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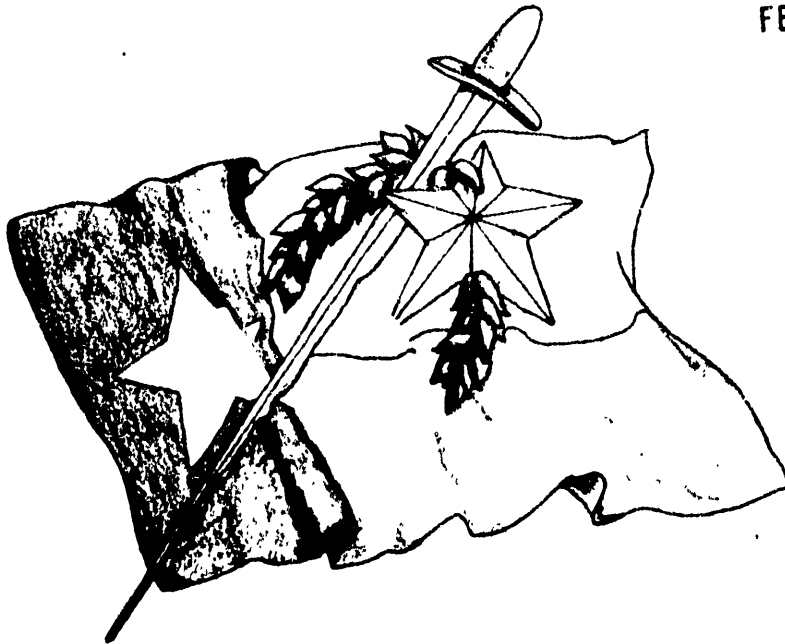
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Texas Register

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Highlights

- ★ The Comptroller of Public Accounts proposes a new rule concerning release of liens; earliest possible date of adoption - March 18.....page 512
- ★ The Employees Retirement System of Texas proposes amendments to a rule concerning eligibility and effective dates of coverage for dependents in the dental plan; earliest possible date of adoption - March 18.....page 515
- ★ The Texas Department of Human Resources adopts a new rule and amendments to existing rules concerning adult protective services; effective date - March 1.....page 524

How To Use the Texas Register

Texas Register

The *Texas Register* (ISSN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1983 with the exception of January 25, March 8, April 26, and November 29, 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- Withdrawn Rules--rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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: "8 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 8 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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Emergency Rules

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

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

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

TITLE 1. ADMINISTRATION Part V. State Purchasing and General Services Commission Chapter 111. Executive Administration Division Security 1 TAC §111.16

The State Purchasing and General Services Commission adopts on an emergency basis an amendment to §111.16. An identical amendment is being simultaneously proposed for permanent adoption.

The amendment is being proposed on an emergency basis in order to make it available for use in regard to pending and future public gatherings and demonstrations on the grounds of state-owned buildings under the charge and control of the commission. The existing rule is applicable only to state buildings. This amendment will broaden its application to state grounds.

The amendment is adopted under Texas Civil Statutes, Article 601b, §4.12, which authorizes the commission to protect state buildings and grounds and to promulgate rules for this purpose. Prevention of firearms and weapons on state property, except in authorized hands, is deemed necessary to protect state employees and the public while on state property.

§111.16. Firearms and Explosive Weapons. Firearms and explosive weapons, as defined in the Texas Penal Code, §46.01, are not permitted in state buildings or on state grounds within [in] the Capitol complex or any other state-owned property under the charge and control of the commission whether or not located in the City of Austin,

except in the possession of peace officers so designated in the Texas Code of Criminal Procedure 1965, Article 2.12, as amended.

Issued in Austin, Texas, on February 7, 1983

TRD-831003

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: February 7, 1983

Expiration date: June 7, 1983

For further information, please call (512) 475-5966,
or STS 822-5966

TITLE 34. PUBLIC FINANCE Part IV. Employees Retirement System of Texas Chapter 63. Board of Trustees 34 TAC §63.3

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Employees Retirement System of Texas, 18th and Brazos Streets, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Employees Retirement System of Texas adopts on an emergency basis the repeal of §63.3, concerning the election of trustees. This action is being taken on an emergency basis so that improved election procedures can be implemented in time for the 1983 election of members to the board of trustees of the

Employees Retirement System of Texas The repeal is being simultaneously proposed for permanent adoption:

The repeal is adopted on an emergency basis under Texas Civil Statutes, Title 110B, §25.102, which provides the Employees Retirement System of Texas with the authority to promulgate needed rules to conduct the business of the board

§63.3 Election of Trustees.

Issued in Austin, Texas, on February 7, 1983

TRD-831052 Clayton T Garrison
Executive Director
Employees Retirement System of
Texas

Effective date February 9, 1983
Expiration date June 9, 1983
For further information, please call (512) 476-6431.

The Employees Retirement System of Texas adopts on an emergency basis new §63.3, concerning the election of trustees (nomination process). Adoption of this rule on an emergency basis will permit nominations of candidates to the position of trustee of the Employees Retirement System of Texas prior to the first ballot in the 1983 elections, thereby making it possible to print names on the ballot for the first time in the history of the system. This will facilitate the informed decision making process expected of state officers and employees in Texas Civil Statutes, Title 110B, §25.003. This rule is being simultaneously proposed for permanent adoption.

This new rule is adopted on an emergency basis under Texas Civil Statutes, Title 110B, §25.102, which provides the Employees Retirement System with the authority to promulgate needed rules to conduct the business of the board

§63.3. Election of Trustees (Nomination Process). Names may be placed in nomination for the office of trustee of the Employees Retirement System of Texas in the following manner.

(1) The candidate or his or her agency may file a petition, on a form approved by the system, requesting that the candidate's name be placed in nomination. The petition must be signed by 300 or more persons qualified to vote in the trustee election.

(2) The signature of each person on a petition must be accompanied by that person's printed name, social security number, and employing department. No person may sign petitions for two candidates. If someone does, his or her name will count toward neither's required number.

(3) Petitions must be received in the system offices on or before the date set by the trustees.

(4) Only those names of persons complying with this rule will be presented on the ballot.

(5) The order of names on the ballot will be set by drawing. All nominated candidates or their representatives are entitled to be present at the drawing.

(6) Space will be provided on the ballot for the name of a write-in candidate.

(7) The board shall adopt a calendar governing the conduct of each trustee election.

Issued in Austin, Texas, on February 7, 1983

TRD-831056 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Effective date February 9, 1983
Expiration date June 9, 1983
For further information, please call (512) 476-6431.

34 TAC §63.4

The Employees Retirement System of Texas adopts on an emergency basis new §63.4, concerning the election of trustees (ballot). Adoption of this rule on an emergency basis is necessary so that information on candidates can be provided to the eligible voters in the 1983 trustee election. This will facilitate the informed decision making process expected of state officers and employees in Texas Civil Statutes, Title 110B, §25.003. This rule is being adopted simultaneously on an emergency basis.

This new rule is adopted on an emergency basis under Texas Civil Statutes, Title 110B, §25.102, which provides the Employees Retirement System of Texas with the authority to promulgate needed rules to conduct the business of the board

§63.4. Election of Trustees (Ballot)

(a) Candidates whose names will be printed on the election ballot may submit the following information for printing on the ballot.

(1) number of years and months of state employment;

(2) current position as a state employee;

(A) job title; and

(B) employing agency.

(b) The candidate must file his or her material on or before the date set by the executive director. That date shall be as late as is reasonably possible in light of printing, distribution, or other requirements.

(c) Each voter must sign the ballot and print his or her name and social security number on it for the ballot to be valid.

Issued in Austin, Texas, on February 7, 1983.

TRD-831053 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Effective date: February 9, 1983
Expiration date: June 9, 1983
For further information, please call (512) 476-6431.

Proposed Rules

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

The proposal, as published in the *Register*, must include a brief explanation of the proposed action, a fiscal statement indicating effect on state 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 statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority), the text of the proposed action, and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

TITLE 1. ADMINISTRATION Part V. State Purchasing and General Services Commission Chapter 111. Executive Administration Division Security

1 TAC §111.16

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

The State Purchasing and General Services Commission proposes an amendment to § 111.16, concerning firearms and explosive weapons, to extend its effect to state grounds as well as state buildings under the charge and control of the commission.

Robert Williams, chief of Capitol Security, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Williams has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing

the rule as proposed will be that the commission will provide safer conditions for state employees and the general public using state property by prohibiting firearms and explosive weapons from being carried onto the grounds of state property, as well as into buildings. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, P.O. Box 13047, Austin, Texas, (512) 475-5966 or STS 822-5966.

The amendment is proposed under Texas Civil Statutes, Article 601b, §4.12, which provides the State Purchasing and General Services Commission with the authority to protect state buildings and grounds.

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 February 7, 1983.

TRD-831004

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Earliest possible date of adoption
March 18, 1983

For further information, please call (512) 475-5966, or STS 822-5966.

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.)

Rating and Policy Forms

[Workmen's Compensation] Uniform and Standard Policy [Standard] Provisions for **Workers'** [Workmen's] Compensation and Employee Liability Policies

059.05.57.002

The State Board of Insurance proposes new Rule 059.05.57.002, which adopts by reference instructions and uniform and standard provisions to be required in workers' compensation policies issued by lloyds plan insurers, mutual insurers, reciprocal exchanges, and in participating policies issued by stock insurance companies. The provisions are made necessary by either the nature of the policy issued or the nature of the insurer, or both. The instructions and provisions have been required by the board for many years in workers' compensation policies. The board has determined to make these requirements a part of its permanent and general rules. There is no anticipated change in present procedure or requirements.

An earlier proposed new Rule 059.05.57.002 is simultaneously being withdrawn. The reason for the withdrawal and this proposed adoption by reference is that the material to be adopted could not be put in acceptable rule format due to the use of capitalized language, and instead is being submitted as an adoption by reference.

Edward O. Kasper, Workers' Compensation Section manager, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Kasper has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that these requirements will be made a part of the board's permanent rules as filed with the *Texas Register*. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, since present requirements are not expected to change.

Comments on the proposal may be submitted to Edward O. Kasper, Workers' Compensation Section Manager, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

This rule is proposed under authority of the Texas Insurance Code, Articles 5.56 and 5.57, pursuant to

which the board may promulgate uniform policies and forms for workers' compensation insurance, and the Texas Insurance Code Article 5.62, pursuant to which the board may make and enforce reasonable rules not inconsistent with the provisions of the Texas Insurance Code Chapter 5 Subchapter D, which are necessary to carry out its provisions. It is also proposed under authority of the Texas Insurance Code, Chapters 15, 18, and 19, and particularly Articles 15.11, 18.03, 18.13, 18.14, 18.17, 18.20, and 19.03, which specifically govern mutual insurers, lloyds insurers, and reciprocal exchanges.

002 Special Instructions for Preparation of Workers' Compensation Insurance Policies for Lloyds Plan Insurers, Mutual Insurers, Reciprocal Exchanges, and Participating Policies Issued by Stock Insurance Companies. The State Board of Insurance adopts by reference special instructions for preparation of workers' compensation insurance policies for lloyds plan insurers, mutual insurers, reciprocal exchanges, and participating policies issued by stock insurance companies. This material may be inspected or obtained by contacting the State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

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 February 4, 1983

TRD 831033 James W. Norman
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption
March 18, 1983

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

County Mutual Insurance Companies County Mutual Fire Insurance Companies II

059.17.25.002

(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 059.17.25.002, concerning certain guidelines for county mutual insurers. The rule is largely outdated since the Texas Insurance Code, Chapter 17, was restructured by the 53rd Legislature; other provisions are unnecessary or are already provided for in the statutes. No present practice or requirement is expected to change as a result of the repeal.

J. W. Arendall, corporate custodian and Tax Division director, 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 the repeal.

Mr. Arendall has also determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal as proposed will be the deletion of an outdated rule from the board's rules on file with the Office of the Secretary of State. There is no anticipated economic cost to individuals as a result of the repeal as proposed.

