 1982; and whether a housing authority's

purchase of real property for an unspecified purpose constitutes approval of a site for a housing project.

TRD-827032

Opinion

MW-512 (RQ-882). Request from James R. Hine, acting administrator, Texas Employment Commission, Austin, concerning whether Texas Employment Commission may obtain advance to state unemployment trust fund from federal unemployment account.

Summary of Opinion. The state may legally obtain advances to its Texas Employment Commission unemployment trust fund from the federal unemployment account of the Social Security Act.

TRD-826995

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

Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposal may not be adopted until 30 days after publication. The document, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of legal authority under which the proposed rule is to be adopted (and the agency's interpretation of the legal authority); the text of the proposed action; and a certification statement. The certification information which includes the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

Proposed Rules

TITLE 28. INSURANCE Part I. State Board of Insurance

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

Powers and Duties To Make Inquiries of Company Issuance of Individual Retirement Annuities

059.01.24.002

The State Board of Insurance proposes the repeal of 059.01.24.002, which requires certain sales material and other information relating to individual retirement annuity plans. This rule is no longer needed or in use by the State Board of Insurance.

The State Board of Insurance expects no fiscal implications to units of state or local government from this repeal for the first five-year period the repeal will be in effect. The State Board of Insurance relies on A. W. Pogue, Policy Approval Division manager, in making this determination.

Mr. Pogue has also determined that for each year of the first five years the rule as proposed is in effect the State Board of Insurance expects a public benefit from this repeal because a rule which is no longer needed or used will be deleted. No additional costs to individuals required to comply with the rule are expected because agency requirements are being eliminated.

Comments on the proposal may be submitted to A. W. Pogue, Division Manager, Policy Approval Division, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This proposal is made under authority of the Texas Insurance Code, Article 1.24, pursuant to which the board is authorized to address any inquiries to any insurance company in relation to its business and condition, or any matter connected with its transactions which the board may deem necessary for the public good or for a proper discharge of its duties; and under the board's authority to repeal any rule it has previously promulgated.

.002. *Issuance of Individual Retirement Annuities.*

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

Issued in Austin, Texas, on September 2, 1982.

TRD-826996

James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: October 15, 1982
For further information, please call (512) 475-2950.



Life, Health, and Accident Insurance Standard Valuation Law, Rules, and Regulations on Maximum Guaranteed Interest Rates on Annuities and Miscellaneous Funds II

059.03.28.002

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.03.28.002, which is an unincorporated amendment to Rules 059.03.29.001-.008. Rules 059.03.29.001-.008 are the rules for maximum guaranteed interest rates for annuities, pure endowment contracts, and miscellaneous funds. Simultaneously with this proposal, the amendments reflected in this rule are proposed to be incorporated into Rules 059.03.29.001-.008 as new language as required by the *Texas Register*. There will be no substantive changes in the rules as a result of this process.

The State Board of Insurance has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications to state or local government as a result of this repeal, since repealed Rule 059.03.28.003 is simultaneously being incorporated into Rules 059.03.29.001-.008. The State Board of Insurance relies on A. W. Pogue, Policy Approval Division manager, in making this determination.

Mr. Pogue has also determined that for each year of the first five years the rule as proposed is in effect a public benefit is expected as a result of the repeal because Rule 059.03.28.002 will be combined with Rules 059.03.029.001-.008 as is appropriate. No additional costs for persons required to comply with the rules are anticipated because there will be no substantive changes in the rules.

Comments on the proposal may be submitted to Ted Becker, Staff Actuary (Life), State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

This repeal is proposed under the authority of the Texas Insurance Code, Article 3.28, pursuant to which reserves for annuity and endowment contracts are determined; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.002. Rules and Regulations on Maximum Guaranteed Interest Rates on Annuities and Miscellaneous Funds II.

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

Issued in Austin, Texas, on September 2, 1982.

TRD-826997 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: October 15, 1982
For further information, please call (512) 475-2950.

Strengthened Reserves Pursuant to Article 3.28, §9, Texas Insurance Code [To Make Inquiries of Company Reporting of Reserve Liabilities]

059.03.28.003

The State Board of Insurance is proposing an amendment to Rule 059.03.28.003. The entire text of the rule is being deleted and replaced with a clearer and more concise statement of the rule; however, there are no substantive changes in meaning. The rule is also renumbered; it was originally numbered as Rule 059.01.24.001.

For the first five-year period the rule will be in effect, there are no anticipated fiscal implications to state or local government as a result of this proposal because no substantive changes are made. The State Board of Insurance relies on Ted Becker, staff actuary (life), in making this determination.

The State Board of Insurance expects a public benefit from this amendment for the first five years the rule as proposed is in effect because rule language is made clearer. No additional costs to individuals required to comply with the rule is anticipated because there are no substantive changes. The State Board of Insurance relies on Mr. Becker in making this determination.

Comments on this proposal may be submitted to Ted Becker, Staff Actuary (Life), State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under authority of Texas Insurance Code, Article 3.28, §9, pursuant to which companies may strengthen reserves or weaken previously strengthened reserves with the board's permission; and pursuant to Texas Civil Statutes, Article 6252-13a, §4, and elsewhere pursuant to which the board may promulgate procedural rules.

.001. Strengthened Reserves Pursuant to Article 3.28, §9, Texas Insurance Code. [To Make Inquiries of Company Reporting of Reserve Liabilities.] A life insurance company may increase the amount of its reserve liabilities by changing the basis of computation as provided in Article 3.28, §9, Texas Insurance Code. The insurer may establish a higher reserving basis by reporting an increase in reserve in Exhibit 8A of its annual statement. Thereafter the insurer shall continue to report on

the higher basis. No insurer may reduce or weaken that basis without the prior consent of the State Board of Insurance as provided in Article 3.28, §9, Texas Insurance Code. [Came on for consideration the reporting of reserve liabilities on annual statements and the proposals of certain insurers to increase, in conformity with sound actuarial practices, the amounts of these reserve liabilities by changing the basis of computation. The board, being of the opinion that proper and consistent reporting would be accomplished only if each insurer continues to report only upon the higher reserve basis, once it has established such basis through reporting the increase in Exhibit 8A of the annual statement, hereby orders that no insurer shall reduce or weaken such reserve basis without the prior consent of the commissioner of insurance. This order is entered pursuant to the authority vested in the board by the Insurance Code, and particularly Articles 1.04, 1.11, and 1.24 thereof.]

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

Issued in Austin, Texas, on September 2, 1982.

TRD-826998 James W. Norman
 Chief Clerk
 State Board of Insurance

Proposed date of adoption: October 15, 1982
For further information, please call (512) 475-2950.

Indeterminate Premium Reduction Policies

059.03.50.003, .008, .011

The State Board of Insurance proposes amendments to Rules 059.03.50.003, .008, and .011 of its indeterminate premium reduction policy rules.

The provisions of Rule .059.03.50.003(b) are amended to permit a statement as to likely future charges if the statement is made on the basis of current, stated, and official company projections. The insurer or agent must disclose that an explanation of the basis of any such statement will be made available on the request of an interested person. Presently, this section permits only certain statements concerning a possible or likely future charge.

Rule 059.03.50.008 is amended so that the minimum nonforfeiture values for indeterminate premium reduction policies are made applicable to certain group policies as authorized by Texas Insurance Code, Article 3.50, §2.

Rule 059.03.50.011 is amended so that a failure to abide by the representations and disclosure provisions of the rules could lead to withdrawal of approval of a policy and denial of approval of subsequently filed policies. The rule had provided that a failure to follow and abide by any of these rules could lead to that result.

The State Board of Insurance expects to hire no additional employees as a result of these rule amendments and therefore expects no fiscal implication to units of

state or local government as a result of these rule changes, for the first five-year period the rules will be in effect. The State Board of Insurance relies on A. W. Pogue, Policy Approval Division manager, in determining the foregoing fiscal implications.

Mr. Pogue has also determined that for each year of the first five years the rule as proposed is in effect the public will be benefited generally by these rule changes because nonforfeiture requirements will be applied to group policies and additional disclosure will be required. There is no anticipated additional cost to insurers from the changes in Rule .003(b) because insurers will be required to make available an explanation of the basis of any projection as to likely future costs. There may be an added expense to insurers resulting from the application of nonforfeiture requirements to certain group insurance. The State Board of Insurance relies on Mr. Pogue in making this determination.

Comments on the proposal may be submitted to A. W. Pogue, Policy Approval Division Manager, 1110 San Jacinto Street, Austin, Texas 78786.

These rules are promulgated under authority of several statutes. The Texas Insurance Code, Article 21.21, §13, provides the State Board of Insurance with extensive authority to promulgate rules to require disclosure and otherwise insure that the public receives an accurate impression of insurance coverage. The Texas Insurance Code, Article 3.42, specifies standards pursuant to which the board approves, disapproves, or withdraws approval of the policies of the nature covered by these rules. The Texas Insurance Code, Article 3.44a, §9, authorizes the board to promulgate rules to govern nonforfeiture values of policies of the type covered by these rules. The Texas Insurance Code, Article 3.50, §2, requires that group life insurance on other than the term plan contain equitable nonforfeiture benefits. Texas Civil Statutes, Article 6252-13a, §4, and other authority permits the board to pass procedural rules which are necessary for the board to exercise its substantive statutory authority and duties.

.003. Solicitation and Advertising.

(a) (No change.)

(b) No insurer or agent may, in marketing an indeterminate premium reduction policy, mention, illustrate, or refer in any fashion to any possible or likely specific future charge for the coverage **unless the illustration, mentioning, or reference is made on the basis of current, stated, and official company projections such as interest, persistency, mortality, or expense factors. The insurer or agent must disclose that an explanation of the basis of any illustration, mentioning, or reference will be made available upon the request of any interested person. Mere speculation is prohibited.** [other than as set out in this subsection. The insurer or agent may only refer to the following:

[(1) actual relevant previous or current charges for the indeterminate premium reduction policy it is marketing;

[(2) the initial charge, and its period of

guarantee;

[(3) the maximum guaranteed charge;

[(4) the fact that future charges may be less than the maximum; and

[(5) relevant projected illustrations based on either actual previous or actual charges or both, provided it is disclosed that such illustrations are based on current projections such as persistency, interest, mortality, or expense factors. For the purposes of paragraphs b(1) and b(5), rates for all issue ages under the policy are considered relevant. Rates for different policy forms other than that being marketed under paragraphs b(1) and b(5) are not considered relevant.

[(c) If nonguaranteed premium rates are displayed in advertising and disclosure material, the maximum premium rate(s) must be displayed with equal prominence.]

.008. Minimum Nonforfeiture Values. The minimum basis for cash values is stated in the Texas Insurance Code, Article 3.44a, wherein the adjusted premiums are required to be computed as a "uniform percentage of the respective premiums specified in the policy." Maximum guaranteed premiums in the policy are specified premiums as defined by the Code. Cash values, if any, will not be required to be redetermined when premiums are reduced for in-force policies. **Minimum nonforfeiture values for indeterminate premium group policies on other than the term plan shall be calculated in accordance with this rule.**

.011. General Enforcement. A failure to follow and [abide by these rules in marketing the indeterminate premium reduction policy or a failure to] abide by the representations and disclosure provisions required by these rules in marketing the indeterminate premium reduction policy is [will be] grounds for a withdrawal of approval of the insurer's previously approved indeterminate premium reduction policy forms and is [may be] grounds for disapproval of subsequently filed indeterminate premium reduction policy forms. The provisions of this rule are additional to and cumulative of all other enforcement provisions provided by law including the Insurance Code, Article 21.21.

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

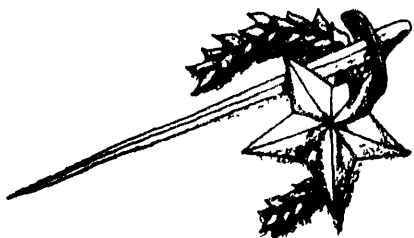
Issued in Austin, Texas, on September 2, 1982.

TRD-826999

James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: October 15, 1982

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 81. Day Care Licensing Subchapter H. Minimum Standards for Drop-in Care Centers

40 TAC §§81.701-81.726

The Texas Department of Human Resources proposes new §§81.701-81.726, concerning minimum standards for the operation of drop-in care centers. A drop-in care center is a child-care facility which regularly provides care for children under 14 years old for part of the day, but does not provide care regularly for the same child.

The department's licensing branch received requests from providers of drop-in care suggesting that it would be appropriate to have a separate set of standards by which to operate. Drop-in care facilities are currently subject to the same regulations as day care centers. The proposed standards were developed by an ad hoc committee of drop-in care providers and the Advisory Committee on Child-Care Facilities.

The standards for drop-in care address the following areas: organization and administration; personnel; buildings, grounds, and equipment; fire, sanitation, and safety; health requirements; food service and nutrition; and activities.

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

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be the reduced risk to children in care outside their own home. There is no anticipated economic cost to persons required to comply with the rules as proposed.

A hearing to accept comments on the proposed rules and standards will be held on Friday, October 15, 1982, at 9 a.m., in the DHR board room, 706 Banister Lane, Austin. Written comments should be sent to Susan L. Johnson, Administrator, Policy Development Support Division - 067, Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 60 days of publication in this *Texas Register*.

The following new rules are proposed under the Human Resources Code, Title 2, Chapters 22 and 42, which authorizes the department to administer public assistance and day care licensing programs.

§81.701. Organization.

(a) Centers providing only drop-in care must have a governing body that is responsible for the center's policies and for ensuring that the center is operated in

compliance with the *Minimum Standards for Drop-in Care Centers* and the child-care licensing law

(b) Corporations operating drop-in care centers must make one of the following available at each center for review by licensing staff:

- (1) The Articles of Incorporation;
- (2) The Certificate of Incorporation; or
- (3) A copy of the Certificate of Authority for an

out-of-state corporation.

(c) Corporations and churches must make available at the center a copy of the resolution authorizing the operation of the facility.

(d) The governing body of the drop-in care center must notify licensing staff, before or on the next working day after, of any occurrence which affects the status of the center, including:

- (1) Changes of the governing body or ownership;
- (2) Change of center director;
- (3) Change of board chairperson of a corporate

center;

- (4) Change in location;
- (5) Going out of business;
- (6) Reductions or additions to indoor or outdoor

space;

- (7) Changes in hours of operation; and

(8) Changes in policy which affect the status of the license.

(e) The governing body must designate a director and submit his name to licensing staff on an official department form. If the owner and the director are the same person, this must be specified on the form.

§81.702. General Administration.

(a) The drop-in care center must display a license.

(b) A copy of the department's *Minimum Standards for Drop-in Care Centers* must be available for review by staff, parents, and others upon request.

(c) The drop-in care center must immediately notify licensing staff of any serious occurrences that affect the center's operation, including:

(1) Death of a child while in the care of the center;

- (2) Fire; or

(3) Serious accident, serious injury, or serious communicable disease.

(d) The drop-in care center must report suspected child abuse or neglect as required by the Texas Family Code. The center must notify a local or state law enforcement agency and the department.

(e) A person present in a center who is indicted or the subject of an official criminal complaint accepted by a county or district attorney alleging commission of any of the offenses listed below must not have contact with children in care until the charges are resolved:

(1) A felony or misdemeanor classified as an offense against the person or the family;

(2) A felony or misdemeanor classified as public indecency;

(3) A felony violation of any statute intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substances Act.

(f) The center must notify the licensing branch of

the indictment or complaint within 24 hours or the next working day. The removal from direct child-care activity must remain in effect pending resolution of the charges.

§81.703. Admission of Children for Care.

(a) If a child arrives at the center between 6 a.m. and 6 p.m., the center staff must not allow the child to stay in the center longer than 4½ hours. If the child arrives at the center between 6 p.m. and 6 a.m., the center staff must not allow the child to stay in the center longer than six hours. The maximum number of hours a center may allow a child to be in care during a 24-hour period is seven hours. Staff must not allow a child to be present at the center for more than 15 days in one calendar month, regardless of the duration of each stay.

(b) The center must not discriminate on the basis of race.

(c) Center staff must inform a child's parents about the center's activities and policies before the child is accepted for care.

(d) A care agreement must be obtained for each child in care before admission and must be filed at the center. The director is responsible for ensuring that the terms of the agreement in subsection (d) of this section, paragraphs (1)-(9), are met. The agreement signed by the parents and director must contain:

(1) Child's name, birth date, home address, and home telephone number;

(2) Name and address of parents and telephone numbers at which parents or another adult who can make emergency arrangements for the child can be reached while the child is in care;

(3) A statement that the child will be released only to a parent or a person named by the parent, and a statement that persons bringing the child or picking up the child will notify staff about the child's arrival or departure;

(4) Hours and days of the week the facility cares for children and the maximum time a child may be in care;

(5) Name, address, and telephone number of the child's physician;

(6) Emergency medical authorization;

(7) Transportation permission, if any;

(8) Special problems or needs of a child as indicated by the parents, including allergies, and a statement that the child's parents will be notified of special occurrences affecting the child in the center;

(9) Statement providing opportunity for parents to make suggestions about the child care.

§81.704. Records.

(a) Statistical records of daily attendance of children and staff must be kept for the previous 12 months. The hours that each child attended and the hours that staff worked must be recorded.

(b) The facility must maintain complete financial records. The department checks the financial records only on written notice from the department's director of licensing.

(c) The center must maintain a record of each significant occurrence to a child.

(d) Personnel records must be maintained and on file for all staff. The facility must ensure that personnel records include:

(1) Reference information from the last three employers of the employee. If the employee has fewer than three previous places of employment, references from other persons attesting to the employee's suitability for the job must be substituted to ensure reference information from at least three persons. Persons named as references other than employers must be unrelated to the employee. All reference information must include:

(A) The name, address, and telephone number of each reference; and

(B) Written statements signed by the persons submitting reference information or statements quoted from the persons named as references, written and signed by the director.

(2) A statement from the employee providing information about any felony and/or misdemeanor convictions within the preceding 10 years, and of any pending criminal charges.

(3) For each employee, a record of a tuberculosis examination no earlier than 12 months before employment. Re-examination is required according to the recommendations of local health authorities or the regional office of the Texas Department of Health. Household members over 14 years old who are at the center while children are in care must also have a record of tuberculosis examination. Household members under 14 years old must meet the same requirements as the children in care.

(e) All records required to be maintained and on file by the standards must be available for inspection by the department during the hours of operation.

§81.705. Director Qualifications.

(a) Proof of meeting the qualifications must be available to the department. The director of a drop-in care center must be at least 18 years old, have a high school diploma or its equivalent, and have one of the following:

(1) One year of experience in family day care, group care, teaching, administration, or management;

(2) A bachelor's degree from an accredited college or university;

(3) A Child Development Associate Credential; or

(4) An associate of arts degree in child development or a similar area.

(b) A person convicted within the preceding 10 years of any of the following offenses cannot serve as a director of a drop-in care center, unless the director of licensing has ruled that the person has established that he is rehabilitated:

(1) A felony or misdemeanor classified as an offense against the person or the family;

(2) A felony or misdemeanor classified as public indecency;

(3) A felony violation of any statute intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substances Act.

(c) The director must submit to the department on an official department form the following:

(1) A record of training and experience;

(2) Information about felony and/or misdemeanor convictions within the preceding 10 years;

(3) Any pending criminal charges; and

(4) A list of references with addresses and telephone numbers. The references must be adults, not related to the director, who can attest to the character of, and the physical, mental, and emotional health and competency of the director.

§81.706. Director Responsibilities.

(a) The director must administer the center's day-to-day operation in compliance with the *Minimum Standards for Drop-in Care Centers*. In the director's absence from the center, an adult must be designated and given responsibility for administering the facility.

(b) The director must designate staff assignments and must be responsible for staff management.

§81.707. Staff Qualifications and Responsibilities.

(a) Staff working directly with children and who are counted in the staff-child ratio must be at least 18 years old except as stated in paragraphs (1)-(3) of this subsection, and must be able to read and write.

(1) Persons under 18 years old who have a high school diploma may be counted in the staff-child ratio.

(2) Students under 18 years old who are enrolled in child-care-related career programs approved by the Texas Education Agency or other state or federally approved programs, or who are on summer vacation from career programs, may be given responsibility for children and counted in the staff-child ratio.

(3) A person 14 through 17 years old may work under the direct supervision of qualified staff but cannot be counted in the staff-child ratio.

(b) Staff members must show competency in working with children and be mentally, physically, and emotionally able to perform assigned duties.

(c) A person convicted within the preceding 10 years of any of the following offenses must not serve in any capacity where there is contact with children in care, unless the director of licensing has ruled that the person has established that he is rehabilitated:

(1) A felony or misdemeanor classified as an offense against the person or the family;

(2) A felony or misdemeanor classified as public indecency;

(3) A felony violation of any statute intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substances Act.

(d) Staff must relate to the children with courtesy, respect, acceptance, and patience.

(e) Persons whose behavior or health status may endanger the health, safety, or well-being of children must not be at the facility.

(f) Persons must not smoke or consume alcoholic beverages when children are present.

(g) Persons working with children must be free from other duties except those directly involving the care and supervision of children. Staff supervising the children are responsible for duties involving the physical needs of the group. These responsibilities include keeping the group's area clean, but do not include meal preparation or janitorial duties.

(h) Children must be supervised at all times.

(i) Children must not be out of control.

(j) Persons at the center must not abuse or neglect children.

§81.708. Staff-Child Ratio.

(a) In drop-in care centers, the number of children must not exceed the following:

Infants	
Age of Youngest Child in Group	Maximum Number of Children Supervised by Each Employee
0-11 months	4
12-17 months	5

Preschool and School-age Children

Age of Youngest Child in Group	Maximum Number of Children to be Supervised by Each Employee
18-24 months	10
2-5 years	12
6 years old or older	15

(b) If there is a child younger than 18 months old in the group, the oldest child in the group must not be more than 18 months older than the youngest child in the group, unless there are nine or fewer children in the center.

(c) If nine or fewer children are in care at the center, one of the following groupings is the maximum number of children who may be in the care of each employee:

- (1) If one infant is cared for, no more than eight other children may be in care.
- (2) If two infants are cared for, no more than six other children may be in care.
- (3) If three infants are cared for, no more than two other children may be in care.

(d) To determine the staff-child ratio, staff must use the developmental ages, or the emotional ages of mentally retarded or emotionally disturbed children, as determined by a qualified consultant.

§81.709. Training. Orientation in understanding children is required for staff. Documentation of orientation must be on file at the center. When beginning work:

- (1) Staff must be informed of the *Minimum Standards for Drop-in Care Centers* and the licensing law. These documents must be available for staff to review.
- (2) Staff must be informed of center policies including discipline of children.
- (3) Staff must be instructed on symptoms of child abuse or neglect and the responsibility for reporting these.

§81.710. Building, Grounds, and Equipment.

(a) Space.

(1) There must be at least 30 square feet of indoor activity space for each child in the drop-in care center, measured wall-to-wall on the inside. The measurement does not include single-use areas.

(2) Outdoor play areas for children must be accessible by a safe route and enclosed by a building or fence at least four feet high with at least two exits.

(b) Furnishings.

(1) The center must have a telephone with a listed number.

(2) Cots, beds, or mats at least one inch thick that are waterproof and washable must be available for 25% of the licensed capacity.

(3) There must be storage space available for the personal belongings of the children.

(4) Comfortable arrangements must be available for the children according to the planned activities.

(c) Equipment. Indoor equipment and materials must be provided that are appropriate to the developmental needs, individual interests, and ages of the children. There must be a sufficient amount of equipment and materials so that there is not excessive competition among the children or long waits for materials.

(d) Toilet facilities.

(1) The center must have inside toilets located and equipped so children can use them independently and staff can supervise as needed. Bathroom doors must not have locks within the children's reach. Children must have privacy in the use of the bathroom as needed.

(2) There must be one flush toilet for every 25 children.

(A) Urinals may be counted in the ratio of children to toilets but must not exceed 50% of the total number of toilets. Bathrooms equipped with urinals must also have flush toilets.

(B) Potty chairs may be used but are not counted in the ratio of children to toilets.

(C) Children using disposable diapers are not counted in the ratio of children to toilets.

(3) There must be one lavatory for every 25 children.

(e) Use of facility. If programs not subject to regulation use the same facilities, the drop-in care center must not use any space at the same time as another program.

§81.711. Fire.

(a) In case of danger from fire, the first responsibility of staff is to evacuate the children.

(b) Centers must have an annual fire inspection. The written report of the inspection must be available for inspection by department staff. Any corrections called for in the report must be made.

(c) The center must have at least one fire extinguisher approved by the fire marshal. Fire extinguishers must be checked annually and serviced if required. The extinguishers must be located where readily available.

(d) An emergency evacuation plan must be posted in each room used by the children, and staff must be instructed about emergency procedures. Evacuation drills using the emergency procedures must be held quarterly at different times during the center's operation.

(e) All children must be able to exit safely from the building within three minutes in an emergency.

(1) A center of more than one story must have one inside and one outside staircase leading to all floors. Exceptions are made only if approved by a fire marshal. If there are no outside staircases and the fire marshal's approval cannot be obtained, children must be kept on the first floor.

(2) A center must have at least two exits to the

outside, located in distant parts of the building.

(3) If there are any doors that open to a fenced yard, children must be able to open doors easily from inside the facility. Doors between rooms must not be locked while children are present.

(4) Doors and pathways must not be blocked.

(f) Staff must ensure that heating devices and areas near heat sources are not fire hazards.

(1) If the center has gas appliances, the appliances must have metal tubing and connections, unless otherwise approved by the fire marshal.

(2) Open flame space heaters are prohibited. Space heaters must be enclosed, and have the seal of approval of a test laboratory approved by the fire marshal. Staff must safeguard floor furnace grates so that children do not have access to the grate.

(3) If the center has space heaters designed to be vented, the center must vent them to the outside of the center with the approval of the fire marshal.

(g) Combustible material must be kept away from light bulbs and other heat sources.

(h) Gas pipes in centers must be tested annually for leaks. Centers must have a copy of the test report available at the center.

(i) Centers must be equipped with smoke detectors with an audible alarm.

§81.712. Sanitation.

(a) Centers must have an annual sanitation inspection with a written report. Centers must make any corrections called for in the report.

(b) The center's buildings, grounds, and equipment must be cleaned, repaired, and maintained to protect the health of the children.

(c) The center must have adequate light, ventilation, and heating.

(d) The center must have an adequate supply of water that meets the standards for drinking water of the Texas Department of Health. If possible, the source of water must be from a public drinking water system.

(e) Drinking water must always be available to children. The center must supply the water in a safe and sanitary manner.