Comments on the proposal may be submitted to J. W. Arendall, Director, Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

The repeal of Rule 059.17.25.002 is proposed under authority of the Texas Insurance Code, Chapter 17, which provides the State Board of Insurance with the authority to regulate county mutual insurance companies and under the board's authority to repeal any rule it has previously promulgated.

.002. County Mutual Fire Insurance Companies II.

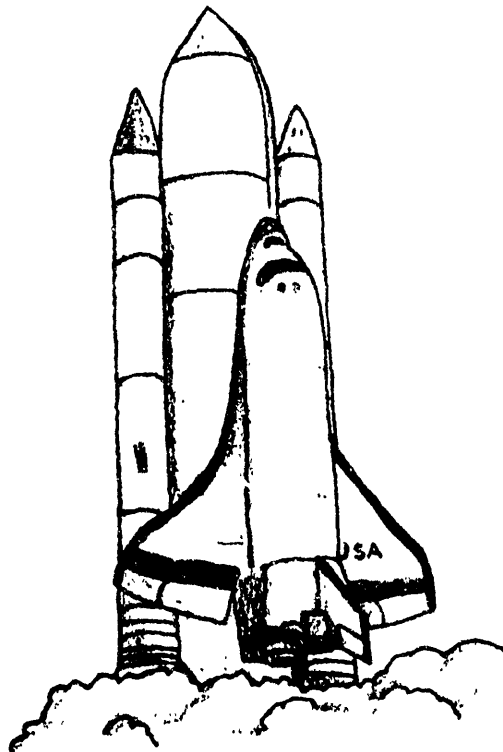
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 3, 1983.

TRD-830993 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
March 18, 1983

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



TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter A. General Rulings

34 TAC §3.5

The Comptroller of Public Accounts proposes new §3.5, concerning release of liens. The proposed section informs taxpayers that liens are routinely filed against the property of persons failing to file returns. The liens will be released only upon payment of all tax, penalty, and interest due

Billy Hamilton, director of revenue estimating, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Hamilton has also determined that there is no anticipated economic cost to individuals who are required to comply with the rule as proposed, nor is there a public benefit.

Comments on the proposal may be submitted to Joe Thrash, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Tax Code.

§3.5. Release of Liens.

(a) Tax liens are filed and recorded in accordance with the Texas Tax Code, Chapter 113. If the filing and recording of the lien resulted from a person's failure to file tax reports or make tax payments when due, payment solely of the amount stated in the lien, as recorded, is insufficient to release the lien. Before the lien will be released, all delinquent reports must be filed, and all taxes, penalties, and interest shown to be due must be paid.

(b) A lien is routinely filed in each county in which the delinquent taxpayer is known to own property.

(c) If a lien secures more than one lot or tract of land, a release of a lien against any one of the lots or tracts may be given by the comptroller in accordance with the provisions of the Texas Tax Code, §113.008.

(d) If a tax lien is filed and recorded against the property of the registered agent of a corporation or other individual rather than the intended corporation, a release will be furnished discharging the individual from all responsibility as regards the state's lien. The release, however, will expressly maintain and continue in full force and effect the state's lien against the property of the corporation.

(e) If a lien is based on a court judgment in which a specific amount of taxes, penalties, and interests is awarded to the state, the judgment and tax lien will be released only upon payment of the specific amount awarded by the judgment, plus payment of any court

costs awarded to the state and interest from the date of the judgment until the date of payment.

(1) The comptroller may issue a release as to a particular piece of property upon payment of the value of the lien, if the property is sold at a private sale at fair market value (rather than at a foreclosure sale) and the state's lien is inferior to one or more prior liens. The "value of the lien" is determined in these circumstances by subtracting the amount of all prior liens from the sales price. If the total amount of the prior liens is greater than the sales price, a release may be given upon payment of a nominal consideration.

(2) A state tax lien is invalidated by a formal foreclosure sale under a deed of trust, but not under a judicial foreclosure unless the state was joined as a party to the proceedings. Releases are not issued for a state lien which has been invalidated by either of these proceedings.

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 February 9, 1983.

TRD-831058 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 475-1922.

Part IV. Employees Retirement System of Texas

Chapter 63. Board of Trustees

34 TAC §63.3

(Editor's note: The Employees Retirement System of Texas proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rule proposed for repeal will not be published. The rule may be examined in the offices of the Employees Retirement System of Texas, 18th and Brazos Streets, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Employees Retirement System of Texas proposes the repeal of §63.3, concerning the election of trustees. This rule is being repealed simultaneously on an emergency basis.

Everard C. Davenport, general counsel, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of the repeal.

Mr. Davenport has also determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal will be a substantially improved election process pursuant to Texas Civil Statutes, Title 110B, §25.003. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Everard C. Davenport, General Counsel, Employees Retirement System of Texas, 18th and Brazos Streets, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Title 110B, §25.102, which provides the Employment System of Texas with the authority to promulgate needed rules to conduct the business of the board.

§63.3. Election of Trustees.

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 February 7, 1983.

TRD-831054 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 476-6431.

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

The Employees Retirement System of Texas proposes new §63.3, concerning the election of trustees (nomination process).

Everard C. Davenport, general counsel, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government will be an estimated additional cost of \$500 in 1983, 1985, and 1987. There is no anticipated cost to state government for 1984 or 1986, and there is no anticipated effect on local government.

Mr. Davenport has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that nomination of serious candidates before the first ballot is prepared and printed will do much to help eligible voters to inform themselves about the candidates and issues before voting. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Everard C. Davenport, General Counsel, Employees Retirement System of Texas, 18th and Brazos Streets, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Title 110B, §25.102, which provides the Employees Retirement System of Texas with the authority to promulgate needed rules to conduct the business of the board.

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

Issued in Austin, Texas, on February 7, 1983.

TRD-831055 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 476-6431.

34 TAC §63.4

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

The Employees Retirement System of Texas proposes new §63.4, concerning the election of trustees (ballots).

Everard C. Davenport, general counsel, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government will be an estimated additional cost of \$600 for 1983, 1985, and 1987. There is no anticipated cost to state government for 1984 or 1986, and there is no anticipated effect on local government.

Mr. Davenport has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that gathering and disseminating information on candidates nominated for a position on the board of trustees will greatly facilitate the decision-making process of the voters. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Everard C. Davenport, General Counsel, Employees Retirement System of Texas, 18th and Brazos Streets, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Title 110B, §25.102, which provides the Employees Retirement System of Texas with the authority to promulgate needed rules to conduct the business of the board.

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

Issued in Austin, Texas, on February 7, 1983.

TRD-831057 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 476-6431.

Chapter 81. Insurance

34 TAC §81.5

The Employees Retirement System of Texas proposes amendments to §81.5, concerning eligibility and effective dates of coverages for employees, and elective and appointive officers.

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

Mr. Atkinson has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be a reduction in rates for insurance for state officers and employees by limiting adverse changes in coverage (new subsections (g) and (h)), and compliance with changes in federal law (amendment to subsection (f)(8)). The anticipated economic cost to individuals who are required to comply with the rule as proposed will be as follows.

Concerning subsections (g) and (h):

(1) Some persons may remain in a more expensive level of coverage than necessary to make sure that it will be available in the future.

(2) Some persons may incur medical bills under low coverage while current provision would permit them to increase coverage levels shortly before the expense.

The system cannot estimate the costs.

Concerning subsection (f)(8):

The cost to employees aged 65-69 will be the difference, if any, between the plan for employees aged 70 or older and the plan for younger employees. Since the program has not been bid, neither the cost nor savings can be determined.

Comments on the proposal may be submitted to Everard C. Davenport, General Counsel, Employees Retirement System of Texas, 18th and Brazos Streets, P.O. Box 13207, Austin, Texas 78711.

The amendments are proposed under the Texas Insurance Code, Article 3.50-2, §4(h), which provides the Employees Retirement System of Texas with the authority to carry out all statutory duties to the Uniform Group Insurance Program.

§81.5. Eligibility and Effective Dates of Coverages for Employees, Elective and Appointive Officers.

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

(f) Conditions that apply to health, life, and accidental death and dismemberment insurance coverages:

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

(8) Employees who become age 70 [65] during a contract year will automatically be enrolled in the health benefits plan for the employees age 70 [65] or older on the first of the month following the employee's birthday.

(g) Employees who do not elect to enroll in the high plan of coverage at their initial date of eligibility will be ineligible for participation in the high plan of coverage

until the first day of September following two full years from the date of the employee's initial date of eligibility, unless the contract is rebid.

(h) Employees who enroll in the high plan of coverage and who later voluntarily elect coverage in a lower plan of coverage while remaining eligible for the program will be ineligible for participation in the high plan of coverage until the first day of September following two full years from the date the employee elected to lower coverage, unless the contract is rebid.

(i)(g) Conditions that apply to disability insurance coverages:

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

(j)(h) Conditions that apply to health maintenance organization (HMO) coverages:

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

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

Issued in Austin, Texas, on February 7, 1983.

TRD-831037 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 476-6431,
ext. 176.

34 TAC §81.9

The Employees Retirement System of Texas proposes amendments to §81.9, concerning eligibility and effective dates of coverages for retirees and surviving spouses of retirees.

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

Mr. Atkinson has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the reduction of insurance premiums through prohibition of increases in insurance coverages of retirees and surviving spouses immediately prior to elective medical procedures.

The anticipated economic cost to individuals who are required to comply with the rule as proposed will be that some persons will be required to pay medical costs which could be shifted to the group if no waiting period to increase coverage were required. A higher level of coverage than necessary must be retained by some persons to guarantee that it will be available in the future. The system cannot estimate these costs.

Comments on the proposal may be submitted to Everard C. Davenport, General Counsel, Employees Retirement System of Texas, 18th and Brazos Streets, P.O. Box 13207, Austin, Texas 78711.

The amendments are proposed under Texas Insurance Code, Article 3.50-2, §4, which provides the Employees Retirement System of Texas with the authority to enact those rules necessary to fulfill its statutory duties to the Group Insurance Program.

§81.9. *Eligibility and Effective Dates of Coverages for Retirees and Surviving Spouses of Retirees.*

(a) (No change.)

(b) Retirees and surviving spouses eligible to elect different levels of health coverage who do not elect to enroll in the high plan of coverage at their initial date of eligibility will be ineligible for participation in the high plan of coverage until the first day of September following two full years from the initial date of the member's election in the lower plan of coverage, unless the contract is rebid or the retiree or surviving spouse becomes eligible for only one level of health insurance coverage.

(c) Retirees and surviving spouses eligible to elect different levels of health coverage who enroll in a lower plan of coverage and who later elect coverage in a lower plan of coverage will be ineligible for participation in the high plan of coverage until the first day of September following two full years, unless the contract is rebid or the retiree or surviving spouse becomes eligible for only one level of health insurance coverage.

(d)(b) Conditions that apply to annuitants of a state retirement system and to surviving spouses of those annuitants:

(1)-(10) (No change.)

(e)(c) Conditions that apply to retiring members of the Optional Retirement Program (ORP) employed by the Coordinating Board, Texas College and University System:

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

(f)(d) Persons who become insured as retirees will be ineligible for coverage as active employees so long as they remain eligible for coverage as retirees.

(g)(e) Conditions that apply to applicants for disability retirement benefits:

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

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

Issued in Austin, Texas, on February 7, 1983.

TRD-831038 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 476-6431,
ext. 176.

34 TAC §81.11

The Employees Retirement System of Texas proposes amendments to §81.11, concerning eligibility and effective dates of coverages for dependents in the dental plan.

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

Mr. Atkinson has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be reduced costs for members of the group dental plan, because this rule will prevent changing dependent coverage immediately prior to the performance of elective dental work.

The anticipated economic cost to individuals who are required to comply with the rule as proposed will be that some persons will be required to pay dental costs which could be shifted to the group if no waiting period for coverage were required. Persons who would not otherwise do so may purchase dental insurance for their dependents so that it will be immediately available in the future. The system cannot estimate these costs.