(f) The temperature of hot water available to children in the center must be controlled by a thermostat so it cannot scald (no higher than 120° Fahrenheit).

(g) The center must have adequate and safe flush toilets and sewage systems. If possible, the center must be connected to a public sewage system. If public sewers are not available, treatment facilities meeting the standards of the Texas Department of Health and approved by the local health authority must be installed to dispose of sewage.

(h) The center must keep any garbage in containers with tight lids, away from areas used by children, and remove the garbage from the center at least twice a week.

(i) The center must take measures to be free of insects and rodents.

(j) Staff and children must wash their hands after using the toilet and before eating. Staff must wash hands before and after changing a diaper, after caring for a child with symptoms of a communicable disease, and before feeding a child.

(k) If washcloths are used by the children, a clean individual cloth must be available for each child.

§81.713. Safety.

(a) The center's building, grounds, and equipment must be repaired and maintained to protect the safety of the children.

(1) The center must have child-proof covers or safety outlets for electrical outlets accessible to children younger than five years old.

(2) The center's electric fans and heaters must be mounted out of the children's reach or have safeguards that keep children from being injured.

(3) If the center has window air conditioners they must be installed so children cannot reach the working parts. If 220-volt window unit connections are within children's reach, the center must protect the connections with a screen or guard.

(4) The center must equip stairs, porches, and platforms more than two feet above the ground with railings the children can reach.

(5) The center's play area must be dry and free from sharp objects. Tanks, ponds, open wells, drainage ditches, sewage pipes, and dangerous machinery must be fenced to keep the children out. The center must not have garbage cans and highly flammable material in the play area. Trash cans are permitted.

(b) The center's indoor and outdoor equipment and supplies must be safe for the children.

(1) The center's outdoor play equipment must be away from busy areas in the yard and securely anchored, unless portable by design.

(2) Toys that use anything that explodes or that shoot things are not allowed.

(3) The center must not have furnishings, equipment, or toys that have lead-painted surfaces or that contain toxic material.

(4) Children must not have access to toxic substances.

(c) The center must have first aid supplies available in a designated location, out of the children's reach. The center must post a guide to first aid and emergency care.

§81.714. Health Requirements for Children.

(a) The center must comply with laws, rules, and regulations about immunization of children. Current immunization records must be kept for each child who has been at the center three or more times. Each child's immunization record must include the child's birth date, the number of doses, and the dates the child received each immunization. A machine or handwritten copy of the immunization record is acceptable. Staff copying the information must sign the handwritten copies. The center's compliance with the standard is measured by one or more of the following for each child who has been in care three or more times:

(1) A written and dated record that the child has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella. There must be a record with a rubber stamp or signature of the physician or other authorized health personnel which specifies the type, number of doses, and dates given.

(2) A written and dated statement from a licensed physician or other authorized health personnel that

immunizations against at least one of the diseases have begun. The immunization cycle must be completed as soon as is medically feasible. The center must have a current immunization record on file.

(3) A certificate signed by a licensed physician stating that the required immunization would be injurious to the health and well-being of the child or a member of the child's family or household.

(4) An affidavit (notarized statement) signed by the parent or managing conservator of the child stating that the immunization conflicts with the tenets and practices of a recognized church or religious denomination of which the child or parent is an adherent or member.

(5) A written and dated statement for a child, signed by the parents or managing conservator, that the child's immunization record is on file at the school or other licensed facility the child attends and that all immunizations are current. The name of the school or other facility must be included on the statement.

(b) The center must have a record that a child has been tested for tuberculosis if the child has been at the center three or more times, and if recommended by either the responsible local health authority or the regional director of the Texas Department of Health.

(1) The center is in compliance if it has an affidavit signed by the parent or managing conservator of the child stating that the test conflicts with the tenets and practices of a recognized church or religious denomination of which the child or parent is an adherent or member.

(2) The center is also in compliance if it has a written and dated statement for a child, signed by the parents or managing conservator, that the child's tuberculosis test record is on file at the school or other licensed facility the child attends and that the tuberculosis test record is current. The name of the school or other facility must be included in the statement.

§81.715. *Illness or Injury.*

(a) A child who is apparently ill must not be admitted to the drop-in care center unless approved by health personnel.

(b) The center must take precautions to protect the health of children in the center against illness.

(1) If ill, a child must be given a bed or cot away from the other children and the child's parents must be called immediately. Staff must supervise the child until he leaves the center.

(2) A child must be given first aid, if needed. In the case of a critical illness or injury, staff must call the physician named by the parents. If necessary, staff must take the child to the nearest emergency room or minor emergency center.

§81.716. *Medications.*

(a) If a facility agrees to administer medications, staff must administer medications to a child as follows:

(1) Prescription medications must be in the original container labeled with the child's name, a date, directions, and the physician's name. Staff must administer the medication to children as stated on the label directions. Staff must not administer medication after the expiration date.

(2) Staff must ensure that all nonprescription

medication, except aspirin or aspirin substitute, is labeled with the child's name and the date. Staff must administer nonprescription medication, including aspirin or aspirin substitute, to the child only if approved in writing by health personnel or the child's parents. Nonprescription medication must be administered according to the label instructions.

(b) Staff must keep medications out of the reach of children, or in locked storage.

(c) Staff must keep medications requiring refrigeration separate from food.

(d) Staff must return medications to the child's parents at the end of each stay.

§81.717. *Emergency Phone Numbers.*

(a) The following emergency telephone numbers must be posted by a telephone accessible to all staff:

(1) Ambulance service or emergency medical services (EMS);

(2) Police or sheriff's department;

(3) Fire department; and

(4) The address and telephone number of the facility.

(b) The center must have the following telephone numbers near the telephone and accessible to all staff:

(1) Numbers where parents may be reached, and the number of the physician designated by the parents; and

(2) Numbers where on-call staff may be reached.

§81.718. *Animals.*

(a) Animals on the premises must be vaccinated according to the recommendations of a licensed veterinarian. Staff must file documentation at the center of the vaccinations.

(b) The center and yard must be kept free of stray animals.

§81.719. *Food Service and Nutrition.*

(a) All food and drink served by staff must be of safe quality, and must be stored, prepared, distributed, and served under sanitary and safe conditions. Food service equipment must be washed and sanitized.

(b) A child in the center for five or more hours in one day must receive at least 1/3 of his daily food needs. The center does not have to meet this requirement for children who arrive after the evening meal and leave before the morning meal.

§81.720. *Activities.*

(a) The center must provide activities for each group according to the ages, interests, and abilities of the children. The center's activities must be appropriate to the health, safety, and well-being of each child and must include quiet and active play.

(b) The center must ensure the child's safety when the child is in the care of staff. Staff must account for the children before, during, and after field trips.

(c) Swimming or wading activities are not permitted.

§81.721. *Discipline and Guidance.*

(a) Discipline and guidance must be consistent, must be based on an understanding of individual needs

and development, and must promote self-discipline and acceptable behavior.

(b) There must not be cruel, harsh, or unusual punishment.

(1) Staff must not shake, hit, or spank children.

(2) Brief, supervised separation from the group may be used if necessary, but children must not be placed in a locked room.

(3) Staff must not humiliate or subject children to abusive or profane language. Punishment must not be associated with food or naps or toilet training. Bedwetters must not be shamed or punished.

§81.722. Infant Care.

(a) Staff must care for infants in rooms and outdoor play areas separate from older children in accordance with infant groupings listed in §81.708 of this title (relating to Staff-Child Ratio.).

(b) Infants who are not yet climbing must have individual cribs with a waterproof mattress covered by a clean crib sheet. Mobile infants may sleep on a low cot or mat.

(c) Staff must talk to, hold, and play with the infants.

(d) Infants, while awake, may stay in their cribs for up to one hour as long as they stay content and responsive.

(e) Staff must always be in the room with the infants.

(f) Feeding bottles must be clearly marked with the child's name.

(g) Infants up to six months old must be held while being bottle fed. Infants six months or older must be held, if needed. Bottles must not be propped at any time.

(h) Infants not ready for table food must be fed an infant formula or diet approved in writing by the child's physician or parents. Parents must sign and date the written feeding instructions.

(i) Infants no longer being held for feeding must be fed in a manner which ensures their safety and comfort. If an infant wants to feed himself, he must be encouraged to do so.

(j) Staff must discuss promptly feeding problems with the parents.

(k) Staff must change soiled or wet diapers and other clothing promptly in a sanitary and safe manner.

(1) Staff must place the child on a clean washable surface or on a surface with a clean, disposable covering.

(2) Individual washcloths and towels or disposable towelettes must be used to thoroughly cleanse and dry the child.

(3) Soiled or wet reusable diapers must be promptly rinsed by the flush toilet method. Used diapers must be placed in a moisture proof bag or stored in a covered container which must be cleaned daily.

(l) If a center has a diaper flush, the number of infants under 18 months old may be subtracted from the total number of children in the center when determining the child-toilet ratio. One diaper flush may serve 17 infants.

(m) Centers must have a lavatory in the infant area.

§81.723. Children with Need for Special Care.

Children at the center who need special care because of disabling or limiting conditions must be given the care recommended by qualified psychologists, physicians, or other experts. Care recommendations and documentation that they have been carried out must be in the child's record.

§81.724. Night Care.

(a) A drop-in care center offering night care must comply with applicable fire and safety requirements for this type of care.

(b) Staff must be awake at all times, and activities and routines must meet the needs of children in night care.

(c) Staff must supervise preschool-age children if bathtubs or showers are available to the children. Staff must ensure privacy for school-age children. Tubs or showers must be cleaned after each use. Center staff must provide each child with a fresh washcloth and towel.

§81.725. Transportation.

(a) If a drop-in care center provides transportation, each-child being transported must ride, properly seated and restrained, either in an infant carrier, a child seat, or seat belt, as appropriate to the child's age and size. These requirements apply to any vehicle used by or for the facility to provide transportation, regardless of whether the vehicle is owned by the facility and regardless of the type of vehicle.

(1) Appropriateness is determined as follows:

(A) An infant who cannot sit up without support must be properly restrained in an infant carrier designed as a child restraint for the purpose of transporting children in a vehicle, placed in a semi-reclining position, facing the back of the car, with a built-in five-point safety harness to hold the child in the carrier. The carrier must be held in the seat by the standard, fixed seat belt.

(B) A child seat, designed, manufactured, and approved as a child passenger restraint device must be used for each child who has not achieved two of the following: a weight of 40 pounds; a height of 40 inches; the age of four years.

(C) A child seat, designed, manufactured, and approved as a passenger restraint device, or seat belt must be used for each child not covered in subparagraphs (A) or (B) of this paragraph.

(D) A shoulder harness and seat belt may be used for a child if the shoulder harness goes across the child's chest and not across the child's face or neck.

(2) Each restraint device and each seat belt must be properly anchored to the vehicle seat and used according to the specifications of the manufacturer.

(3) Facilities may require parents to provide this equipment for use by the facility when transporting the child. The facility must ensure that the equipment meets the stated specifications.

(b) The driver of a vehicle and all adult passengers must be properly restrained by a shoulder harness and/or seat belt if the vehicle is in motion.

(c) Children must be loaded and unloaded at the curb side of the vehicle or in a protected parking area or driveway.

(d) A first aid kit must be in all vehicles regularly

transporting children.

(e) Children must not be transported in the open back of a truck.

(f) The staff-child ratio for the transportation of children must be met.

(1) Besides the driver, one attendant must be present for each group of four children (or fraction of a group) under two years old.

(2) For children two years old or older, the staff-child ratio must be established by any of the options outlined in §81.708 of this title (relating to Staff-Child Ratio). If there are children under four years old, there must always be at least two adults present.

§81.726. Definitions. The following words and terms when used in *Minimum Standards for Drop-in Care Centers* shall have the following meanings, unless the context clearly indicates otherwise:

Activity space—Area or rooms for activity including those separate from a group's classroom.

Administrative functions—Those functions which involve the management of a center.

Admission—The process of accepting a child for care in a center. The date of admission is the first day on which the child is actually present in the center.

Adult—A person 18 years old or older.

Aide—A person who is involved in direct care, supervision, and guidance of children in a center and who works under the direction of the staff member designated to carry primary responsibility for the children.

Attendance—Children actually present in the center at any given time.

Child—A person who has not reached his 18th birthday.

Child-care staff—Any person whose primary duties include direct care, supervision, and guidance of children in a center.

Child Development Associate Credential—The Child Development Associate Credential is a credential based on assessed competency in several areas of child care and child development. Child development training is available in the public community and junior college system, and four-year colleges, either in regular child development, vocational programs, or through adult continuing education courses.

Children with known need for special care—Children with disabling or limiting conditions, other physical disabilities, mental retardation, emotional disturbance, or learning disabilities which prevent or limit their participation in the normal activities of the center.

Consultative services for children with need for special care—Services provided by psychologists, special education counselors, educational diagnosticians, special education supervisors, teachers certified by the Texas Education Agency to teach mentally retarded or emotionally disturbed children, pediatricians, licensed registered nurses, child psychiatrists, and MSW social workers skilled in assessing normal and unusual developmental problems in children.

Department—Texas Department of Human Resources.

Direct child care—The supervision, guidance, and care of children as compared to food service, janitorial

functions, or administrative functions.

Director—That person designated by the governing body for the day-to-day responsibility for the operation of a drop-in care center, including compliance with minimum standards.

Drop-in care—The care, supervision, and guidance of a child or children, unaccompanied by parent, guardian, or custodian, in a place other than the child's or children's own home or homes; not regularly provided to the same child.

Drop-in care activities—The planned program components which are provided by a center: the daily schedule.

Drop-in care area—That area specifically licensed by the department for use by the drop-in care program. This may include a specific portion or portions of the building and grounds of a larger facility or one or more buildings at the same location. The area, both indoor and outdoor, must be designated and approved in the plan of operation.

Drop-in care center—The entire facility, program, buildings, grounds, furnishings, and equipment involved.

Drop-in care location—The street address where the center is located.

Drop-in care program—Those services and activities which are provided by a drop-in care center.

Drop-in care staff—Any person employed in or volunteering in a drop-in care center in any capacity.

Facility—Include people, administration, governing body, activities, operations, buildings, grounds, equipment, furnishings, and material.

Food service—The preparation or serving of meals or snacks.

Governing body—The entity with ultimate authority and responsibility for the overall operation of the drop-in care center. Governing bodies are one of the following types:

(A) **Sole proprietorship**—Owned by an individual who is responsible for and has the legal right to possess, operate, sell, or otherwise deal with the facility. Sole proprietorship may include a facility owned by a husband and wife.

(B) **Partnership**—Combination by contract of two or more persons who place their money, labor, and skill to carry on a continuing business, dividing the profits and sharing the losses in an agreed manner. Partnership includes general and limited partnerships.

(C) **Corporation**—An intangible entity created by individuals to operate for profit but to limit individual liability. A corporation is organized pursuant to the Texas Business Corporation Act or similar act of another state, and evidenced by Articles of Incorporation.

(D) **Non-profit corporation**—Equivalent of "not for profit corporation." A non-profit corporation is one in which none of the income is distributed to members, directors, or officers. It is organized under the Texas Non-profit Corporation Act.

(E) **Non-profit corporation with religious affiliation**—Has non-profit corporation status and is operated by, responsible to, or associated with an organization of individuals devoted to the propagation of a religion. It does not include those whose sole relationship with a religious organization is a business one.

(F) Association—A combination of individuals and interests of some kind, without IRS tax-exempt status. An association is not organized under the Texas Business Corporation Act.

(G) Non-profit association—Combination of individuals and interests of some kind, synonymous with "society," with operations devoted to charitable, benevolent, religious, patriotic, or educational purposes. A non-profit association is not organized under the Texas Business Corporation Act.

(H) Non-profit association with religious affiliation—Combination of individuals and interests of some kind, synonymous with "society," with operations devoted to religious purposes. It is not organized under the Texas Business Corporation Act. It is operated by, responsible to, or associated with an organization of individuals devoted to the propagation of a religion. It does not include those whose sole relationship with a religious organization is a business one.

(I) State operated—Operated by, under the direct jurisdiction of, and responsible to, an agency of the State of Texas.

(J) Other political subdivision—Operated by and under the jurisdiction of a county municipality, school district, or other political entity.

Group—A specific number of children assigned to specific staff; each child in any group has the following things in common with every other child in his group:

(A) the same staff member(s) responsible for the child's basic needs and

(B) the same classroom or activity space.

Health personnel—A licensed physician, a licensed registered nurse, or a person providing preventive, diagnostic, or therapeutic medical care to individuals in the community.

Infant—A child under 18 months old.

Janitorial functions—Services which involve cleaning and maintenance over and above that which is required for the continuation of the child care program.

License—A document issued to the governing body of a drop-in care center, authorizing the licensee to operate at a specified location according to the provisions of the license, the law, and the rules and regulations of the Texas Department of Human Resources.

Night care—Care given to children who are starting or continuing their night sleep at the center.

Parent—For the purpose of these rules, parent is defined to include parent, legal guardian, or managing conservator.

Plan of operation—The form furnished by the Texas Department of Human Resources on which the governing body or director of a drop-in care center outlines the plans for operating the center.

Primary responsibility—The principal task or function for which an individual is responsible.

School-age care—Care offered to children between five (before September of that school year) and 18 years old.

Single use area—Includes, but is not limited to, bathrooms, hallways, storage rooms, kitchens, and indoor swimming pools.

Supervision—The act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. Supervision requires physical presence, knowledge of activity requirements and children's needs, and accountability for their 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 September 8, 1982.

TRD-827041

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Proposed date of adoption: October 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

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

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register*. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

Withdrawn Rules



TITLE 31. NATURAL RESOURCES AND CONSERVATION Part X. Texas Water Development Board

Chapter 301. Introductory Provisions Environmental Impacts Statements

31 TAC §301.21

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §301.21 submitted by the Texas Water Development Board have been automatically withdrawn, effective September 8, 1982. The amendments as proposed appeared in the March 5, 1982, issue of the *Texas Register* (7 TexReg 896).

TRD-827025
Filed: September 8, 1982

TITLE 37. PUBLIC SAFETY AND CORRECTIONS Part IX. Texas Commission on Jail Standards

Chapter 281. Food Service in County Jails

37 TAC §281.3

The Texas Commission on Jail Standards has withdrawn from consideration proposed amendments to §281.3, concerning food service in county jails. The amendments as proposed appeared in the July 6, 1982, issue of the *Texas Register* (7 TexReg 2545).

Issued in Austin, Texas, on August 30, 1982.

TRD-827000
Andy J. McMullen
Chairman
Texas Commission on Jail
Standards

Filed: September 7, 1982
For further information, please call (512) 475-2716.

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

Chapter 81. Elections Campaign Reporting and Disclosure

1 TAC §81.163

The Office of the Secretary of State has withdrawn emergency amendments to §81.163, concerning campaign reporting and disclosure. The amendments as adopted on an emergency basis appeared in the July 9, 1982, issue of the *Texas Register* (7 TexReg 2579).

Issued in Austin, Texas, on September 7, 1982.

TRD-827011 David A. Dean
Secretary of State

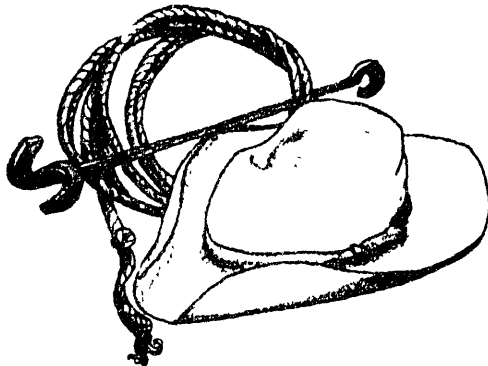
Filed: September 7, 1982
For further information, please call (512) 475-3368.

Adopted Rules

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

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

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



TITLE 1. ADMINISTRATION Part VII. Texas Merit System Council

Chapter 161. Merit System of Personnel Administration

1. TAC §§161.6-161.8, 161.10, 161.13, 161.17

The Texas Merit System Council adopts amendments to §§161.6-161.8, 161.10, 161.13, and 161.17, with changes to the proposed text published in the August 6, 1982, issue of the *Texas Register* (7 TexReg 2860).

The amendments are necessary to increase participating agencies' flexibility in hiring and to eliminate duplication in agencies' efforts to serve the public.

The rules will function by affording agencies under merit system jurisdiction the opportunity to operate under fewer restrictions in order to increase their efficiency.

One set of written comments was received as follows:

(1) §161.13(a)(4). To remove the Merit System's jurisdiction over this area would be a tremendous step back in employees' due process rights. There is currently no procedure, other than the Merit System Council, that employees have a recourse to, that provides a speedy, impartial, and binding decision. The agency grievance procedures always leave the final decision up to the agency, and history has shown that they are unwilling or unable to police themselves. An employee's only recourse would be to file a lawsuit, but this is an expensive procedure, one that most employees would be unable to afford. Therefore, we urge you to reconsider this rule change.

(2) §161.13(a)(5). The proposed rule changes state that the agency must certify that they have an "impartial grievance procedure." Webster's defines "impartial" as: "favoring no one side or party more than another; without prejudice or bias; fair; just." By this definition the agency's grievance procedures cannot withstand this test. The agency establishes the procedures, takes the action, and then hears the appeal on the action it took. This is hardly an impartial procedure. We have numerous instances where agencies have refused to rescind an action because they are hesitant to overrule their supervisors. The Merit System Council serves as an impartial appeal procedure and to remove itself from this role would further restrict employees right to challenge unfair personnel actions. We urge you to reconsider this amendment.

(3) §161.17(a). The proposed changes would delete discrimination based on non-merit factors. This will remove one of the most common forms of discrim-

ination in the agencies. The granting of merit raises, promotions, and performance evaluations, in many cases, are done on the basis of personnel likes or dislikes, not merit. Employees need to be able to challenge these kind of unfair determinations. We urge the agency to reconsider this amendment.

The comments were received from the Texas State Employees Union. The agency further amended §161.13 to address the concerns of the TSEU with which the agency agrees. The amended language allows those agencies under merit system jurisdiction to afford their employees a choice for pursuing relief from adverse actions and discriminations. Regarding the comment concerning §161.17, the agency disagrees that the amendment should be changed to include "non-merit factors" due to the concept's nebulous nature and its difficulty of interpretation by parties to appeals. The agency will continue to include the most "common" and well-defined types of discrimination within its rules.

The amended rules are adopted under Texas Civil Statutes, Article 6252-11d, which provides the Texas Merit System Council with the authority to adopt rules necessary to administer the Act.

§161.6. Registers.

(a) Establishment of registers.

(1) (No change.)

(2) If a vacancy exists in a class for which there is no appropriate register, the director may prepare an appropriate register for the class from an existing register for a similar class, or the appointing authority may request that a register be established through open-competitive examinations for the class.

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

§161.7. Certification of Eligibles.

(a) (No change.)

(b) Certification methods.

(1) Upon receipt of a request for certification, the director shall certify the names of eligibles on the appropriate registers. If the appointing authority does not wish to consider the entire list of eligibles, a maximum number of names to be certified may be specified at the time of request for certification. That number of eligibles will then be certified, plus any additional eligibles entitled to be certified by virtue of identical scores or ratings as provided in §161.6(a) of this title (relating to Registers). No fewer than 10 names will be certified unless there are fewer than 10 eligibles available on the register.

(2)-(6) (No change.)

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

§161.8. Original Appointments.

(a) (No change.)

(b) Probationary appointments.

(1) If the appointing authority has certified to the director that the agency has implemented selection procedures consistent with the merit principles stated in this regulation, probationary appointments may be made as follows:

(A) Appointment in classes having open-competitive examinations.

(i) Probationary appointments may be made, according to the agency's selection procedures, from the names on certificates submitted by the director in accordance with §161.7 of this title (relating to Certification of Eligibles).

(ii) If the agency's selection procedures identify the best qualified candidate to be a person whose name does not appear on the certificate for that position, that person may be selected, provided he/she has an unexpired examination score for the appropriate classification.

(iii) If there are fewer than three eligibles on the register for a position, a probationary appointment may be made in accordance with the agency's selection procedures. An employee so appointed must be certified by the director as meeting the minimum qualifications established for the classification.

(B) Appointment in classes not having open-competitive examinations.

(i) If there is a register remaining for the classification, probationary appointments may be made in the same manner as for appointments in classes having open-competitive examinations.

(ii) If the agency does not make a selection from the remaining register, or if there is no such register available, probationary appointments may be made according to the agency's selection procedures. An employee so appointed must be certified by the director as meeting the minimum qualifications established for the classification.

(2) If the appointing authority has not certified to the director that the agency has implemented selection procedures consistent with the merit principles stated in this regulation, selections for all positions will be made from names on certificates submitted by the director in accordance with §161.7 of this title (relating to Certification of Eligibles), except as provided in subsections (c)-(i) of this section.

(A) When selecting an eligible for appointment to each position, the appointing authority will consider only the 10 highest ranking available eligibles on the certificate, plus such additional eligibles as may be entitled to be considered by virtue of identical scores or ratings as provided in §161.6(a) of this title (relating to Registers); each additional selection made from that certificate will be made in the same manner.

(B) Names of persons who fail to answer or who decline appointment or consideration for appointment or those to whom the appointing authority offers an objection in writing, which is sustained by the director, will be excluded from consideration.

(C) In selecting an eligible from a supplementary certificate, only the three highest ranking available eligibles will be considered, plus such additional eligibles as may be entitled to be considered by virtue of identical scores or ratings as provided in §161.6(a) of this title (relating to Registers).

(3) Each eligible selected for probationary appointment shall report to work no later than two months following the expiration date of the certificate prepared for the vacancy.

(c)-(i) (No change.)

§161.10. Promotion, Lateral Class Change, and Demo-

tion Without Prejudice.

- (a) (No change.)
- (b) Method of promotion.

(1) A permanent employee may be promoted to a position in a higher class on the basis of certification by the director that minimum qualifications are met. A noncompetitive examination may be administered at the request of the agency.

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

§161.13. Appeals.

(a) Actions which may be appealed to the Texas Merit System Council.

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

(4) Appeal from discrimination. An applicant, eligible, or employee who feels adversely affected in employment status or opportunity for employment as a result of discrimination prohibited by §161.17 of this title (relating to Discrimination), shall have the right to appeal to the council, except when the appointing authority has certified to the director that the agency has implemented an impartial grievance procedure which covers discrimination. If such certification is made, the appointing authority may elect to give employees the right to seek relief either through the internal grievance procedure or through the Texas Merit System Council appeals procedure as provided in this section. Under this election, both procedures may not be utilized. The appointing authority must inform its adversely affected employees in writing of this right.