Comments on the proposal may be submitted to Everard C. Davenport, General Counsel, Employees Retirement System of Texas, 18th and Brazos Streets, P.O. Box 13207, Austin, Texas 78711.

The amendments are proposed under Texas Insurance Code, Article 3.50-2, §4, which provides the Employees Retirement System of Texas with the authority to promulgate necessary rules to fulfill its statutory responsibility to the insurance program.

§81.11. Eligibility and Effective Dates of Coverage for Dependents.

(a)-(j) (No change.)

(k) **Conditions that apply to participation by dependents in the dental plan:**

(1) **Dependents who are eligible for participation in the dental plan and who are not enrolled in the plan at their initial date of eligibility must wait until the first day of September following a two-year wait to participate in the dental plan.**

(2) **Dependents who are enrolled in the dental plan and who are dropped from participation in the plan while remaining eligible for dental coverage must wait until the first day of September following a two-year wait to participate in the dental plan.**

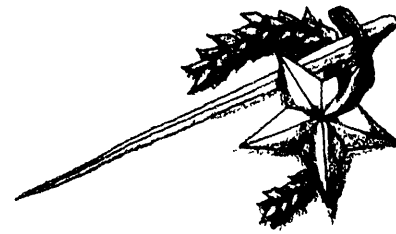
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 7, 1983.

TRD-831039 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 476-6431,
ext. 176.



Part VII. State Property Tax Board Chapter 161. Valuation Procedures

34 TAC §161.1

The State Property Tax Board proposes an amendment to §161.1, concerning valuation of open-space and timber lands. The amendment concerns a change in the title of the existing rule to more accurately reflect the substance of the "Guidelines for the Valuation of Agricultural Land" manual adopted by reference in the rule.

H. Jack Woods, general counsel, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Woods has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be a clarification in the understanding by property owners of which substantive rules apply when attempting to qualify for special use valuation. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to H. Jack Woods, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

This amendment is proposed under the Texas Property Tax Code, §23.52, and §5.05(a)(2), which provides the State Property Tax Board with the authority to issue appraisal manuals.

§161.1. Valuation of Open-Space and Agricultural [Timber] Lands. The State Property Tax Board adopts by reference the "Guidelines for the Valuation of Agricultural [Open-Space] Land" as amended February 26, 1982, the amendment to be effective on March 22, 1982. This document is published by and available from the State Property Tax Board, 9501 IH 35 North, P.O. Box 15900, Austin, Texas 78761.

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 February 8, 1983.

TRD-831026 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 837-8622.

34 TAC §161.8

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Property Tax Board, 9500 IH 35 North, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The State Property Tax Board proposes to repeal §161.8, concerning the identification of personal property which may qualify for interstate allocation of total market value and establishing formulas for calculating the proportion of the total market value to be allocated to this state. This section is being repealed because the board is adopting a new §161.8 to be effective during the 1983 tax year.

H. Jack Woods, State Property Tax Board general counsel, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications as a result of the repeal, since the repealed section will be simultaneously replaced with a new section governing the same substantive area.

Mr. Woods has also determined that for each year of the first five years following repeal of the rule the public benefit anticipated as a result of repealing the rule will be the adoption of a replacement rule defining the appropriate allocation of total market value of interstate personal property to this state. There is no anticipated economic cost to individuals who may be affected by the rule, since the repealed section has no validity after the 1982 tax year.

Comments on the proposal may be submitted to H. Jack Woods, General Counsel, State Property Tax Board, 9500 IH 35 North, P.O. Box 15900, Austin, Texas 78761.

The repeal is proposed under the Texas Property Tax Code, §21.03(b), which provides the State Property Tax Board with the authority to identify the kinds of property subject to interstate allocation and to establish formulas for calculating the proportion of total market value to be allocated to this state.

§161.8. Interstate Allocation of Personal Property.

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

Issued in Austin, Texas, on February 9, 1983.

TRD-831051 Kenneth E. Graeber
Executive Director
State Property Tax Board

Proposed date of adoption:
March 18, 1983

For further information, please call (512) 837-8622.

The State Property Tax Board proposes new §161.8, concerning the identification of tangible personal property that may qualify for interstate allocation of total market value for property tax purposes and establish-

ing formulas for calculating the proportion of total market value to be allocated to this state.

James Popp, attorney, Office of General Counsel, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Popp has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be an appropriate allocation of total market value of interstate personal property to this state. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to H. Jack Woods, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78767.

The new rule is proposed under the Texas Property Tax Code, §21.03(b), which provides the State Property Tax Board with the authority to identify the kinds of property subject to interstate allocation and to establish formulas for calculating the proportion of total market value to be allocated to this state.

§161.8. Interstate Allocation of Personal Property.

(a) If tangible personal property, such as, but not limited to, vehicles, vessels, aircraft, or equipment, is subject to the taxing jurisdiction of this state and has a taxable situs in a taxing unit in this state, but such property is used continually outside this state on either a regular or irregular basis, the property owner may apply to the appropriate appraisal office for an allocation of value to reflect use in this state.

(b) A property owner must apply for an allocation of value before May 1. The application shall be on a form that substantially complies with the appropriate form prescribed or approved by the State Property Tax Board. A person filing an allocation application form shall include all information required by the form. For good cause shown, the chief appraiser may extend the application deadline by written order for a single period not to exceed 30 days.

(c) If the chief appraiser determines that he needs information in addition to that furnished on the application, he may request additional information by written notice delivered to the property owner. A taxpayer shall furnish any additional information within 15 days after the date the notice is mailed. For good cause shown, the chief appraiser may extend the deadline for a single period not to exceed 15 days.

(d) The chief appraiser shall allocate the value of qualified personal property based on a formula which considers:

- (1) the present market value of the personal property which is determined to be subject to allocation;
- (2) a determination of the amount of total use of the property within and without this state for the preceding tax year;

(3) a determination of the amount of use of the property within this state for the preceding tax year;
(4) the ratio of the amount of use within this state to use within and without this state;

(5) the value allocated as determined by the application of the ratio of use to the present market value.

(e) The chief appraiser shall assign the allocated value to each taxing unit in which the property has situs.

(f) The chief appraiser shall use the following indicators of use for purposes of the allocation formula:

(1) The chief appraiser shall use mileage as an indication of the use of vehicles.

(2) The chief appraiser shall use flight time and ground time as an indication of the use of aircraft.

(3) The chief appraiser shall use time as an indication of the use of vessels.

(4) The chief appraiser shall use time as an indication of the use of equipment.

(5) The chief appraiser shall use an indicator that fairly reflects the use of the particular property for those properties not included in the above classification.

(g) Each of the above indicators are merely presumptions concerning use. The appraisal office may use any reasonable method of determining amount of use. If the property owner disagrees with the presumption of use as applied by the chief appraiser, the property owner must demonstrate entitlement to another measure of allocation. A deviation from the uniform formula or uniform indications of use requires the property owner to demonstrate in writing that:

(1) the uniform formula or indication of use is arbitrary as applied to that particular property owner, and

(2) the proposed formula or indication of use more fairly reflects use in this state.

(h) The Interstate Allocation Application is adopted by reference. Copies may be obtained at the offices of the State Property Tax Board, 9500 IH 35 North, Austin, Texas 78767.

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 February 9, 1983.

TRD-831050 Kenneth E. Graeber
Executive Director
State Property Tax Board

Proposed date of adoption:
March 18, 1983

For further information, please call (512) 837-8622.

34 TAC §161.11

The State Property Tax Board proposes new §161.11, which adopts by reference a manual for appraising timberlands. The "Guidelines for the Valuation of Timberlands" manual contains the legal requirements established in the Texas Constitution and Texas Property Tax Code for special timberland appraisal, procedures for verifying that land qualifies for timber valuation, a discussion of the theory of timber valuation, and a use value assessment of timberlands.

H. Jack Woods, general counsel, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Woods has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be appropriate procedures for use by chief appraisers in valuing timberlands. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to H. Jack Woods, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The new section is proposed under the Texas Property Tax Code, §23.73(b), which requires the board to promulgate rules setting forth the method of appraising qualified timberland pursuant to the Texas Property Tax Code, §23.71-23.79.

§161.11. Appraisal of Timberlands. The State Property Tax Board adopts by reference "Guidelines for the Valuation of Timberlands" to be effective April 18, 1983. This document is published by and available from the State Property Tax Board, 9501 IH 35 North, P.O. Box 15900, Austin, Texas 78761.

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 February 8, 1983.

TRD-831028 Kenneth E. Graeber
Executive Director
State Property Tax Board

Earliest possible date of adoption:
March 18, 1983

For further information, please call (512) 837-8622.

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 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.)

Rating and Policy Forms Uniform Policy Standard Provisions for Workers' Compensation and Employers' Liability Policies Issued by Lloyds Plan Insurers, Mutual Insurers, Reciprocal Exchanges, and Participating Policies Issued by Stock Insurance Companies

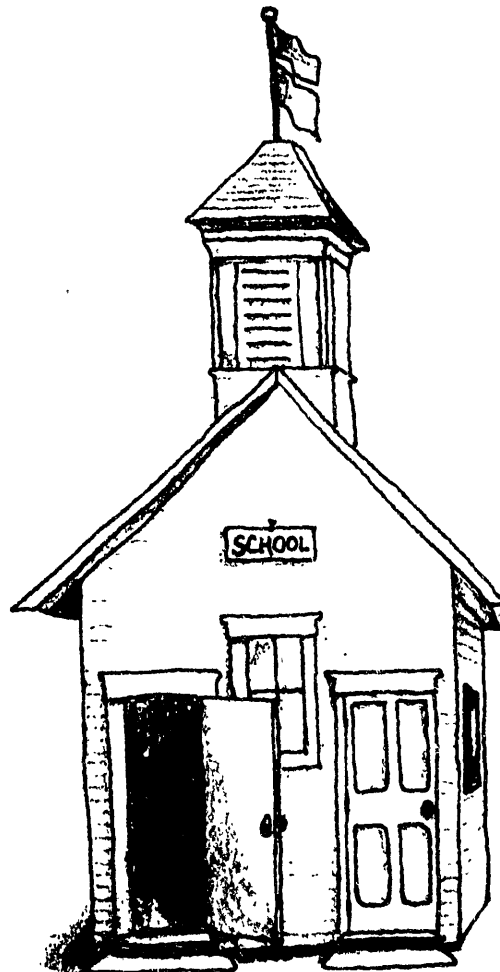
059.05.57.002

The State Board of Insurance has withdrawn from consideration for permanent adoption proposed Rule 059.05.57.002, concerning rating and policy forms. The text of the new rule as proposed appeared in the September 21, 1982, issue of the *Texas Register* (7 TexReg 3401).

Issued in Austin, Texas, on February 8, 1983.

TRD-831034 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: February 8, 1983
For further information, please call (512) 475-2950.



Adopted Rules

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

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

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

TITLE 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, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4540).

Rate Rule R-2 was amended to provide for a pass-through of premium in certain tax-free exchanges and other multi-party transactions with the knowledge and consent of all the parties.

Rate Rule R-3 was amended by adding paragraph (d) to provide for insurance on the land only when the existing improvements are not conveyed or are reserved by the seller of land purchased by the United States and policy Form T-11 is used.

Rate Rule R-11 was amended by adding paragraph (e) to provide for a premium of \$20 for issuance of the new Manufactured Housing Endorsement Form T-31.

Procedural Rule P-9.b was amended by adding paragraph (7) to provide for the endorsement of a mortgagee policy covering the lien securing an indebtedness against land and a manufactured housing unit so as to specifically include the manufactured housing unit within the definition of "land."

A new form "T-31 Manufactured Housing Endorsement" was promulgated to be used in conjunction with procedural Rule P-9.b(7) and rate Rule R-11.e.

Paragraph 2.(a) of Form T-2 Mortgagee Title Policy was amended to provide for extension of coverage upon valid extension of an insured lien under certain circumstances

Item 1 (concerning restrictive covenants of record) of Schedule B of Form T-1 Owner Title Policy and of Form T-2 Mortgagee Title Policy was amended to provide that the company must list covenants or state that there is none of record.