(5) Appeal from dismissal, suspension, demotion, or salary reduction. A permanent employee who is dismissed, suspended, demoted, or reduced in salary shall have the right to appeal such action to the council, except when the appointing authority has certified to the director that the agency has implemented an impartial grievance procedure which covers the adverse action. If such certification is made, the appointing authority may elect to give permanent employees the right to seek relief either through the internal grievance procedure or through the Texas Merit System Council appeals procedure as provided in this section. Under this election, both procedures may not be utilized. The appointing authority must inform its adversely affected employees in writing of this right.

- (b) (No change.)
- (c) Enforcement of appeal decisions.

(1) Appeal from dismissal, suspension, demotion, or salary reduction. In appeals brought under subsection (a)(5) of this section, the opinion of the council shall be recommendatory to the appointing authority. Within 15 calendar days after receipt of the opinion, the appointing authority shall make its decisions which shall be final and record same in the permanent records of the agency. Except in cases where the recommendation is that the action of the agency be sustained, the agency shall promptly give written notification to the appellant and the director of its decision as to whether the council recommendation will be implemented.

- (2) (No change.)

§161.17. Discrimination

(a) Types of discrimination. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or other personnel action, based on race, color, religion, sex, national origin, political affiliation, age, or handicap, is prohibited, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification.

- (b) (No change.)

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

Issued in Austin, Texas, on September 6, 1982.

TRD-827020¹ F Kemp Dixon
 Executive Director
 Texas Merit System Council

Effective date: September 28, 1982
 Proposal publication date: August 6, 1982
 For further information, please call (512) 477-9865.

TITLE 28. INSURANCE
 Part I. State Board of Insurance

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

Texas Title Insurance Act
 Policy Forms and Premiums

059.09.07.001

The State Board of Insurance adopts by reference amendments to Rule 059.09.07.001, the *Basic Manual of Rules Rates and Forms for the Writing of Title Insurance in the State of Texas* (manual), without changes to the proposed text published in the July 16, 1982, issue of the *Texas Register* (7 TexReg 2651). The text of the Specific Instructions section of the "Minimum Standards of Audit of Trust Funds Required of Texas Title Insurance Agents and Title Attorneys" (Minimum Standards), now being adopted by reference, which was originally submitted to the *Texas Register* in the proposed text, inadvertently contained two errors which have been corrected as follows: the phrase "Interest received" has been changed to read "Interest earned" in the second paragraph of page three and the first two sentences of the third paragraph of page three have been deleted to conform to amendments to the text made at a public hearing but not appearing in the submission as proposed.

The amendments to Rule 059.09.07.001 are made by adopting by reference the following rules and forms: The amended section titled Minimum Standards has been expanded to more clearly apply to title attorneys and to title companies doing business in

their own names, and has been clarified and now contains specific instructions for each schedule.

The amended section on audit report forms (Exhibits A-H) has been expanded to more clearly apply to title attorneys and to title companies doing business in their own names; and has been modified to more clearly conform to the minimum standards and instructions, contain editorial corrections, and contain additional questions (Number Seven on Exhibit H and last line on Exhibit E) to aid in determining the thoroughness of the audit.

The amended Information Re Abstract Plant Form contains editorial corrections and specifically requires an on-site examination of the abstract plant by the underwriter certifying the plant. The amended Title Insurance Company Annual Report and Analysis of Title Insurance Agents Audit Report of Trust Fund Accounts Form (T-19) contains editorial corrections, includes the date the audit report was received by the company, and has been expanded to more clearly apply to title attorneys.

A new paragraph (b) has been added to Procedural Rule P-6 Coinsurance to provide a uniform method for division of premiums on risks in excess of \$15 million which are insured by more than one policy.

The justification for each of the amendments is as follows:

The Minimum Standards contained standards which were in conflict with existing standards in the auditing industry and instructions which conflicted with the adopted forms and which confused both the auditors and the title insurance industry. These conflicts have been eliminated and the instructions have been clarified. The standards and instructions also have been more clearly made applicable to title attorneys and to title companies doing business in their own names.

The audit report forms (Exhibits A-H) contained conflicts with the standards, and instructions and typographical errors which have been eliminated. The forms have been made to specifically apply to title attorneys and to title companies doing business in their own names. Exhibit H now contains an additional question (Number Seven) to aid in determining the completeness of the audit. Exhibit E contains an additional question to determine the number of GF files actually examined by the auditor in order to be certain that some GF files are examined.

The Information Re Abstract Plant Form contained typographical errors which have been corrected. The amended form requires an on-site inspection by the underwriter certifying the abstract plant as suitable for use.

Form T-19 contained typographical errors which have been eliminated. Amended Form T-19 also contains an additional question to determine the date the company actually receives the audit report referred to and contains language specifically applying the form to title attorney's audit reports. Procedural Rule P-6(b)

was made necessary by the adoption of a rate reduction on risks in excess of \$15 million which was specifically made applicable to coinsured policies as well as single policies.

All of the adopted rule amendments will appear in and be a part of the manual for use by agents, insurance companies, and other interested parties. The effect of the amendments will be as follows:

(1) The standards and procedures of audits of all entities doing title insurance business in Texas will be uniform and will comply with similar standards and procedures previously adopted by the auditing industry. The specific instructions for each exhibit should eliminate confusion and reduce the costs of audits. The revisions in the audit forms should eliminate confusion and provide more useful information.

(2) The amended Information Re Abstract Plant Form will provide more useful information to the underwriter and to the State Board of Insurance.

(3) The amended Form T-19 will uniformly apply to all entities doing title insurance business in Texas and provide additional information to the State Board of Insurance necessary to determine compliance with statutory requirements.

(4) Procedural Rule P-6(b) will divide the premium between the various companies in proportion to the amount of risk insured by each company participating in the coinsurance of a single risk in excess of \$15 million.

No comments were received from the public or any interested party during the 30-day publication period of the proposed amendments. However, one comment was received during that time which resulted in the corrective changes in the Specific Instructions section of the Minimum Standards being adopted by reference.

During a June 24, 1982, public hearing, certain persons and organizations offered comments on each proposed amendment.

Concerning the Minimum Standards, proponents said the proposed amendments will eliminate conflicts between auditing standards, the existing instructions, and the existing and proposed forms. The proposed amendments will clarify the instructions and standardize the reporting format. The instructions and forms will apply to all entities required to file audit reports and will be more cost effective.

An opponent submitted an alternative paragraph as part of the Auditor's Opinion Letter (Exhibit A) which he felt was more appropriate than that proposed.

Concerning Form T-19 and the Information Re Abstract Plant Form, the amendments to the Form T-19 specifically require its use for audits filed by all entities, make editorial corrections, and now include the date the audit report was received by the company reporting. The Information Re Abstract Plant form has been amended to specifically require an on-site examination of the abstract plant by the under-

writer certifying the plant and contains editorial corrections. There were no opponents to Form T-19 and the Information Re Abstract Plant Form.

The proponents of Procedural Rule P-6(b) agreed that the premium rates set by the board on risks in excess of \$15 million should apply whether the risk was insured by one or more than one policy (coinsurance rather than reinsurance). The proponents agreed that proration of premiums in proportion to the portion of risk insured was fair and equitable. Two of the opponents testified against any premium reduction. The written comments of another opponent cited potential conflicts with existing procedural and rate rules, pointed out that there is no requirement that title be searched by every company issuing policies on a coinsured risk, and also pointed out the increased potential for violations of the Texas Insurance Code, Article 9.30, when coinsurance is utilized.

Those making comments in favor of the Minimum Standards were: Robert E. Philo, Jr., assistant director, Title Insurance, State Board of Insurance; Robert C. Sneed, attorney, the Texas Land Title Association (TLTA); Harry A. Fisher, chairman, TLTA Rules, Rates, and Forms Subcommittee on Escrow Audits; Frederick A. Michels, Controller's Department, Pioneer National Title Insurance Company; and Art D. Serafine, partner in Peat, Marwick, Mitchell & Company. Speaking against the Minimum Standards was Scott L. Belsaas, Coopers & Lybrand.

Those in favor of Form T-19 and the Information Re Abstract Plant Form were: Mr. Philo, of the State Board of Insurance; and Mr. Sneed of the Texas Land Title Association. There were no opponents.

Speaking in favor of Procedural Rule P-6(b) were: Larry E. Temple, attorney, Lawyers Title Insurance Corporation; David B. Irons, attorney, the Title Underwriters of Texas; Mr. Sneed, of the Texas Land Title Association; Will D. Davis, attorney, the Independent Metropolitan Title Agents of Texas, Inc.; Roland M. Chamberlin, Jr., attorney, Lawyers Title Company of Houston, American General Investment Corporation, Wortham & Van Liew, Century Development Corporation, and Trammell Crow Company; Ned Price, attorney, Vantage Properties, Inc.; Carloss Morris, chairman of the board, Stewart Title Guaranty Company; Paul F. Dickard, Jr., vice president and division manager, Transamerica Title Insurance Company; Walter Ross, Century Development Corporation; Fred H. Dunlop, Baker & Botts; Dr. Jerry Todd, consultant, Texas Land Title Association; James H. Garst, senior vice president and regional manager, Commonwealth Land Title Insurance Company; Gaylon R. Daniel, staff

actuary, State Board of Insurance; Barton R. Bentley, Heath & Knippa; and Reno Hartfiel, executive vice president/general counsel, Commerce Title Company. Speaking against Procedural Rule P-6(b) were: A. B. Waldron, chairman of the board, Southwest Land Title Company; Philip D. McCulloch, executive vice president, Rattikin Title Company; and C. E. Seal, II, president, Hexter Fair Title Company.

The board agreed with the proponents. The board found that the amendments were appropriate and required. The board felt that the language of the Auditor's Opinion Letter (Exhibit A) as proposed by staff and as supported by the CPAs on the TLTA Subcommittee on Rules, Rates, and Forms was most appropriate. The board felt that the proration of premium between companies would not conflict with existing rate rules and that it would be able to continue to monitor and control potential violations of the Texas Insurance Code, Article 9.30.

The amendments are adopted under the Texas Title Insurance Act, Article 9.07, which empowers the State Board of Insurance with the duty to fix and promulgate the premium rates and to promulgate or approve all forms to be used by title insurance companies; the Texas Title Insurance Act, Article 9.21, which empowers the State Board of Insurance with authority to promulgate and enforce rules prescribing underwriting standards and practices and to promulgate and enforce all other such rules which in the discretion of the board are deemed necessary to accomplish the purposes of the Act; the Texas Title Insurance Act, Article 9.39, which empowers the State Board of Insurance with authority to promulgate regulations setting forth the standards of audit and the form of audit report required, and requires the board to furnish forms to be used by companies to report the results of their examinations of the audit reports; and the Texas Title Insurance Act, Article 9.56, which requires title attorneys as therein defined to file audits of their trust accounts and makes all rules promulgated by the State Board of Insurance applicable to title attorneys.

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

Issued in Austin, Texas, on September 3, 1982.

TRD-826978 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 1, 1982
Proposal publication date: July 16, 1982
For further information, please call (512) 475-2950.

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

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

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

Open Meetings

Texas Department on Aging

Friday, September 17, 1982, 10 a.m. The Texas Board on Aging will meet on the fifth floor, 210 Barton Springs Road, Austin. Items on the agenda include approval of June 3, 1982, minutes; consideration of state fiscal year 1983 state administration operation budget; consideration of personnel manual update; report of State Advisory Council; consideration of state legislative initiatives; position report on protective services by Texas Association of Regional Councils; consideration of 28 area agencies on aging fiscal year 1983 plan amendments; and the executive director's report.

Contact: Chris Kyker, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: September 8, 1982, 4:31 p.m.
TRD-827053

Texas Department of Agriculture

Wednesday, September 22, 1982, 10 a.m. The Agricultural and Environmental Sciences Division of the Texas Department of Agriculture will meet in Room 934, Stephen F. Austin Building, 17th and Congress Avenue, Austin. According to the agenda, the division will conduct a formal adjudicative hearing to consider suspension, modification, or revocation of current commercial pesticide applicator's license 003624 (Fruit and Vegetable Pest Control category)

issued to Stanley Arnold, A.A.A. Tree Service, Perryton, for alleged violation of Texas Agriculture Code (1981), §§76.111(g), 76.116(a)(3), 76.116(a)(5), and 4 TAC §7.14, Docket 38-82-AEP.

Contact: Steve Haley, P.O. Box 12847, Austin, Texas 78711, (512) 475-1572.

Filed: September 8, 1982, 1:24 p.m.
TRD-827044

Coordinating Board, Texas College and University System

Thursday, September 23, 1982, 10 a.m. The Administrative Council of the Coordinating Board, Texas College and University System, will meet in the board room, Academic Building, North Harris County College, Houston. According to the agenda summary, the council will meet to elect officers and consider the following items: proposed amendment to §25.34(f) concerning basic procedural and administrative practices; proposed amendment to §25.34(1) concerning basic procedural and administrative practices; proposed amendment to §25.46 concerning annual accounting by carrier; proposed amendment to §25.38 concerning bidding contracts; an advisory committee recommendation on retiree program administration; a request for an attorney general opinion on self-funding for

senior colleges and universities; discussion on pre-existing conditions; discussion on insurance coverage for employees on leave without pay; and the executive secretary's report.

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711.

Filed: September 8, 1982, 9:03 a.m.
TRD-827036

Texas State Board of Dental Examiners

Thursday and Friday, September 23 and 24, 1982, 9 a.m., daily. The Texas State Board of Dental Examiners will meet at the Sheraton Inn, 2843 West Northwest Loop 323, Tyler. Items on the agenda summary include disciplinary hearings; discussion of foreign graduate rule; amendments to the Dental Practice Act; telephone and specialty advertising; 1983 examination dates; and National Dental Examiners' Advisory Forum. If all items on the agenda are not completed on Thursday and Friday, September 23 and 24, then the board will meet on Saturday, September 25, 1982, at 9 a.m.

Contact: William S. Nail, 718 Southwest Tower, Austin, Texas 78701, (512) 475-2443.

Filed: September 9, 1982, 8:54 a.m.
TRD-827055

Texas Education Agency

Friday, September 10, 1982, noon. The Committee for Board Operating Rules of the State Board of Education made an emergency addition to the agenda of a meeting held in Room 101-E, 1200 East Anderson Lane, Austin. The addition concerned the use of State Board of Education meeting rooms. The emergency status was necessary because information was not received in time for inclusion with the original notice of open meeting for this committee.

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

Filed: September 7, 1982, 4:34 p.m.
TRD-827022

Saturday, September 11, 1982, 8:30 a.m. The State Board of Education made an emergency addition to the agenda of a meeting held in the board room, 1200 East Anderson Lane, Austin. The addition concerned the use of State Board of Education meeting rooms. The emergency status was necessary because information was not received in time for inclusion with the original notice of an open meeting.

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

Filed: September 7, 1982, 4:33 p.m.
TRD-827023

Wednesday, September 15, 1982, 2 p.m. The Subcommittee for Edit and Review of the Select Committee on Public Education of the Texas Education Agency will meet in the lieutenant governor's committee Room 220, State Capitol. According to the agenda, the subcommittee will discuss and approve the committee reports of the following subcommittees: Changing Technology in Instruction, Recodification of the Texas Education Code, and Legislative Implementation and Finance Formulas.

Contact: Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

Filed: September 7, 1982, 4:32 p.m.
TRD-827024

Thursday, September 16, 1982, 2 p.m. The Select Committee on Public Education of the Texas Education Agency will meet in the Senate Chamber, State Capitol. According to the agenda, the committee will discuss and approve subcommittee reports of the following subcommittees: Changing Technology in Instruction; Recodification of the Texas Education Code; and

Legislative Implementation and Finance Formulas.

Contact: Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

Filed: September 8, 1982, 11:41 a.m.
TRD-827045

Texas Employment Commission

Wednesday, September 15, 1982, 9 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 15th and Congress, Austin. Items on the agenda summary include prior meeting notes; reports of administrative staff on federal and state legislation, fiscal year 1983 funding, E.S. and U.I. program activities, public information, and media update; ADP bid analysis, and agenda items for the September 28, 1982, meeting. The commission will also meet in executive session to consider premises leases and contracts, personnel matters, and status of litigation relating to outstanding suits and attorney general opinion requests.

Contact: Pat Joiner, TEC Building, Room 656, Austin, Texas, (512) 397-4514.

Filed: September 7, 1982, 2:16 p.m.
TRD-827009

Texas Energy and Natural Resources Advisory Council

Wednesday, September 15, 1982, 9 a.m. The Texas Energy and Natural Resources Advisory Council will meet in the Senate Chamber, State Capitol. Items on the agenda include the Texas Water Plan report; coastal resources report; Clean Water Act, §402; resource recovery; new federalism; Advisory Committee on Solar Energy report; Advisory Committee on Energy Efficiency report; TENRAC budget/work plan; TENRAC legislative recommendations; natural gas off-system sales by interstate pipeline companies; oil overcharge settlement funds; Texas energy five-year research plan; and energy development fund projects.

Contact: Edward Selig, 200 East 18th Street, Austin, Texas 78701, (512) 475-0414.

Filed: September 7, 1982, 4:50 p.m.
TRD-827021

Texas Health Facilities Commission

Friday, September 17, 1982, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the

agenda summary, the commission will consider the following applications.

Amendment of Certificate of Need
Metropolitan General Hospital,
San Antonio
AH81-1014-015A(080482)

Notice of Intent to Acquire Major Medical Equipment
North Texas Radiation Therapy Center,
Denton
AO82-0811-060

Notices of Intent to Acquire Existing Health Care Facilities

Contemporary Psychiatric Management,
Inc., The Woodlands
AH82-0806-056

Laurelwood Hospital, Inc.,
The Woodlands
AH82-0806-054

Jewell Enterprises, Arlington
AN82-0812-056
AN82-0812-058
AN82-0812-068
AN82-0812-070

Stonebrook Properties, Inc.,
Arlington
AN82-0812-054
AN82-0812-060

Dagmar, Inc., Arlington
AN82-0812-050

Commerce Two Health Associates,
Rancho Mirage, California
AN82-0812-052
AN82-0812-062

Edelweiss, Inc., Arlington
AN82-0812-064

Joseph A. Rosin, Chicago, Illinois
AN82-0812-066

Sidney Z. and Betty L. Pospisil, Lubbock
AN82-0813-062

Bloom Corp., Fort Lauderdale, Florida
AN82-0813-068

Contact: John R. Neel, P.O. Box 15023,
Austin, Texas 78761.

Filed: September 8, 1982, 9:17 a.m.
TRD-827037

Texas Indian Commission

Friday, September 10, 1982, 1:30 p.m. The Board of Directors of the Alabama/Coushatta Indian Reservation Tribal Enterprise of the Texas Indian Commission met in emergency session in the administration building on U.S. Highway 190, 17 miles east of Livingston. According to the agenda summary, the board observed the quarterly meeting schedule in accordance with the amended guiding principles of May 17, 1982, Article VI, to review, evaluate, and accept performance and operation reports

of budgeted and expended state appropriated administration, maintenance, and other operating expense funds and the business operation of Tribal Enterprise. The emergency status was necessary to approve employment of a new administrative staff and new key administrators, and to approve an amendment to the state fiscal year 1984-1985 estimates.

Contact: Tony Byars, Route 3, Box 640, Livingston, Texas 77351, (713) 563-4391.

Filed: September 7, 1982, 10:17 a.m.
TRD-827010

Texas State Library and Archives Commission

Friday, September 17, 10 a.m. The Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 12th and Brazos Streets, Austin. Items on the agenda include approval of minutes; staff report to Texas Sunset Advisory Committee; request from Austin Genealogical Society for using Pease Room for genealogy expansion and to reorganize the Genealogy Library under the archives program; appointments to the Library Systems Act Advisory Board; appointments to the Library Services and Construction Act Advisory Council; reports on San Antonio Depository, Library Systems Act Study Committee, pilot microfilm project in Ector and Ward Counties, Books for Texans organization, an easement request from City of Austin at the Records Center on Shoal Creek Boulevard; and a request for utility easement to serve the Sam Houston Center at Liberty.

Contact: Dorman H. Winfrey, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166.

Filed: September 7, 1982, 10:20 a.m.
TRD-827003

Texas Municipal Retirement System

Saturday, September 25, 1982, 10 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 IH 35 North, Austin. According to the agenda summary, the board will hear and approve minutes of the June 19, 1982, regular meeting; review service, disability, and supplemental disability retirements; review supplemental death benefits payments; review and approve financial statements; discuss possible legislative amendments; discuss actuarial audit report; discuss recommendations in auditors management letter; hear reports of actuary, legal counsel, and direc-

tor; and consider any other business to come before the board.

Contact: Jimmie L. Mormon, 1200 IH 35 North, Austin, Texas 78701, (512) 476-7577.

Filed: September 8, 1982, 8:30 a.m.
TRD-8267027

Texas National Guard Armory Board

Saturday, September 11, 1982, 2 p.m. The Texas National Guard Armory Board met in emergency session in Building 64, Camp Mabry, Austin. According to the agenda, the board approved construction contracts for armory facilities at Killeen and Port Arthur. The emergency status was necessary because contracts must be approved and funds obligated prior to the end of the current fiscal year.

Contact: T. W. Meek, P.O. Box 5218, Austin, Texas 78763, (512) 475-5481.

Filed: September 8, 1982, 8:42 a.m.
TRD-827028

Board of Pardons and Paroles

Monday-Friday, September 20-24, 1982, 9 a.m., daily. The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration, act on emergency reprieve requests and other acts of executive clemency, review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole and all hearings conducted by this agency and to take action upon gubernatorial directives.

Contact: John W. Byrd, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: September 8, 1982, 10:07 a.m.
TRD-827042

Texas State Board of Examiners of Psychologists

Thursday-Saturday, September 16-18, 1982, 9 a.m., daily. The Texas State Board of Examiners of Psychologists will meet in Suite C-270, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider items concerning rules and regulations; board opinion letters; complaint files; application files; proposed supervision guidelines; exams; administrative hearings;

minutes; budget; HSP training setting proposal; substantial equivalency; and revocation hearing for Gilbert Kaats, Ph.D.

Contact: Patti Bizzell, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78752.

Filed: September 8, 1982, 8:33 a.m.
TRD-827026

Public Utility Commission of Texas

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

Tuesday, October 12, 1982, 10 a.m. A final hearing on the merits in Docket 4622—application of Midwest Electric Cooperative, Inc., for a rate increase to revise its medium commercial rate.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 8, 1982, 2:15 p.m.
TRD-827050

Wednesday, October 27, 1982, 10 a.m. A final hearing on the merits in Docket 4473—application of Harlingen Water Works for certificates of convenience and necessity to provide water and sewer service within Cameron County.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 8, 1982, 9:01 a.m.
TRD-827038

State Purchasing and General Services Commission

Wednesday, September 8, 1982, 11 a.m. The State Purchasing and General Services Commission met in emergency session in Room 4, Executive Inn, 3232 West Mockingbird Lane, Dallas. According to the agenda, the commission met in executive session to consider pending litigation. The emergency status was necessary because of pending litigation.

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

Filed: September 7, 1982, 11:24 a.m.
TRD-827005

Texas Rehabilitation Commission

Friday, September 17, 1982, 9:30 a.m. The Board of the Texas Rehabilitation Commission will meet at 118 East Riverside Drive, Austin. Items on the agenda summary include communications; approval of minutes

of the board meeting of May 7, 1982; report on overall activities of the commission; report on administrative and support services; report on vocational rehabilitation; report on Disability Determination Program; revised internal operating budget for the year ending September 30, 1982; estimated internal operating budget for the year ending September 30, 1983; approval of proposed legislation; and review of litigation and personnel practices.

Contact: Vernon Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126.

Filed: September 7, 1982, 10:20 a.m.
TRD-827004

**Texas State Technical Institute
Sunday and Monday, September 19 and 20,
1982, 1:30 p.m. and 9 a.m., respectively.**
The Board of Regents of the Texas State Technical Institute will meet in the Executive Offices Building, TSTI campus, Waco. Items on the agenda summary include approval of minutes and other business. The board will also meet in executive session.

Contact: Theodore A. Talbot, Texas State Technical Institute System, Waco, Texas 76705, (817) 799-3611, ext. 385.

Filed: September 9, 1982, 8:52 a.m.
TRD-827056

**Texas Water Commission
Monday, September 13, 1982, 10 a.m.**
The Texas Water Commission made an emergency addition to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. The addition concerned a motion for rehearing filed in the matter of the denial of the application to extend the time to commence repairs on the dam authorized by Permit 3765 owned by Bluestem Development Corporation. The emergency status was necessary because the commission's order entered July 27, 1982, extending the time to consider motions for rehearing inadvertently stated the commission would extend the time to September 13, 1982. It is now a necessity that the item be called up to extend the time to the date when additional items will be considered.

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

Filed: September 7, 1982, 3:23 p.m.
TRD-827012

Tuesday, September 28, 1982, 9:30 a.m.
The Texas Water Commission will meet in

Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will conduct hearings on the following:

Application TA-4422 of E. E. Hood and Sons Construction Company, Inc., for a permit to divert and use 100 acre-feet of water for an 18-month period from the Medina River, tributary of San Antonio River, San Antonio River Basin for industrial (highway construction) purposes in Medina County.

Application TA-4419 of Ingram Readymix, Inc., for a permit to divert and use 200 acre-feet of water for a three-year period from Hondo Creek, tributary of Frio River, tributary Nueces River, Nueces River Basin for industrial (sand and gravel washing) purposes in Medina County.

Application TA-4417 of H. V. Caver, Inc., for a permit to divert and use seven acre-feet of water for a two-year period from Brutons Creek, tributary Big Cypress Creek, Cypress Basin for industrial (highway construction) purposes in Morris County.

Application TA-4421 of J. D. Abrams, Inc., for a permit to divert and use 10 acre-feet of water for a two-year period from White Oak Bayou, tributary of Buffalo Bayou, tributary of San Jacinto River, San Jacinto River Basin for industrial (highway construction) purposes in Harris County.

Application TA-4420 of Heldenfels Brothers, Inc., for a permit to divert and use five acre-feet of water for a three-year period from Jack Green Hollow, tributary of (Lake Corpus Christi) Nueces River, Nueces River Basin for industrial (highway construction) purposes in San Patricio County.