Procedural Rule P-4 was amended by substituting the word "shall" for the word "may" in each occurrence to mandate the disclosure by the company of restrictive covenants of record or the lack of covenants.

Paragraphs 1(c) and 2(d) of the Conditions and Stipulations of Form T-1 Owner Title Policy were amended to clarify the coverage intended and the meaning of the present phrases "constructive knowledge" and "without knowledge," paragraph 3 was amended by adding subparagraphs (c), (d), and (e), by deleting the last sentence of present subparagraph (a), and also by relettering present subparagraph (c) as new subparagraph (f) so as to clarify and expand the com-

pany's duties and rights to defend or prosecute any action to clear or claim title to an insured property.

The conditions and stipulations section of Form T-2 Mortgagee Title Policy was amended in paragraph 2(b) (iiii) by adding the words "prior to foreclosure or acquisition," immediately following the phrase "principal of the indebtedness," and in paragraph 6 by changing the word "ninety" to "ninety-one."

Form T-13 Mortgagee Title Policy Binder on Interim Construction Loan was amended to correct a typographical error in Item 2, Schedule C, ("or" rather than "of") and to specify "Part 1" of Schedule B in the second paragraph of the first page.

Procedural Rule P-9.b(4) was amended by adding a paragraph providing for extension of the effective date of a mortgagee title policy binder on interim construction loan by endorsement using Form T-3 and Instruction VIII, commonly known as a "down-date endorsement."

The promulgated instructions for Form T-3 were amended by adding a new "Instruction VIII" providing the exact promulgated language to be used when down-dating a Form T-13 Mortgagee Title Policy Binder on Interim Construction Loan.

Each appropriate rule, instruction, or form was amended by deleting any reference to or requirement for the words "Completion of improvements on said land and" to clarify that the exceptions in the policies are to mechanic's and materialman's liens and to clarify that coverage is not postponed until completion of construction.

Rule P-8.b(3) and rate Rule R-16 were amended to correct typographical errors.

Each appropriate rule, instruction, or form was amended to correct inaccurate references to procedural Rule P-9 caused by the earlier renumbering of sections of that rule.

Procedural Rule P-16 was amended to provide that the mortgagee title policy binder on interim construction loan may be used in connection with a multi-lot or condominium project in which it is likely that multiple mortgagee policies will be issued following construction rather than a single policy.

HUD-1 Form was deleted from the manual, and an instruction requiring use of either the current HUD-1 Form or a promulgated form contained in the manual was substituted.

The amendments to Rule R-2 allow parties participating in tax-free exchanges of properties to pass-through the title insurance premiums to the ultimate owner of the property and avoid the purchase of unnecessary insurance.

The amendments to Rule R-3 allow the United States to purchase title insurance on the exact property it is purchasing without insuring the existing improvements it is not purchasing. This should result in reduced federal spending for insurance.

The amendments to Rules R-11 and P-9.b and the promulgation of Form T-31 allow title insurance to be written on certain manufactured housing units attached to the land in a form that is acceptable to the Federal National Mortgage Association (FNMA) which should result in increased availability of long-term mortgage funds for manufactured housing units.

The amendments to paragraph 2.(a), Conditions and Stipulations, Form T-2, eliminate the necessity to purchase additional title insurance on a loan which is being validly extended or renewed beyond its original maturity date, resulting in savings to the public.

The amendments to Rule P-4 and to Item 1, Schedule B, Form T-1, mandate that title insurance companies and agents must specifically state any restrictive covenants found to be of record or state that none were found. This will assure that the existence of such restrictive covenants will be known to the insured.

The amendments to paragraphs 1(c) and 2(d), Conditions and Stipulations, Form T-1, clarify what, if any, constructive knowledge on the part of the insured owner and what, if any, knowledge of an insured owner/purchaser for value, would come within the exceptions of the policy. These changes should avoid litigation concerning the meaning of the terms within the policy.

The amendments to paragraph 6, Conditions and Stipulations, Form T-2, avoid a conflict with Texas Civil Statutes, Article 5546, concerning the stipulation fixing the time within which notice of a claim for damages must be given to the company. One additional day has been added to the original 91-day requirement.

The amendments to paragraph 2(b)(iiii), Conditions and Stipulations, Form T-2, clarify the policy limits in the event of a foreclosure and should avoid litigation concerning the meaning of this paragraph in the policy.

The amendments to Rule P-9.b(4) allow "down-dating" a mortgagee title policy binder on interim construction loan as construction advances are being made. This will avoid the necessity of obtaining an abstractor's certificate or another binder.

The new Instruction VIII to Endorsement T-3 provides the specific promulgated language to be used to "down-date" a binder and will not require the printing of an additional form to accomplish that purpose.

The deletion of the phrase "Completion of Improvements on said land and any" from Rule P-8.a(1) and P-8.b(3) and from Instruction VI to Endorsement Form T-3 eliminates confusion concerning mechanic's lien coverage and delay in coverage while construction is ongoing.

The amendments to the first paragraph of Rule P-16 allow the use of a mortgagee title policy binder on interim construction loan when there are multiple lots or a condominium project with multiple units which will likely be financed by individual mortgages rather than one mortgage for all upon completion of construction. This will save premiums for multiple binders.

Deletion of the HUD-1 Form from the manual avoids the necessity to amend the manual each time the form is changed by the federal government and will save update costs.

All of the adopted amendments will appear in and be a part of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* for use by agents, insurance companies, and other interested parties.

No comments for or against the proposed amendments were received from any interested party or the public during the 30-day publication period. However, during the November 4, 1982, public hearing prior to publication in the *Texas Register*, certain persons and organizations offered comments on each item.

Proponents of the amendments to rate Rule R-2 were: Harry M. Roberts, Jr., attorney, the Title Insurance Committee of the State Bar Real Estate, Probate, and Title Law Section (TIC); Robert C. Sneed, attorney, the Texas Land Title Association (TLTA), David B. Irons, attorney, the Title Underwriters of Texas (TUT); and Robert E. Philo, Jr., assistant director, title insurance, State Board of Insurance.

The proponents agreed that the present rate Rule R-2 inhibits the use of title insurance in tax-free exchanges and other multi-party transactions. This amendment will eliminate that prohibition on simultaneous transactions only, make legitimate a practice common in the industry but contrary to existing rules, and eliminate excessive dual premium charges on a single transaction. No one spoke against this amendment.

Proponents of the addition to rate Rule R-3 were: James T. Wright, attorney, the United States of America, Department of the Army, Corps of Engineers; Mr. Sneed, attorney, TLTA; and staff.

The proposed amendment will eliminate the unreasonable requirement that the United States purchase title insurance on the improvements located on property it purchases when the improvements are reserved to the seller or otherwise removed from the property at the time of conveyance. Thus only what is purchased will be insured.

Speaking against the change was Maxie Hardin, attorney, representing USLIFE Title Insurance Company of Dallas.

This amendment would be a departure from a well-founded rule for Owner Policies of Title Insurance (OTP) and would favor one consumer over another.

The board disagreed with the opponent's position and argument. The board found that the amendment as proposed would enable the purchaser to insure exactly the estate or interest purchased and not be required to insure what was not there upon completion of the transaction. The board found that the United States government is acting on behalf of all of the people when it purchases land for these projects and obtains title insurance to the benefit of all citizens and that the consumers being favored are not a special class.

Proponents of the Manufactured Housing Endorsement were: Mr. Roberts, TIC; Mr. Sneed, TLTA; Mr. Irons, TUT; Forrest Roan, attorney, the Texas Manufactured Housing Association (TMHA); Larry E. Temple, attorney, the Texas Mortgage Bankers Association (TMBA), John F. Rothermel III, attorney, Lawyers Title Insurance Corporation, TUT, TLTA, and TIC; Chris Alexander Peirson, attorney, the Federal National Mortgage Association, and staff. No one spoke against this amendment.

The FNMA, the largest purchaser of mortgage loans, will purchase real estate mortgages on manufactured housing and lot combinations provided the manufactured housing unit is classified as real property. The proposed endorsement would comply with previously established federal guidelines and clarify that the housing unit was insured as part of the real estate. Texas is the primary market for these funds. The amendments to the rules and the proposed form will make it easier to serve the needs of the consuming public in addition to the needs of the TMHA and TMBA.

Proponents of changes to Form T-2, paragraph 2.(a) were: Mr. Roberts, TIC; Mr. Temple, TMBA; and staff.

At present the Mortgagee Policy of Title Insurance (MTP) coverage expires automatically four years after the original maturity date of the indebtedness. The amendments would cause the MTP coverage to extend beyond the original maturity date if the lien is extended effectively. The length of the term of the loan is not a factor in determining the premium when the policy is issued. This rule change will permit insurance of roll-over mortgages without the necessity of obtaining a new MTP each time the loan is renewed. This same language and coverage is now a part of the Adjustable Rate Mortgage Endorsement.

Opponents of this change were: Mr. Irons, TUT; and Jerel Hill, Southwest Regional Counsel for Title Insurance Company of Minnesota, a witness for TUT.

This amendment has significant rate consequences. It will reduce the number of MTPs issued with resulting decreases in income. No evidence was produced regarding the effect on the rates caused by the loss of income. The underwriters agree with the TIC and TMBA concept.

The board disagreed with the opponents' positions and arguments, finding that it is impossible to determine how much business will be lost in the future or to gather meaningful statistics on lost business.

Proponents of changes in requirements on restrictive covenants were: Mr. Temple, TMBA; Larry Niemann, attorney, the Texas Apartment Association (TAA) and the Texas Building Owners and Managers Association (TBOMA); Robert Carl Bedgood, attorney, Crossroads Abstract and Title Company; and staff. No one spoke against this amendment.

These amendments would make the disclosure of restrictive covenants of record mandatory rather than discretionary. Early disclosure allows the public to make knowledgeable decisions on the status of title and discourages inadvertent violations of restrictions.

by making the purchasers aware of their existence. The restrictions are a part of the search of title conducted prior to the issuance of the policy; the rule would simply require that those found in the record be disclosed. Proponents of changes in paragraphs 1(c) and 2(d) of the owner policy of title insurance were: Mr. Irons, TUT; John Coselli, attorney, Chicago Title Insurance Company, witness for TUT; Mr. Sneed, TLTA, and staff. No one spoke against this amendment.

There are two possible interpretations concerning "knowledge" because of the comma following that word in section 1, paragraph (c), of the Conditions and Stipulations section. Removal of the comma would eliminate the confusion. There is also considerable confusion concerning coverages and exclusions from coverage as set forth in paragraph (d) of that same section. The proposed amended language would eliminate the confusion.

Proponents of revisions in paragraph 3 of the owner policy title insurance were: Mr. Iron, TUT; Mr. Coselli, attorney, a witness for TUT, and staff. No one spoke against this amendment.

These amendments to the OTP will clarify the coverage offered and specifically give the company the ability to prosecute actions to remove defects or cure title or quiet title when necessary.

Proponents of changes to paragraph 6 of the mortgage policy of title insurance were: Mr. Irons, TUT; Mr. Coselli, attorney, a witness for TUT, and staff. No one spoke against this amendment.

The term "within 90 days" has been interpreted to mean less than 90 days and, therefore, that provision in the policy may not be legal as written. The term "within 91 days" would not conflict with other laws.

Proponents of changes to Form T-2, paragraph 2(b)(iii), were: Mr. Roberts, attorney, TIC, and staff. No one spoke against this amendment.

The proposed amendment to the language in the MTP would clarify the limits on the amount of recovery in the event of foreclosure.

Proponents of changes to Form T-13 were: Mr. Roberts, attorney, TIC, and staff. No one spoke against this amendment. The proposed amendments correct typographical errors.

Proponents of changes to Procedural Rule P-9.b(4) and Endorsement Form T-3, Instruction VIII, were: Mr. Roberts, attorney, TIC, and staff. No one spoke against this amendment.