Application TA-4428 of Aegis Corporation of Texas doing business as Harry Vowell Tank Trucks, Inc., for a permit to divert and use eight acre-feet of water for a three-year period from Willow Lake on Shawnee Creek, tributary Angelina River, tributary Neches River, Neches River Basin for mining (oil field service) purposes in Rusk County.

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

Filed: September 7, 1982, 3:23 p.m.
TRD-827013-827018

Thursday, October 14, 1982, 10 a.m.
The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will conduct a hearing on Application

4235 of the Northern Trust Company as trustee for Trust Number 2-45255 for a permit to divert and use 2,600 acre-feet of water per year directly from the Brazos River, Brazos River Basin for irrigation purposes in McClennan County.

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

Filed: September 7, 1982, 3:26 p.m.
TRD-827019

Texas Department of Water Resources

Thursday, September 16, 1982, 1:30 p.m.
The Texas Water Development Board of the Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda summary, the board will consider approval of minutes; development fund manager's reports; removal of condition on loan commitment to the City of Laredo; transbasin diversion contemplated by the project of the Mackenzie MWA; financial assistance to the Cities of San Juan, Winfield, Carthage, Quinlan, and Greenbelt MIWA; fiscal year 1983 master agreement for joint funding topographic mapping with U.S. Geological Survey; fiscal year 1983 joint funding master agreement for water resources investigations in Texas between the department and U.S. Geological Survey; application and acceptance of grant offer from Environmental Protection Agency for federal funds under the Clean Water Act; contracts with Environmental Protection Agency for management of the construction grants program for fiscal year 1982; approval of fiscal year 1982 project priority list for Municipal Facilities Construction Grants Program; state auditor's management letter for the years ended August 31, 1980, and 1981; draft rules concerning utilization of funds from the Water Assistance Fund for research and planning; and contracts concerning Lake Texana with BUREC, LNRA, and University of Texas.

Contact: Harvey Davis, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: September 8, 1982, 3:14 p.m.
TRD-827052

Regional Agencies Meetings Filed September 7

The Amarillo Mental Health and Mental Retardation Center, Long Range Planning Committee, met at Psychiatric Pavilion J-13, 7201 Evans Street, Amarillo, on September 7, 1982, at 11:30 a.m., and the

Board of Trustees met at the same location, on September 13, 1982, at noon. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Ark-Tex Council of Governments, Executive Committee, met in emergency session at Sirloin Stockade, Paris, on September 9, 1982, at 5:30 p.m., and the Board of Directors met in emergency session at city hall, Paris, on the same day, at 7:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

The Bell County Appraisal District will meet at the commissioner's courtroom, second floor, Bell County Courthouse, Belton, on September 22, 1982, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 301.

The Eastland County Appraisal District will meet in the commissioner's courtroom, Eastland County Courthouse, Eastland, on September 15, 1982, at 9 a.m. and 3 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The Garza County Appraisal District, Board of Directors, will meet in the tax appraisal office, courthouse, Post, on September 14, 1982, at 7 p.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3939.

The Hale County Appraisal District, Board of Directors, met in emergency session at 302 West Eighth, Plainview, on September 9, 1982, at 8 p.m. Information may be obtained from Larry Hamilton, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Hansford County Appraisal District, Appraisal Board of Review, will meet at 13 West Kenneth Avenue, Spearman, on September 14-16, 1982, at 9 a.m. Information may be obtained from Phil Jenkins, Route 1, Spearman, Texas 79081, (806) 659-2296.

The Henderson County Appraisal District, Board of Review, met in Room 202, 101 East Corsicana, Athens, on September 13, 1982, at 9:30 p.m. Information may be obtained from A. K. Monroe, P.O. Box 430, Athens, Texas 75751, (214) 675-9296.

The Hockley County Appraisal District, Board of Directors, will meet in the board

room, 913 Austin Street, Levelland, on September 20, 1982, at 8 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on September 14, 1982, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-5595.

The Interim Regional Transportation Authority, Special Transportation Service Needs Committee, met in emergency session in Suite 201, Love Field Terminal Building, Dallas, on September 7, 1982, at 5 p.m. Information may be obtained from Cinde Weatherby, Lock Box 12, Love Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, Paris, on September 13, 1982, at 4 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lampasas County Appraisal District, Board of Directors, met in the community room, First National Bank, Lampasas, on September 10, 1982, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550.

The Nortex Regional Planning Commission, General Membership Committee and the North Texas State Planning Region Consortium, will meet at McBride Seafood and Steak, 5400 Seymour Highway, Wichita Falls, on September 16, 1982, at noon and 1 p.m., respectively. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Parmer County Tax Appraisal District, Review Board, will meet at 305 Third Street, Bovina, on September 25, 1982, at 9 a.m. Information may be obtained from Ronald E. Procter, RPA, Box 56, Bovina, Texas 79009, (806) 238-1405.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at Highway 80 West and Sun Camp Road, Longview, on September 16, 1982, at 7:30 p.m. Information may be obtained from Frances H. Willis, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The South Texas Development Council, STED Corporation, will meet in the community center, Zapata, on September 15, 1982, at 10 a.m. Information may be obtained from Roberto Mendiola, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

The Swisher County Appraisal District, Board of Directors, met at 130 North Armstrong, Tulia, on September 9, 1982, at 8 p.m. Information may be obtained from Nan Davis, 130 North Armstrong, Tulia, Texas, (806) 995-3015.

The Tarrant County Appraisal District, Appraisal Review Board, met in emergency session in Suite 300, 1701 River Run, Fort Worth, on September 8, 1982, at 8:30 a.m. The Board of Directors will meet in Suite 200, at the same location, on September 14, 1982, at 10 a.m. Information may be obtained from Bobby Reed, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-3151.

TRD-827002

Meetings Filed September 8

The Gray County Appraisal District, Board of Directors, will meet in the courtroom, Gray County Courthouse, Pampa, on September 14, 1982, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-4391.

The Hays County Central Appraisal District, Board of Directors, met in the board room, 501 South LBJ, San Marcos, on September 13, 1982, at 2 p.m. Information may be obtained from H. William Beare, Jr., P.O. Box 1287, San Marcos, Texas 78666, (512) 396-4777.

The Kendall County Appraisal District, Board of Review, will meet in the appraisal district office, Professional Building, 207 East San Antonio Street, Boerne, on September 14, 1982, at 9 a.m. Information may be obtained from Sue R. Widenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The North Texas Municipal Water District, Board of Directors, will meet in the administrative offices, 505 East Brown, Wylie, on September 23, 1982, at 4 p.m. Information may be obtained from Carl W. Riehn, Drawer 'C', Wylie, Texas 75098, (214) 442-5405, ext. 200.

The San Patricio County Appraisal District, Appraisal Review Board, will meet in Room

Texas Register

226, courthouse annex, Sinton, on September 14, 1982, at 9 a.m. Information may be obtained from Bennie L. Stewart, Box 938, Sinton, Texas 78387.

TRD-827039

Meetings Filed September 9

The Central Texas Manpower Consortium, Board of Directors, met in the conference room, Central Texas College, Killeen, on September 13, 1982, at 5 p.m. Information

may be obtained from Billy Don Everett, P.O. Box 108, Killeen, Texas 76541, (817) 526-1320.

The Dawson County Appraisal District, Board of Directors, met at the Pleasant Restaurant, 611 North Dallas Avenue, Lamesa, on September 13, 1982, at 7 a.m. Information may be obtained from Mike Watson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Grayson County Appraisal District, Board of Directors, will meet in the com-

missioner's courtroom, Grayson County Courthouse, Sherman, on September 15, 1982, at noon. Information may be obtained from Rita Neill, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Limestone County Appraisal District, Board of Directors, will meet in Room 6, Mexia City Hall, Mexia, on September 15, 1982, at 7 p.m. Information may be obtained from Clydene Hyden, P.O. Box 266, Mexia, Texas 76667, (817) 562-5385, ext. 35.

TRD-827054

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

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

In Addition

Texas Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of August 23-September 3, 1982.

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

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

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

Period of August 23-30, 1982

Saba Resources Corporation; Llano; mineral recovery plant; (location not available); 9172; new source

Ralston Purina Company; Brownwood; animal feed processing plant; 1600 Comanche Street; 52A; new source

Farmers Grain Company; Hart; grain receiving, drying, and loadout facilities; (location not available); 4420A; new source

Chemical Enterprises, Inc.; Odessa; nitrogen sulphur solution; Odessa plant; 4115B; new source

E. I. Dupont De Nemours and Company, Inc.; La Porte; "lannate" methomyl; (location not available); 9173; new source

Period of August 30-September 3, 1982

Adobe Gas Company; Eldorado; acid gas removal and gas dehydration; (location not available); 9174; new source

Few Ready Mix Concrete Company; Pineland; ready mix concrete; Temple Street; 5005; new source

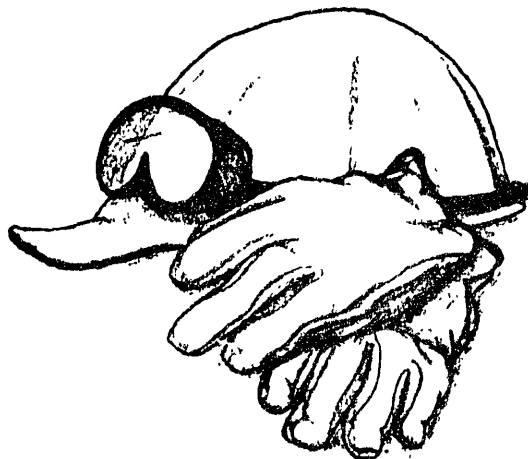
Issued in Austin, Texas, on September 7, 1982.

TRD-827034

Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: September 7, 1982

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



Texas Court Reporters Committee Certification of Court Reporters

Following examination of applicants on August 20, 1982, the Texas Court Reporters Committee has certified to the Supreme Court that the following persons are qualified

in professional shorthand reporting pursuant to Texas Civil Statutes, Article 2324b

- Lesvia LaDell Abitez - Junction, Texas
- Holly Ann Bailey - Deer Park, Texas
- Dee Anne Boyd - El Paso, Texas
- Carla Jean Briggs - Abilene, Texas
- Katherine J. Brookbank - Roswell, New Mexico
- Geraldine Todd Clements - Dallas, Texas
- Vyonda Jeane Dahl - Phoenix, Arizona
- Carolee Rose Davis - Bastrop, Texas
- Donna Faye Eastwood - Abilene, Texas
- Misti LeAn Halbrook - Corpus Christi, Texas
- Virginia S. Hathcock - Dallas, Texas
- Sharon Hay - Bedford, Texas
- Brenda Clark Hein - Arlington, Texas
- Neal W. Husak - De Pere, Wisconsin
- Terry Ann Jay - San Antonio, Texas
- Cynthia Kay Johnson - Abilene, Texas
- Donna Marie Johnson - Farmers Branch, Texas
- Glenda L. Kaufman - Beaumont, Texas
- Mark Allan Kvapil - Abilene, Texas
- Maria C. Linton - El Paso, Texas
- Renee Arleen McDermed - Alvin, Texas
- Caryn L. Miller - Atlanta, Georgia
- Julia Grace Miller - Fort Worth, Texas
- Sheri S. Okladek - Houston, Texas
- Maria Elizabeth Packer - Mesa, Arizona
- Candace Altum Parke - Luftin, Texas
- Cindy Elaine Rister - Abilene, Texas
- Bradley R. Sherffius - Atchison, Kansas
- Mary Margaret Sparks - Colorado City, Texas
- Michael Anthony Stachowitz - Hobbs, New Mexico
- Paula Lynn Steinmeyer - Austin, Texas
- Susan Alexandria Swantner - Houston, Texas
- Mary Ann Vorwerk - Bacliff, Texas
- Brenda Jean Wright - Austin, Texas

Issued in Austin, Texas, on September 3, 1982.

TRD-827043 C. Raymond Justice
Executive Director
Texas Court Reporters
Committee

Filed: September 7, 1982
For further information, please call (512) 475-2421.

Order Revoking Certification

Based upon the evidence presented in Cause Numbers 81167503 and 81167504, and the findings of fact thereon, the Texas Court Reporters Committee finds that respondent Sheila Raye Ratinoff, File Number 1675, is guilty of acts and omissions which constitute unprofessional conduct for a certified shorthand reporter of the State of Texas; more specifically, that she is guilty of willful violation of duty as a certified shorthand reporter.

It is therefore ordered, adjudged, and decreed by the Texas Court Reporters Committee, meeting in Austin, on June 5, 1982, that the certification of Sheila Raye Ratinoff, File Number 1675, as a certified shorthand reporter under the provisions of Texas Civil Statutes, Article 2324b, be and is hereby revoked; that said Sheila Raye Ratinoff cease and desist from holding herself out

as a certified shorthand reporter certified under the provisions of Texas Civil Statutes, Article 2324b; that from this day forward she cease and desist from engaging in the practice of shorthand reporting for use in litigation in the courts of this state; and that she immediately return and surrender to the Texas Court Reporters Committee all indicia of office as a certified shorthand reporter previously provided her by said committee.

The executive director is further ordered to forward a copy of these findings and rulings of the committee to the complainants and to the respondent, Sheila Raye Ratinoff.

Issued in Austin, Texas, on September 3, 1982.

TRD-827001 C. Raymond Justice
Executive Director
Texas Court Reporters
Committee

Filed: September 7, 1982
For further information, please call (512) 475-2421.

**Office of Consumer Credit
Commissioner
Rate Ceilings**

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period(1)	Type of Transaction	
	Commercial(3) Consumer(2)/thru \$250,000	Commercial(4) over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
9/13/82-9/19/82	19.25%	19.25%
Monthly Rate Ceiling		
(Variable Commercial Only)		
9/01/82-9/30/82	20.10%	20.10%
Quarterly Rate Ceiling		
10/01/82-12/31/82	22.94%	22.94%
Annual(5) Rate Ceiling		
10/01/82-12/31/82	24%	24.96%

- (1) Dates set out above are inclusive.
- (2) Credit for personal, family, or household use.
- (3) Credit for business, commercial, investment, or other similar purpose.
- (4) Same as (3) above, except excluding credit for agricultural use.
- (5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on September 7, 1982.

TRD-827033 Sam Kelly
Consumer Credit Commissioner

Filed: September 8, 1982
For further information, please call (512) 475-2111.

Office of the Governor Correction of Error

The parenthetical note at the bottom of Table 1 (Indirect Cost Computation Table) in the August 31, 1982, issue of the *Texas Register* (7 TexReg 3179), contained an error as submitted and should read as follows: (Above 300,000 equals 4,925 + .005 of excess above 300,000).

Texas Department of Health 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 gives the Texas commissioner of health the power to add to or delete from the schedules. 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 administrative division). Furthermore, so 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*.

The most recent changes to the schedules were made by the commissioner on August 31, 1982, and are as follows:

(1) The commissioner has added the substance "Nethylamphetamine" to the list of controlled substances in Schedule I, subsection 2.03(e). No changes were made to the existing substances on the list. The addition will show up on the schedule in the following manner:

Schedule I

Section 2.03(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant or stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1)-(3) No change.
- (4) N-ethylamphetamine.

(2) The commissioner has amended the list of controlled substances in Schedule III, subsection 2.05(f), by deleting the substance "Mazindol" from item (4) and renumbering item (5) "Phendimetrazine" as the new item (4). This amendment will show up on the schedule in the following manner:

Schedule III

Section 2.05(f) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible, within the specific chemical designation:

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

(3) The commissioner has added the substance "Mazindol" to the list of controlled substances in Schedule IV, subsection 2.06(d). No changes were made to the existing substances on the list. The addition will show up on the schedule in the following manner:

Schedule IV

Section 2.06(d) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific designation:

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

(4) The commissioner has added the substance "Alprazolam" to the list of controlled substances in Schedule IV, subsection 2.06(b). No changes were made to the existing substances on the list. The addition will show up on the schedule in the following manner:

Schedule IV

Section 2.06(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1)-(23) No change.
- (24) Alprazolam.

Issued in Austin, Texas, on September 3, 1982.

TRD-827008

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

Filed: September 7, 1982

For further information, please call (512) 458-7248.

Texas Health Facilities Commission Application Accepted for Amendment, Declaratory Ruling, and Notice of Intent

Notice is hereby given by the Texas Health Facilities Commission of an application accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to the above-stated application, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to the application must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Brackenridge Hospital, Austin
AH82-0802-038

DR—Acceptance of an amended declaratory ruling application—Request for a declaratory ruling that a certificate of need is not required to add 10 licensed medical/surgical beds with 20 additional medical/surgical beds to be made operational in the "red brick building" to serve rehabilitation and medical patients. The 20 beds would not be a dedicated rehabilitation unit. No new construction will be involved, but renovation and minor equipment acquisitions would be undertaken.

Issued in Austin, Texas, on September 8, 1982.

TRD-827035 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: September 8, 1982
For further information, please call (512) 475-6940.

Texas Department of Human Resources Consultant Contract Award

In accordance with Article 6252-11c, Texas Civil Statutes, the Texas Department of Human Resources hereby furnishes notice of the awarding of a consultant contract. The request for proposals appeared in the July 16, 1982, issue of the *Texas Register* (7 TexReg 2680).

Description of Service. Consultant services were requested for the Rate Setting Section. The major activities were to aid with the development, implementation, evaluation, and revision of a new method of reimbursement for the geriatric Medicaid Program, and assist Rate Setting staff in special analyses of cost data. The contractor agreed to furnish the following services:

- (1) conduct a statistical analysis of a new client assessment form;
- (2) conduct a statistical analysis of the relationship between the new assessment form and cost of care.

Contractor. The contractor is Robert Godbout, Ph.D., P.O. Box 4358, Austin, Texas 78765.

Total Value. The total value of the contract is not to exceed \$25,000.

Period of Contract. The beginning date of the contract is September 1, 1982, and the ending date is August 31, 1983.

Due Dates of Reports. Various written reports are required; however, the exact nature of the reports and due dates have yet to be determined. A report summarizing the findings of all work related to the new reimbursement method is due by August 31, 1983.

Issued in Austin, Texas on September 8, 1982.

TRD-827040 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: September 8, 1982
For further information, please call (512) 441-3355, ext. 2037.

The Prosecutor Council Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, The Prosecutor Council furnishes this notice of consultant contract award. The consultant proposal appeared in the July 13, 1982, issue of the *Texas Register* (7 TexReg 2638).

Description of Service. The consultant will provide a grand juror's handbook in the form of a camera-ready copy.

Name and Address of Consultant. The consultant is the Texas District and County Attorneys Association, 1210 Nueces, Suite 200, Austin, Texas 78701.

Contract Value and Period. The total value of the contract is \$7,500. The beginning date of the contract is August 26, 1982, and the ending date is August 26, 1985.

Due Dates of Documents. All documents and the intangible results of the services performed by the consultant shall be available to The Prosecutor Council on or before September 30, 1982.

Issued in Austin, Texas, on September 2, 1982.

TRD-826974 John C. Cook
Legal Counselor
The Prosecutor Council

Filed: September 3, 1982
For further information, please call (512) 475-6825.

Pursuant to Texas Civil Statutes, Article 6252-11c, The Prosecutor Council furnishes this notice of consultant contract award. The consultant proposal appeared in the July 13, 1982, issue of the *Texas Register* (7 TexReg 2638).

Description of Service. The consultant will provide educational services and materials for a criminal law update seminar. The seminar will be presented September 30 through October 1 in Corpus Christi.

Name and Address of Consultant. The consultant is the Texas District and County Attorneys Association, 1210 Nueces, Suite 200, Austin, Texas 78701.

Contract Value and Period. The total value of the contract is \$16,000. The beginning date of the contract is August 26, 1982, and the ending date is December 30, 1982.

Due Dates of Documents. All documents, films, recordings, or reports of the intangible results of the services performed by the consultant shall be available to The Prosecutor Council on or before October 15, 1982.

Issued in Austin, Texas, on September 2, 1982.

TRD-826975 John C. Cook
 Legal Counselor
 The Prosecutor Council

Filed: September 3, 1982

For further information, please call (512) 475-6825.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of August 30-September 3, 1982.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the names of the applicants and the cities in which the facilities are located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of August 30-September 3, 1982

Southwestern Refining Company, Inc., Corpus Christi; petroleum refinery; 1700 Nueces Bay Boulevard between Ebony Street and the Corpus Christi Inner Harbor on the north side of the City of Corpus Christi, Nueces County; 00457; amendment
Pennwalt Corp., Beaumont; plant manufacturing methyl and ethyl mercaptans, and dimethyl and diethyl sulfides; approximately 2.5 miles east of the intersection of U.S. Highway 90 and State Highway 380 and

between Mobil Oil Refinery and Houston Chemical Company near Beaumont in Jefferson County; 01872; renewal

Nueces County WCID Number 4, Port Aransas; Mustang Island North Plant; approximately ¼ mile west of the intersection of Sixth Street and Avenue I, west of the City of Port Aransas in Nueces County; 10846-01; amendment

Faust Properties, Inc., Houston; Amberwood sewage treatment plant; approximately 1,000 feet west of the intersection of Waynewood and Adino Run Street in northwest Harris County; 12570 01; new permit

Celanese Chemical Company, Inc., Seabrook; organic chemical bulk liquid storage terminal; 11807 Port Road, approximately 0.5 mile east of the junction of Highway 146 and Port Road in Seabrook, Harris County; 02590; new permit

The Horne Management Company, Houston; Tejas Lake Development sewage treatment plant; approximately 0.5 mile northeast of the intersection of Lee Road and Jetero Boulevard and 0.4 mile due east of Lee Road in northern Harris County; 12565-01; new permit

Bleacher Realty Company, Houston; Gulf Bank mobile home development sewage treatment plant; 520 Gulf Bank Road approximately 1,300 feet east of Airline Drive in northwest Houston in Harris County; 12555-01; new permit

Landmark Construction and Development Company, Austin; Southcrest Park wastewater treatment plant; approximately 100 feet south of FM Road 812, approximately 3,000 feet northeast of the intersection of FM Road 973 and McKenzie Road, approximately 0.74 mile south of the intersection of FM Road 973 and McAngus Road in Travis County; 12593-01; new permit

Lost Creek MUD, Austin; Lost Creek subdivision; in the Lost Creek subdivision approximately 800 feet east of the Barton Creek crossing of Lost Creek Boulevard, approximately 1½ miles west of Loop 360 in Travis County; 11319-01, amendment

Alamo Cement Company, San Antonio; Plant 1604, producing cement from limestone; 18245 North Green Mountain Road northeast of the City of San Antonio, Bexar County; 02281; amendment

Mint Creek Enterprises, Inc., Houston; mobile home subdivision; approximately 1,100 feet east of Nichols-Sawmill Road, approximately 0.25 mile southeast of the intersection of Nichols-Sawmill Road and Shady Brook Lane, approximately 2.25 miles south of the intersection of FM Road 1774 and Nichols-Sawmill Road in the southwestern portion of Montgomery County; 12599-01; new permit

Uni Refining, Inc., Ingleside; crude oil refinery; adjacent to and on the east side of FM Road 2725, at the intersection of FM Road 2725 and Bushop Road, approximately one mile southeast of the City of Ingleside, San Patricio County; 02142; renewal

Texas A&M University, College Station; vocational fireman training; on Nuclear Science Road, adjacent

to Easterwood Airport and approximately two miles south of the main campus of Texas A&M University in the City of College Station, Brazos County; 02585; new permit

Monsanto Company, Alvin; petrochemical plant; approximately 8,183 feet from the northwest line (S41° 21' 50' 'W) and 9,978 feet from the northeast line (N48° 38' 10' 'W) of the J. F. Perry and East Austin League Number 2 Survey, A-107, in Brazoria County; WDW-224; new permit

Houston Independent School District, Trinity; Camp Olympia wastewater treatment plant; north shore of Lake Livingston, approximately five miles east of the City of Trinity in Trinity County; 11898-01; renewal

Fidelity Land and Trust Company of Texas, Houston; commercial and high density residential development; in northwest Houston on the north bank of Cole Creek, east of Guhn Road and west of Alamo Road in Harris County; 12564-01; new permit

William E. Dark and Floyd W. Fluker doing business as Hickory Hills Joint Venture; Decker Hills Subdivision wastewater treatment plant; approximately 1.3 miles west from the intersection of Huffsmith-Dobbin Road and Hardin-Store Road in Montgomery County; 12587-01; new permit

The Grocers Supply Company, Porter; Foster Food Market sewage treatment plant; behind Foster Food Market at the intersection of Ford Road and State Highway Loop 494 (old U.S. Highway 59), approximately ¼ mile south-southwest of the intersection of

FM Road 1314 and State Highway Loop 494, in the Town of Porter in Montgomery County; 12608-01; new permit

Gulf Oil Chemicals Company, Channelview; recycling scrap and off specification plastics; 1515 South Sheldon Road, Channelview, Harris County; 01310; renewal

Oiltaking of Texas, Inc., Houston; pumping station handling liquefied petroleum gas; on the north side of the Houston Ship Channel and south by west of the intersection of Jacintoport Boulevard and Sheldon Road in Harris County; 02053; renewal

Brazoria County Freshwater Supply District Number 1, Damon; treated domestic sewage plant; on the east side of State Highway 36, approximately 1,100 feet southeast of the intersection of FM Road 1462 and State Highway 36 northeast of the Town of Damon in Brazoria County; 11130-01; amendment

City of Waelder; treated domestic sewage plant; southeast of Waelder on the north bank of Baldrige Creek, approximately ½ mile south of U.S. Highway 90 and ½ mile east of State Highway 97 in Gonzales County; 10327-01; amendment

Issued in Austin, Texas, on September 3, 1982.

TRD-826969 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: September 3, 1982
For further information, please call (512) 475-4514.

Second Class Postage

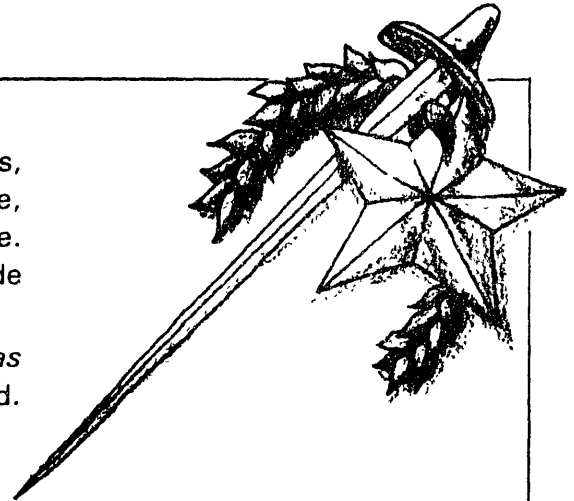
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