At the present time MTPs can be downdated when construction advances or draws are made, but interim construction loan binders cannot be downdated under identical circumstances. This procedure is needed since many projects are built relying upon an interim binder rather than MTP during time of construction. Form T-3 may be used for this endorsement.

Proponents of changes to procedural Rule P-8.a(1), P-8.b(1), P-8.b(3), and Endorsement Instruction VI to

Form T-3 were: Mr. Roberts, attorney, TIC; Mr. Coselli, attorney, TUT; and staff. No one spoke against this amendment.

The exception to be made in the language mandated by the rules is to mechanic's and materialman's liens, not to completion of improvements which is not a title exception and is inappropriate and confusing.

Proponents of a typographical error correction in Instruction VI to Form T-3 were: Mr. Roberts, attorney, TIC; and staff. No one spoke against the amendment.

This amendment merely corrects an improper reference to a rule number.

Proponents of the HUD 1 Form deletion were: Mr. Sneed, attorney, TLTA, James H. Garst, senior vice president and regional manager, Commonwealth Land Title Insurance Company, a witness for TLTA; Mr. Irons, attorney, TUT, Mr. Temple, attorney, TMBA; and staff. No one spoke against the amendment.

This amendment will clarify the existing rule to permit the use of an interim construction loan binder on a single construction loan covering a multiple-unit project when it is contemplated that the individual units will be financed by individual mortgages rather than by one permanent loan covering all of the units.

Proponents of changes to procedural Rule P-16 were: Mr. Sneed, attorney, TLTA, Mr. Tims, attorney, TLTA; and staff. No one spoke against the amendment.

This amendment will withdraw a now obsolete form from the manual and make it clear that the current version of that form is to be used.

Proponents of changes to Rule R-16 were: Mr. Sneed, attorney, TLTA, Mr. Tims, attorney, a witness for TLTA; and staff. No one spoke against the amendment.

This amendment corrects spelling and typographical errors.

The amendments are adopted under the Texas Insurance Code, Article 9.07, which authorizes the State Board of Insurance to fix and promulgate the premium rates and to promulgate or approve all forms to be used by title insurance companies, and the Texas Insurance Code, Article 9.21, which authorizes the State Board of Insurance to promulgate and enforce rules prescribing underwriting standards and practices and to promulgate and enforce all other rules which in the discretion of the board are deemed necessary to accomplish the purposes of the Act.

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

Issued in Austin, Texas, on February 7, 1983.

TRD-830992 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: March 1, 1983
 Proposal publication date: December 31, 1982
 For further information, please call (512) 475-2950.

TITLE 34. PUBLIC FINANCE
Part IV. Employees Retirement
System of Texas
Chapter 81. Insurance

34 TAC §81 15

The Employees Retirement System of Texas adopts amendments to §81 15, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4558)

The board of trustees is responsible for administering the Group Insurance Program for state employees. Before authorizing a health maintenance organization (HMO) to offer services through the group, the board needs assurance that the HMO is solvent and is delivering a high quality of service to its members.

The rule sets out the requirements with which an HMO must comply before being considered for inclusion in the state Group Insurance Program. Chief among these are the requirements that an HMO be licensed for a full year prior to application and that it submit data on the evaluation criteria previously adopted by the board.

No comments were received regarding adoption of the amendment.

The amendments are adopted under the Texas Insurance Code, Article 3.50(2), §5(e), which authorizes the board to select HMOs to offer service to members of the group. Section 4(h) of that law authorizes the board to adopt all rules necessary to carry out its statutory duties.

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 February 7, 1983

TRD-831045 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Effective date: March 1, 1983
Proposal publication date: December 31, 1982
For further information, please call (512) 476-6431.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Resources
Chapter 48. CCAD

The Texas Department of Human Resources adopts new §48.2919 and amendments to §48.1201 and §48.2910, with changes to the proposed text published in the November 9, 1982, issue of the *Texas*

Register (7 TexReg 3952). Sections 48.2911 and 48.2916 are adopted without changes and will not be reprinted.

Adoption of the policies about adult protective services ensures that the department meets the requirements of the Human Resources Code, Title 2, Chapter 48. The rules address definition of terms related to adult protective services, protective services priorities, and eligibility for time related CCAD services for severely abused or neglected adults.

The United Cerebral Palsy Association of Texas, Inc., the Association of Retarded Citizens, Texas, and the Austin Resource Center for Independent Living commented against the proposal. If any organization suggested any change in the proposal, it is listed as against the proposal. The following is a list of the specific comments and the department's response to each one.

The United Cerebral Palsy Association of Texas, Inc. commented on §48.2911, concerning family care, stating that disabled persons would no longer be eligible for family care as well as for protection in emergencies.

Another comment by the Association of Retarded Citizens, Texas, related to §48.2911. The association requested rewording of the priorities to enable disabled persons to qualify for family care services.

The Austin Resource Center for Independent Living also commented on §48.2911, stating that this rule on family care was confusing because readers assumed that the priority groups mentioned in the family care section were the same as the adult protective services priorities.

The department disagrees with the comments on §48.2911 because the eligibility rule for family care is merely being reworded. As the Austin Resource Center for Independent Living pointed out, the priorities mentioned in this rule do not apply to adult protective services. The priority system for CCAD purchased services, such as family care, is based on the client's income and his score on a functional need assessment and is not related to the adult protective services priorities.

The Association of Retarded Citizens, Texas, recommended that §48.2916, Protective Services Priorities, be changed. The association suggested that priorities one, two, and three be expanded to include disabled persons 18-64 years old as well as elderly persons 65 years old and older.

The department disagrees with this suggestion because the adult protective services priorities were established to carry out the requirements of the Human Resources Code, Title 2, Chapter 48, which makes the department responsible for investigating and providing protective services to elderly persons 65 years old and older. Crisis intervention and protective services case management are provided to adults 18-64 years old under the authority of the social services block grant. The adult protective services priorities were established to address the legal man-

date of the Human Resources Code with the first three priorities relating to elderly persons. The law requires the department to respond to reports of abuse, neglect, and exploitation of elderly persons within 24 hours.

Priority four includes reports of abuse, neglect, or exploitation of adults 18-64 years old. Reports of serious abuse or neglect of a person 18-64 years old are handled in an expedited manner on the same work day as received. In this way, disabled persons also have protection in emergency situations.

The Association of Retarded Citizens/Texas recommended a change in §48.2919, concerning eligibility for time limited services. The association recommended that eligibility for time limited services be extended to disabled persons 18-64 years old as well as to persons 65 years old or older who are in immediate danger of death or serious physical harm.

The Cerebral Palsy Association of Texas, Inc., commented that §48.2919 should not discriminate against disabled persons 18-64 years old.

The department changed §48.2919 based on comments received from these associations. The rule has been reworded to include all seriously abused or neglected adult protective services clients, regardless of age.

Minor editorial changes were made to §48.1201 and §48.2910. The definition of the term "caretaker" was added to §48.1201.

Definitions

40 TAC §48.1201

The following amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 48, which authorizes the department to administer public assistance programs:

§48.1201 - Definitions of Program Terms. The following words and terms, when used in these sections, have the following meanings, unless the context clearly indicates otherwise:

Caretaker—A relative, guardian, representative payee, or a person who has frequent or regularly scheduled contact with the client so that a personal relationship exists or the client perceives that person as having a role in assisting the client to meet his basic needs.

Crisis intervention—Casework to assess the need for CCAD services and protective services case management with disabled adults 18-64 years old who are alleged to be abused, neglected, or exploited.

Fraud—A deliberate misrepresentation or intentional concealment of information to receive or to be reimbursed for the delivery of services to which the individual is not entitled. The services may have been provided either directly or on a contracted basis by the department.

Investigation—Contacts with an elderly person or collateral source after receipt of a report to determine the validity of an allegation of abuse, neglect, or exploitation. (This contact does not require the consent of the client or his caretaker.)

Involuntary protective services—Arrangement for the emergency removal of an elderly person from life-threatening situations if directed by court order, as authorized by the Human Resources Code, Chapter 48.

Personal leave—Any leave from a supervised living facility except for hospitalization or institutionalization. A day of personal leave is any period of 24 consecutive hours.

Protective services case management—Activities performed by the caseworker to help a client needing protective services. These activities include developing and modifying the service plan, monitoring the client's situation and the delivery of services, arranging for a representative payee, working with the courts to obtain emergency orders for protective services or other legal alternatives, and locating resources that help the client to eliminate or reduce the severity of the abuse, neglect, or exploitation.

Protective services agency—A public or private agency, corporation, board, or organization, under contract with the department, that provides protective services to abused, exploited, or neglected adults.

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 February 7, 1983.

TRD 831016 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: March 1, 1983
Proposal publication date: November 9, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Eligibility

40 TAC §§48.2910, 48.2911, 48.2916

The following amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 48, which authorize the department to administer public assistance programs:

§48.2910 - Eligibility for Specific CCAD Services.

(a) To be reimbursed, providers must agree to accept DHR's decision as to which clients are eligible. Some services are not available in certain geographic areas of the state. An eligible client may not be able to receive a service at the time he is determined eligible if the provider agency in his area is operating at capacity. If the provider agency is operating at capacity, the caseworker places the client's name on a waiting list. Waiting lists for block grant services are kept in chronological order according to the date of eligibility certification within priority groups.

(b) Nursing home clients are not eligible to receive CCAD services.

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 February 7, 1983

TRD-831017 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date: March 1, 1983
Proposal publication date: November 9, 1982
For further information, please call (512) 441-3355,
ext. 2037.

40 TAC §48.2919

The following new rule is adopted under the Human Resources Code, Title 2, Chapters 22 and 48, which authorizes the department to administer public assistance programs

§48.2919. Eligibility for Time-Limited Services.

(a) Adult protective services clients are eligible to receive CCAD block grant services and emergency care services in a supervised living or adult foster care setting. These clients are eligible for services regardless of financial eligibility or functional need level if they are

- (1) in a life-threatening situation, verified by the caseworker; or
- (2) experiencing serious physical harm from abuse or neglect, verified by the caseworker

(b) Adult protective services clients are eligible for services described in subsection (a) of this section for up to 15 days while CCAD staff seek a permanent care arrangement. If the client is not placed within the initial 15-day period, he is eligible to receive services for up to two 15-day extensions, for a total of 45 days. Services are terminated when the approved service period is over.

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 February 7, 1983

TRD-831018 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date: March 1, 1983
Proposal publication date: November 9, 1982
For further information, please call (512) 441-3355,
ext. 2037.

The Texas Department of Human Resources adopts new §§48.2920, 48.2921, 48.5905, 48.9101-48.9107, and amendments to §48.5903, with changes to the proposed text published in the November 19, 1982, issue of the *Texas Register* (7 Tex Reg 4029). Section 48.5906 is adopted without changes and will not be reprinted.

Supervised living services are provided to eligible adults who require access to services on a 24-hour basis but not daily nursing intervention. Services may include board, protective supervision, personal care, social and recreational services, housekeeping and laundry, and transportation services. Supervised living services are provided in settings licensed as personal care homes or custodial care homes. To be eligible for supervised living services, clients may be required to contribute to the cost of care. Co-payment is based on clients' income, if any, and allowances for personal expenses, medical expenses, and meals.

Emergency care services are provided to eligible adults while department staff seek a permanent care arrangement. Emergency care services are the same as those provided to supervised living clients. Emergency care may be provided in adult foster care homes, personal care homes, or custodial care homes. Services are provided to emergency care clients for up to 15 days, after which no more than two 15-day extensions may be granted.

Adoption of these rules is justified so that the department may expand the current congregate/respite/emergency care demonstration projects to statewide supervised living and emergency care services. The department is adding a section on supervised living and emergency care services to its CCAD handbook.

The rules allow the department to provide supervised living services and emergency care services to eligible CCAD clients.

The following is a list of individual comments received on the proposal and the department's response to each: The Austin Resource Center for Independent Living, Girling and Associates, the Texas Nursing Home Association, the Association of Retarded Citizens/Texas, United Cerebral Palsy of Texas, Inc., Gray Panthers, Lutheran Social Services, and the Texas Visiting Nurse Service commented against the proposal. The Austin Resource Center for Independent Living also commented in favor of §48.9101(a). Any organization suggesting any change in the proposal was listed as speaking against the proposal.

The Austin Resource Center for Independent Living (ARCIL) commented on §48.2920(a)(1) by interpreting the eligibility requirement that "the applicant must be income eligible or Medicaid eligible (not in an institution)" to exclude persons who are in institutions.

This is not the intent of the rule. Some individuals are eligible for Medicaid only if they are in institutions. The rule requires these individuals to be income eligible to qualify for supervised living services. If they qualify, they must transfer from the institution to a supervised living facility, since community care services are not provided to clients who live in institutions. The wording of the rule has not changed.

The ARCIL also commented on §48.2920(a)(2) by stating that the client needs assessment questionnaire score does not accurately reflect an individual's need for supervised living services.

The purpose of the client needs assessment questionnaire is to target limited resources to individuals with the greatest needs, regardless of age. The department recognizes that many elderly and disabled individuals who score too low to qualify for community care services nevertheless need the services and could benefit from them. In general, needs of these individuals are not as great as those who score high enough to qualify for services.

Studies conducted on the validity of the client needs assessment questionnaire are being used to revise the form. Until the revision is complete, however, the current form is the best available means for determining need.

The ARCIL commented on §48.2920(a)(3) by expressing concern that the requirement stating "the applicant's needs may not exceed the facility's capability to provide services," gives the facility excessive latitude in refusing to accept referrals. The ARCIL felt that the wording could be the basis for denying services to the disabled. Girling and Associates, on the other hand, cited referrals for which the facility was not able to meet the client's needs and suggested that the rules include a set of appropriate characteristics for client referral.

When supervised living and emergency care services were pilot-tested, the target population was not narrowly defined. Providers expected clients to be more independent than those actually referred to them. Examples of appropriate and inappropriate characteristics were subsequently developed to describe situations in which clients' needs do not exceed the facility's capability to provide services. These examples were not published in the *Texas Register* because they are not intended to be all-inclusive. Further information on the appropriateness of these placements can be obtained by referring to the Texas Department of Health's Licensing Standards for Personal Care Homes.

Admission of a client whose needs exceed the resources of the provider could result in neglect or injury to the client or others, and the rule has not been changed.

The Texas Nursing Home Association (TNHA) commented on §48.2920(b) by recommending the publication of a detailed formula for determining the allowances which clients keep and the amounts they pay toward the cost of care.

Rather than publish a detailed formula, the department has published the actual amounts of each allowance. Data from an evaluation of the congregate/respite/emergency care demonstration projects was used to determine the amounts.

The ARCIL suggested that a meal allowance be available for clients who wish to learn how to prepare their own meals. This suggestion applies to facilities which provide meals, since there is already a meal allowance for clients in facilities which do not provide meals.

No rule change is necessary to accomplish this. The situation is addressed in §48.9102(b). If the facility agrees to this arrangement, the DHR caseworker may apply for a reduction in a client's co-payment, following the instructions in the CCAD handbook.

The TNHA commented on §48.2920(c), stating that it was unclear whether the department wants to limit the number of days of personal leave or the number of days of leave for which the department pays.

The rule has been revised to clarify the number of days of personal leave, both consecutive and total, for which the department pays.

The ARCIL commented on §48.2921(a) and (b), stating that many disabled people under 65 years old may be in an emergency situation but not qualify for emergency care services based on income guidelines and the client needs assessment questionnaire score. The Association of Retarded Citizens/Texas (ARC) and United Cerebral Palsy of Texas, Inc., noted that emergency care is available without regard to income or functional need only to verified priority group one protective services clients. These groups felt the rule was discriminatory because priority group one includes only individuals 65 years old and over who are abused or neglected and in immediate danger of death or serious physical harm. The Gray Panthers also encouraged revision of the eligibility criteria to include services to individuals under 65 years old.

Elderly protective services clients were given priority because of the department's mandate under the Human Resources Code, Chapter 48. Under the general authority of the Human Resources Code, Chapters 22 and 31, and the Social Security Act, Title XX, the rule has been reworded to provide emergency care to all adult protective services clients, regardless of age, who are in a verified life-threatening situation because of abuse or neglect.

The TNHA commented on §48.2921(c), questioning who is responsible for terminating services if DHR has not found a permanent care arrangement for an emergency care client before the approved service period is over. The TNHA felt DHR should be responsible for the placement of a client when he leaves the facility. Since the facility may not evict a client during the 30-day notification period, and DHR ceases reimbursement, the facility would be forced to assume a loss. The TNHA recommended that DHR reimburse the facility until the caseworker makes the appropriate arrangements to move the client.

This subsection has been reworded to indicate that the DHR caseworker terminates services. In addition, §48.9105(h), which requires 30 days' notice before eviction, has been revised so that it applies to only supervised living clients and not to emergency care clients. If an emergency care client cannot be placed in a permanent care arrangement within 15 days, the DHR caseworker must obtain the approval of his supervisor for an extension. The supervisor's review of the case is designed to ensure that the client is placed

in a permanent care arrangement within the maximum 45-day period

Girling and Associates commented on §48 5903, urging that the current demonstration project contracts be "grandfathered" through executive decision

The department disagrees, and the wording of the rule has not changed. The department will choose among all qualified contractors who meet the standards

The TNHA commented on §48 5905(a), noting that this subsection and §48 2920(c) do not clarify whether the department is limiting leave from the facility or limiting days of leave for which the department pays.

The rule has been reworded to clarify the reimbursement policy and to be consistent with the revised §48 2920(c)

The ARCIL commented on §48 5905(b), contending that a supervised living client will not be able to pay for reserving his space at the facility during a hospital stay and suggested that these clients be allowed to use personal leave time for hospital stays

If the client used personal leave time for hospital stays, the department would pay for supervised living services at the same time that the client might receive hospital benefits, resulting in a duplication of payment for services to the same client. The department agrees, however, that the client may have difficulty paying the daily rate to reserve his space. The rule has been reworded to limit the client's payment to no more than his co-payment amount

The TNHA commented on §48 9101(a) that the proposed rule about licensure for supervised living facilities is inconsistent with both the licensing requirements of the Texas Department of Health (TDH) and the Texas Health Facilities Commission's extension of the certificate of need for nursing home care. The TNHA recommended that licensed nursing homes be granted a waiver to provide supervised living services without securing a personal care home license

The department has changed the wording of the rule to require facilities to have either a personal care home or custodial care home license. After consulting with the Texas Department of Health, the department concluded that application of nursing home licensing standards in a supervised living setting was unnecessarily restrictive for supervised living clients. A facility licensed as a nursing home may obtain a personal care home license to provide supervised living services in a separate area of the facility. This is not inconsistent with the Texas Health Facilities Commission's extension of the certificate of need

Lutheran Social Services expressed concern that the TDH personal care home licensing standards are too stringent for compliance by many small providers and may favor nursing home providers. Both Girling and Associates and ARCIL requested clarification on which of the many Housing and Urban Development (HUD) regulations apply to congregate apartments and who will certify that a facility meets the regulations.

Facilities are required to have a personal care home or a custodial care home license because of Texas Civil Statutes Article 4442c, which governs the type of care provided in a supervised living facility. Facilities licensed under this statute do not need to be certified by HUD. The minimum licensing standards for personal care homes provide the flexibility to license a variety of settings for supervised living.

It should also be noted that the department and the Texas Department of Health are currently developing standards for small group homes (four to eight residents) as a part of the personal care home standards.

The ARCIL endorsed the requirement that facilities comply with the Rehabilitation Act of 1973, §504. It recommended that the department incorporate a transition plan for facilities to attain compliance with §504

The rule has been reworded to include a transition plan similar to one in the TDH personal care home standards.

Girling and Associates and the Texas Visiting Nurse Service (TVNS) commented on §48 9101(b). Both encouraged the use of apartments in which each client has his own bedroom

The department agrees that one client per bedroom is the ideal arrangement. One client per bedroom is not required as a minimum standard because the cost would be prohibitive for many providers.

Girling and Associates suggested that DHR pay for the three days that it requires a facility to hold a space for a new client, if the client does not move into the facility.

This rule was written for the benefit of the provider, to restrict clients from taking longer than three days to move in. The rule remains as proposed, and the department does not pay the facility to hold the space.

The TNHA and TVNS urged DHR to pay for the bed which is reserved for emergency care, whether occupied or not. The TNHA and TVNS asked if it was necessary to reserve another bed for emergency care if the one bed was occupied. They also questioned placing an emergency care client in a room with another client if the placement is not appropriate because of gender or incompatibility. The ARCIL suggested that smaller facilities should not have to reserve a bed for emergency care

Reserving one bed for emergency care has cost implications for the provider only if the facility is within one bed of being full. In this case, it is reasonable to require one bed to be reserved because the rate for supervised living and emergency care is based on 85% occupancy

If the one bed for emergency care is occupied or the space available is not appropriate for an emergency care client, it is not necessary to reserve another empty bed. To avoid this impression, the words "at all times" have been deleted from the rule. If the facility wants to be exempt from the requirement because it is a small facility, the bed has been vacant for several

months, or for any other reason, it may request a waiver through DHR regional channels, as indicated in the rule.

The TNHA asked whether separate areas for social/recreational activities and smoking are needed in addition to those for nursing home clients in dual facilities. It suggested that subsection (b)(7) be deleted and clients be allowed to co-mingle. Lutheran Social Services, however, opposed co-housing of supervised living and nursing home clients. It recommended free-standing facilities for supervised living and emergency care.

The department recognizes the rights of clients to co-mingle. The rule has been clarified to allow all residents of dual facilities to use the smoking area and the room for social/recreational activities. A separate bedroom area for supervised living and emergency care clients is still required for dual facilities.

The TNHA commented on §48 9102(a), recommending that "assistance as needed" replace "help" in the description of personal care and also that a simple check sheet be sufficient for documenting the checks made on clients for purposes of protective supervision. Girling and Associates felt that the description of social/recreational activities should not specify two activities per week.

The description of personal care is the same as that used for other community care services and remains as is. The department agrees that a simple check sheet is sufficient but sees no need to change the description of protective supervision, since it does not preclude the use of a simple check sheet. The description of social/recreational activities has been revised to specify "at least two activities per week."

Regarding the requirement in §48 9102(c) that the contracted agency must accept all of DHR's referrals, the TNHA suggested that the caseworker should include the client and the facility manager in the placement planning. This would ensure that the client visits the facility, the facility manager interviews the client, and there is mutual agreement regarding the placement. Girling and Associates suggested that the agency be required to accept referrals only on a space available basis. There may be situations where the available space is not appropriate for the client because of difference in gender or smoking/non-smoking preferences. Lutheran Social Services expressed similar concern.

The TNHA recommendation has been included in the casework procedures in the CCAD handbook. The suggestion from Girling and Associates has been incorporated in the rewording of the rule. In addition, to ensure appropriate client placement, the facility manager may request an additional review of a referral by a DHR supervisor if he feels the client's needs exceed the capability of the facility.

The TNHA was concerned that in certain circumstances, prior approval by the caseworker to terminate services to a client was not in the best interest of the client, other residents, or staff.

The rule has been reworded to allow an exception to the requirement that the facility obtain the caseworker's prior approval before evicting a client. Eviction differs from service termination, which is determined solely by DHR.

The TNHA commented on §48 9102(d) contending that the contracted agency should not be responsible for more than helping the client prepare for transfer or discharge.

This rule has been reworded to incorporate the suggestion.

Girling and Associates, Lutheran Social Services, ARCIL, and ARC/Texas commented on §48 9103, expressing concern that the minimum staff-client ratios were too low. Lutheran Social Services thought the ratios were appropriate only for nursing homes and recommended instead one to 10 during the day and one to 20 during the night, while ARC/Texas recommended one to eight for both shifts. The ARCIL stated that the staffing ratios could not meet the needs of the severely physically disabled.

The minimum staff-client ratios are based on client need and available funding. The ratios, however, are minimums. The facility may choose to exceed the staffing ratios, therefore, there has been no change to the rule.

Girling and Associates recommended a social worker at each site and suggested that the facility manager be required to have social work education or experience.

The department encourages providers to hire staff or consultants with social work experience, but the recommendation has not been incorporated in the rules. It should be noted, however, that the personal care home standards require that a full-time facility manager be qualified by training and experience.

The ARCIL objected to the language that employees must not have physical or mental disabilities that interfere with their ability to carry out their designated responsibilities and suggested instead that the language emphasize job performance.

The department agrees and has incorporated the wording recommended by ARCIL.

The TNHA commented on §48 9104, suggesting that staff training requirements be limited to direct client-care employees, excluding maintenance staff. Lutheran Social Services expressed general support for the training requirements.

The department agrees with TNHA and has clarified that training requirements apply to only direct client-care staff.

The ARCIL commented on §48 9105, suggesting a provision for clients to see their case folder and to challenge the inclusion of inaccurate information in the folder. The ARCIL also suggested that clients be allowed to participate in the development of their plan of care.

The rule has not been changed. Under the Open Records Act, clients have the right to see and challenge information in their case folder. Client participation in the development of the service plan is addressed in the CCAD handbook.

The TNHA recommended limiting the kinds of furnishings clients may bring with them to the facility.

The department agrees and has incorporated the wording suggested by TNHA.

The TNHA was concerned that the department might cease reimbursement before the 30 day notification period was over. The TNHA recommended deletion of the 30 day notification period or continued reimbursement to the facility during this period.

The rule has been reworded to clarify that the eviction notice is not required for emergency care clients whose approved service period is over. The 30 day eviction notice is required for supervised living clients, except in situations threatening the client or other individuals.

The TNHA asked what was meant by the term "plan of care" in 48.9107. It suggested facility staff and the client and his family be included in the development of the plan of care.

The plan of care is actually the service plan. The caseworker uses information from the client intake form to develop a service plan for each client. As stated earlier, the caseworker involves the client, his family, and facility staff in the development of the service plan. The rule has been revised to use the term "service plan" consistently.

The TNHA recommended that financial records be available for review only during normal working hours, not at all times.

The department agrees and has reworded the rule accordingly.

The TVNS urged the department to reimburse contracted agencies for "start up" costs.

The department recognizes the initial expenses incurred by a provider. The department, however, is unable to consider reimbursement for start up costs until the availability of funding has been determined. Nonprofit agencies, however, are eligible for advance payment based on bed capacity for the first 30 days of service.

Changes to the rules based on public comment necessitated editorial changes in other rules for the sake of consistency. Other wording changes have been made to these rules for clarification.

40 TAC 48.2920, 48.2921

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

§48.2920 Supervised Living Services

(a) Eligibility for supervised living is based on the following criteria:

(1) The applicant must be income eligible or Medicaid eligible (not in an institution),

(2) The applicant must score at least 40 points on the client needs assessment questionnaire, and

(3) The applicant's needs may not exceed the facility's capability to provide services.

(b) The client must contribute to the cost of supervised living services:

(1) The client keeps the following allowances each month and must contribute the remainder of his income toward the cost of his care:

(A) an allowance for personal expenses (\$70 for each client)

(B) an allowance for medical expenses (\$20 for Medicaid clients, \$80 for non-Medicaid clients)

(C) an allowance for meals if the facility does not provide meals (\$60 for each client)

(2) The department adjusts the allowances annually to accommodate cost of living increases.

(3) In no case may the client's contribution, when added to the department's payment, exceed the rate established for supervised living.

(c) The client is eligible for up to 10 consecutive days of personal leave and a total of 21 days of personal leave from the supervised living facility. This amount of leave is allowed during a six-month period, beginning on the date of the most recent assessment. The client is responsible for the full cost of care for any days of personal leave which exceed these limits. A client may lose his space in the facility if he does not pay for the cost of care for days of personal leave which exceed the limits. To reserve his space during hospital stays, the client must pay his co-payment or the facility's bed hold charge, whichever is lower. The department pays the difference if the co-payment amount is less than the bed hold charge.

§48.2921 Emergency Care Services

(a) Eligibility for emergency care is based on the following criteria:

(1) The applicant

(A) has been abused or neglected,

(B) has lost his home or caretaker,

(C) has been discharged from a hospital or institution, or

(D) is in a similar emergency situation.

(2) The applicant must meet one of the following income requirements:

(A) be income eligible or Medicaid eligible (not in an institution), or

(B) be an adult protective services client, without regard to income, who is in a verified life-threatening situation because of abuse or neglect.

(3) The applicant must demonstrate a need for service in one of the following ways:

(A) score at least 40 points on the client needs assessment questionnaire, or

(B) qualify as an adult protective services client, who is in a verified life-threatening situation because of abuse or neglect.

(4) The applicant's needs may not exceed the facility's capability to provide services.

(b) Emergency care clients are eligible for services for up to 15 days while CCAD staff seek a permanent care arrangement. If the client is not placed within the initial 15-day period, he is eligible to receive services for up to two 15-day extensions, for a total of 45 days.

(c) Emergency care services are terminated by the caseworker when the approved service period is over. The department redetermines client eligibility each time a request for services is made.

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 February 8, 1983

TRD-831046 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date March 1, 1983

Proposal publication date November 19, 1982

For further information, please call (512) 441-3355,
ext. 2037

Contracting for CCAD Services

40 TAC §48.5903

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

§48.5903. *Methods of Contracting* The three methods of contracting in the purchase of CCAD services are:

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

(3) Sole source procurement - Certain providers with specialized contracts (home-delivered meals, special services to handicapped adults, supervised living, and emergency care) which meet specific local needs and providers with contracts grandfathered through executive decision (congregate meals, homemaker and chore contracts grandfathered into family care) may renew their contracts if they meet service standards.

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 February 8, 1983

TRD-831049 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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Proposal publication date November 19, 1982

For further information, please call (512) 441-3355,
ext. 2037

40 TAC §48.5905, §48.5906

The following rules are adopted under the Human Resources Code, Title 2, Chapters 22 and 48, which authorizes the department to administer public assistance programs.

§48.5905. *Special Payments for Supervised Living Services*

(a) DHR reimburses the provider agency for up to 10 consecutive days of personal leave and a total of 21 days of personal leave within a six month period.

(b) The facility's bed hold charge for reserving a client's space during hospital stays may not exceed the maximum amount established by DHR, based on rate-setting data for shelter costs. If the client's co-payment amount is less than the bed hold charge, the department pays the difference.

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

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TRD 831047 Marlin W. Johnston
Commissioner
Texas Department of Human
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For further information, please call (512) 441-3355,
ext. 2037

Minimum Standards for Supervised Living

40 TAC §§48.9101-48.9107

The following rules are adopted under the Human Resources Code, Title 2, Chapters 22 and 48, which authorizes the department to administer public assistance programs

§48.9101. *Facility Requirements*

(a) The contracted agency must certify that the facilities used for supervised living services meet the appropriate facility standards to operate in the State of Texas, as follows:

(1) Facilities must have a personal care home license or custodial care home license.

(2) Facilities providing supervised living services must comply with the Rehabilitation Act of 1973, §504, as amended. Any existing facility which does not comply with §504 standards is given 60 days to comply with operational standards and six months for physical plant conformance. If additional time is needed for physical plant conformance, the provider agency must obtain permission from DHR.

(b) The contracted agency must:

(1) provide each client with a private or semi-private room;

(2) provide a minimum of 100 square feet of floor space per client in a bedroom occupied by one client;

(3) provide a minimum of 72 square feet of floor space per client in a bedroom occupied by two clients;

(4) reserve space for up to three days from the agreed upon entry date, for each referred client, before requesting another referral or placing a private-pay individual;

(5) reserve, at a minimum, space to serve one DHR emergency care client, unless a request for a waiver is granted,

(6) designate a separate bedroom area for supervised living and emergency care clients in dual facilities where nursing home clients are co-housed in the facility, and

(7) designate a smoking area and one room with at least 100 square feet of floor space for social/recreational activities. In dual facilities, these areas may be used by all residents.

§48.9102 Required Services

(a) The contracted agency must provide the following services:

(1) **Personal care.** Help with activities related to the care of the client's physical health: bathing, dressing, eating, exercising, grooming, routine hair and skin care, self-administered medication, toileting, and transfer/ambulation.

(2) **Housekeeping.** Help with activities related to cleaning that are essential to the client's health and comfort.

(3) **Social and recreational activities.** Organized activities which give clients the opportunity to interact with other people or which require physical exercise. Besides activities at the facility, publicity about activities elsewhere in the community and assistance with transportation to community activities are included in the definition of social and recreational activities. The contracted agency must provide at least two activities per week.

(4) **Transportation services.** Arranging for transportation or directly transporting clients to meet their basic needs for food, clothing, toiletries, medications, medical care, and any necessary therapy. Payment for public transportation is not included in the definition of transportation services.

(5) **Protective supervision.** Periodic visits or checks on a client during each eight-hour shift and other safeguards against loss, injury, or accident to ensure that the client is safe and well. The facility must document that the checks have been made.

(b) The contracted agency must provide board to all clients, unless a client desires to cook his own meals and kitchen facilities are available for his use. Meals must be prepared and served in accordance with the Texas Department of Health (TDH) minimum licensing standards for personal care homes.

(c) The contracted agency must:

(1) accept all of DHR's referrals if appropriate space is available. The contracted agency may request an additional review of the referral by the DHR caseworker's supervisor if, in the judgment of the facility manager, the client's needs exceed the capability of the facility;

(2) accept and provide services to emergency care clients;

(3) provide services according to the client's service plan; and

(4) obtain the approval of the DHR caseworker before evicting clients, except when the caseworker cannot be reached and the client's presence may endanger the health or safety of other individuals.

(d) The contracted agency must help the client to prepare for transfer or discharge.

§48.9103 Staffing Requirements

(a) The contracted agency must have a staff-client ratio of one to 20 during the day shift and one to 30 during the evening shift. During the night shift, at least one attendant must be awake and on duty.

(1) Private-pay residents must be included in calculating the staff-client ratios if the staff are providing services to the private-pay residents as well as DHR clients.

(2) If the facility manager, activity director, or kitchen staff are providing personal care services, protective supervision, and other services to the clients, then they may be included in calculating the staff-client ratio.

(b) The contracted agency must have, or contract for, a full-time manager who is responsible for:

(1) general management of the facility operation, maintenance, and staff;

(2) development of the facility plan of operation;

(3) development and maintenance of relationships with community entities necessary to carry out the plan of operation and the client's service plan; and

(4) supervision of record keeping and all administrative management functions.

(c) The contracted agency must have, or contract for, aides who are responsible for:

(1) protective supervision;

(2) personal care services;

(3) housekeeping and laundry services; and

(4) assistance with other daily needs of clients.

(d) All contracted agency employees must be at least 18 years old and be able to perform all aspects of the job as stated in the job description.

(e) The contracted agency must keep personnel records, including staff credentials, performance reports, attendance records, and documentation of staff development.

§48.9104 Provider Training Responsibilities

(a) The contracted agency must provide a minimum of 16 hours of initial training for each employee within the first three months of employment. The contracted agency must ensure that each direct client-care employee receives or has received training in the past in each of the following areas:

(1) specific responsibilities related to the job;

(2) service plan development and implementation;

(3) orientation to community resources;

(4) basic principles of human service needs;

(5) contracted agency purpose, functions, policies, procedures, and forms;

(6) department policies and functions related to the contracted services;

(7) client characteristics/needs; and

(8) safety and emergency procedures, including fire precautions and evacuation procedures.

(b) The contracted agency must provide a minimum of three hours of ongoing training to each direct client-care employee during each consecutive six-month period after the first three months of employment. The ongoing training includes, but is not limited to the following areas:

(1) basic nutritional needs;

- (2) activity and exercise for the elderly and handicapped;
- (3) client mobility;
- (4) special dietary needs;
- (5) reality orientation/remotivation;
- (6) death and dying;
- (7) safety and emergency procedures, including fire precautions and evacuation procedures; and
- (8) recreation needs.

§48.9105. Clients' Rights and Responsibilities.

(a) The contracted agency must inform the client in writing, before or at the time of admission, of his rights and responsibilities, all rules governing client conduct, and complaint procedures. If the contracted agency amends its policies on clients' rights and responsibilities, and its rules governing conduct, each client in the facility must be informed before the change becomes effective. A written copy of these policies must be given to the client to initial and then filed in the case folder.

(b) The contracted agency must inform DHR and the client in writing of all available services in the facility and of the charges for services not paid for by DHR or not included in the facility's basic daily rate. The agency must include in the information the facility's bed-hold policy and the rate for reserving a client's space during hospital stays. The agency must provide this information either before or at the time of admission and on a continuing basis as changes occur in services or charges during the client's stay.

(c) The contracted agency must collect fees from the clients according to the co-payment policies in §48.2920 of this title (relating to Supervised Living Services). The agency must send notices to clients, with a copy to the DHR caseworker, if fees are not paid on time.

(d) The contracted agency must allow the client to manage his personal financial affairs. The contracted agency may provide assistance to the client in managing his financial affairs only if the client requests assistance. In these circumstances, the following requirements apply:

(1) The client's request must be in writing.

(2) The facility must maintain a current, written financial record for each client that includes written receipts for:

(A) all personal possessions and funds received by or deposited with the facility, and

(B) all disbursements made to or for the client.

(3) The contracted agency must not require clients to perform services for the facility or other clients.

(e) The contracted agency must allow clients to bring with them, upon admission, basic furnishings for bedrooms and common living areas provided the following conditions are met:

(1) The provider agency must ensure that items brought by the clients:

(A) are acceptable to the facility manager and residents' council; and

(B) meet all Life Safety Code requirements.

(2) The client is responsible for the maintenance and repair of his own furnishings.

(f) The contracted agency must investigate complaints, problems, or deficiencies, and noncompliance with policies, procedures, and standards, which are

reported by the staff. The agency must investigate the situation within five working days from receipt of the report.

(g) The contracted agency must reserve a client's space during a hospital stay, as long as the client pays the bed-hold charge in accordance with §48.5905 of this title (relating to Special Payments for Supervised Living Services.).

(h) The contracted agency must have written eviction procedures and must fully inform the client of these procedures upon admission to the facility. The contracted agency must give a supervised living client 30 days' notice before eviction, except in situations threatening the health or safety of the client or other individuals. The notice requirement does not apply to emergency care clients whose approved service period is over.

§48.9106 Reporting and Notification Requirements.

(a) The contracted agency must report to DHR the following occurrences pertinent to client services by the next working day after they occur:

(1) serious occurrences involving facilities, clients, or staff, including hospitalization,

(2) emergencies involving clients; or

(3) deaths of clients.

(b) The contracted agency must notify the department, within three working days from the date of the occurrence, if the client exceeds the limits of personal leave.

§48.9107 Provider Records and Documentation.

(a) The contracted agency must maintain a case folder for each client. The agency must ensure that the case folder contains, at the minimum, the following information:

(1) name and phone number of the CCAD caseworker;

(2) admission data including family, medical, and social data that are relevant to the overall well-being of the client;

(3) copies of the client intake form, used for initial assessment and for reassessment, and any revisions to the service plan contained in that form;

(4) reports of activities that reflect how the service plan was implemented and dates;

(5) reports of critical incidents reflecting progress, degeneration, illness, or accidents that may be used in maintaining or revising the service plan, and dates;

(6) copies of written notification of critical incidents sent to or received from the department;

(7) accurate financial records of the client if assistance is provided in the management of his money;

(8) records of co-payments made by a client receiving supervised living services;

(9) data that reflects reasons for termination, discharge plans, referrals, and placements; and

(10) a record of the number of days the client was away from the facility for personal leave and hospitalization.

(b) The contracted agency staff must document opportunities they provide to clients to participate in social and recreational activities at the facility and to attend community activities.

(c) The contracted agency must maintain financial records based on recognized fiscal and accounting pro-

cedures. The contracted agency must have current records which clearly show to whom charges were made and for whom payments were received. The contracted agency must make financial records available for review by DHR, the Department of Health and Human Services, and the attorney general's office during normal working hours and without prior notice.

(d) The contracted agency is liable for monetary exceptions if the monthly claims/billings do not correspond with the contractor's financial records. The contracted agency must include in its financial records:

(1) copies of each complete billing submitted to the department for reimbursement;

(2) the entry amounts of each reimbursement made to the contracted agency, the source of reimbursement, and the date the reimbursement was received;

(3) information on the number of eligible clients and the number of units of service delivered to each client;

(4) information regarding the amount of fees collected on a monthly basis for each client. The contracted

agency must ensure that the information corresponds with each month's billing; and

(5) documentation to verify any transactions made on behalf of the client, if the contracted agency assumed management responsibilities of the client's money.

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 February 8, 1983.

TRD-831048

Marlin W. Johnston
Commissioner
Texas Department of Human
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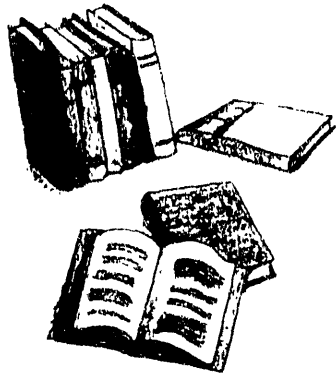
For further information, please call (512) 441-3355,
ext. 2037.

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



load size; waiver of experience requests, Victoria County; waiver of volunteers standard, Lamb County; statistical information; and date and site of the next meeting.

Contact: Virginia Grote, 812 San Antonio, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: February 9, 1983, 10:29 a.m.
TRD-831065

State Bar of Texas

Thursday, February 17, 1983, 9 a.m. The Executive-Budget Committee of the State Bar of Texas will meet in the President's Room, third floor, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will consider reports from the Texas Trial Lawyers Association, Dallas Bar Association, the president (on general and committee matters), executive director, president-elect, Supreme Court liaison member, immediate past president, and general counsel; IOLTA Task Force and bill, referendum, Legal Services Corporation and FTC jurisdiction, ABA House of Delegates, outside counsel, and legislative consultant; budgetary matters, including the 1981-1982 audit, 1982-1983 budget and amendments, and the 1983-1984 budget; citizens legal education

request for matching funds; report on the 1983 convention; discussion of proposed grant driving film concerning the Committee on Awareness of Lawyer Alcohol and Drug Abuse Problems co-sponsored by Houston Bar Association; and a report on a legislative package.

Contact: Evelyn Avent, P. O. Box 12487, Austin, Texas 78711, (512) 475-4746.

Filed: February 9, 1983, 3:13 p.m.
TRD-831092

East Texas State University

Friday, February 18, 1983. Committees of the Board of Regents and the full board of East Texas State University will meet in the Lancers Club, LTV Tower, 1525 Elm Street, Dallas. Times, committees, and agendas follow.

9 a.m. The Academic Program Committee will consider approval of the spring 1983 undersized class and faculty workload reports for East Texas State University in Commerce and Texarkana; proposed new admission requirements for East Texas State University at Texarkana; faculty evaluation procedure; and a new major in political science with emphasis in legal assistant studies.

Texas Adult Probation Commission

Friday, February 18, 1983, 9 a.m. The Texas Adult Probation Commission will meet in the conference room, Suite 400, 812 San Antonio, Austin. Items on the agenda summary include introduction of guests; minutes; financial, program services, executive director, audit review committee, and fiscal year 1982 probation department collections reports; fiscal year 1982 state funds distributed to judicial district adult probation departments; special program funding and supplemental funding awards in operation in fiscal year 1983; fiscal year 1983 available funds; supplemental/special program funding; intensive supervision program; budget adjustments; waivers of case-

9 a.m. The Finance and Investment Committee will consider authorization to make additions and transactions to the 1982-1983 budgets of East Texas State University in Commerce and Texarkana, delegation of authority to approve residence hall fees at East Texas State University at Commerce for fiscal year 1984, and approval of the summer faculty budget for East Texas State University at Commerce and the summer budget for East Texas State University at Texarkana.

10 a.m. The Executive Committee will consider appointment of the president of East Texas State University at Commerce, approval of the policy on assumption of presidential responsibilities, and the policy on evaluation of nonacademic administrators, and consideration of establishing a separate Foundation for East Texas State University at Texarkana.

10:30 a.m. The Board of Regents will consider the president's report, annual appointment of the president, approval of various policies, including assumption of presidential responsibilities, evaluation of nonacademic administrators, architect selection procedure, and faculty evaluation procedure; authorization to make additions and transactions to the budgets, delegation of authority to committees on certain matters, including residence hall fees and a TV cable contract, approval of the summer salary budgets; ratification of the contract for the renovation project, establishment of budget and certification of sufficiency of funds for a library addition and renovation of the social science building, approval of undersized class reports and faculty workload reports; approval of new admission requirements for the Texarkana campus, approval of a new major in political science, discussion of certain matters relating to the foundation; and old business. The board will also meet in executive session.

Contact: Joseph L. Womack, East Texas State University, Commerce, Texas 75428, (214) 886-5539

Filed: February 9, 1983, 9:06 a.m.
TRD-831059-831062

Texas Education Agency

Saturday, February 12, 1983, 8:30 a.m. The State Board of Education of the Texas Education Agency made an emergency addition to the agenda of a meeting held in the board room, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. The addition concerned the ap-

pointment of a trustee for the Randolph Field Independent School District. The emergency status was necessary because the information was not received in time for inclusion with the original open meeting notice submission.

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

Filed: February 8, 1983, 11:52 a.m.
TRD-831035

Committees of the Texas Education Agency will meet in Room 100, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. The days, times, committees, and agendas follow.

Monday, February 21, 1983, 9:30 a.m. The State Board of Education Public School Professional Personnel Advisory Committee will review the State Board of Education finance study legislative status of school finance issues, review vocational study, House Concurrent Resolution 23, and discuss recommendations, report on the Commission on Standards for the Teaching Profession, textbook selection process, and 68 Legislature legislation pending.

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

Filed: February 8, 1983, 2:55 p.m.
TRD-831042

Friday, March 4, 1983, 9 a.m. The State Board of Education Public School Boards for Trustees Advisory Committee will review the State Board of Education finance study legislative status of school finance issues, review vocational study, House Concurrent Resolution 23, and discuss recommendations, report on the Commission on Standards for the Teaching Profession, textbook selection process, and 68 Legislature legislation pending.

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

Filed: February 8, 1983, 2:55 p.m.
TRD-831043

Office of the Governor

Saturday, February 12, 1983, 9 a.m. The Task Force on Emergency Jobs and Unemployment Trust Fund of the Office of the Governor met in emergency session on the eighth floor, IBI Building library, Austin. Items on the agenda included discussion of a proposed plan of action. The emergency status was necessary because the organiza-

tion meeting was required immediately due to the severe unemployment situation.

Contact: Elvis Mason, P.O. Box 83301, Dallas, Texas 75283, (214) 744-8666

Filed: February 10, 1983, 9:19 a.m.
TRD-831106

Friday, February 18, 1983, 9 a.m. The Technical Subcommittee of the Governor's Select Committee on Water Quality Standards for Lake Travis and Lake Austin of the Office of the Governor will meet at 3700 Lake Austin Boulevard, Austin. Items on the agenda include a proposal concerning water quality standards for Lake Travis and Lake Austin in Travis County.

Contact: John M. Scanlan, 602 West 11th Street, Austin, Texas, (512) 478-4651

Filed: February 9, 1983, 2:43 p.m.
TRD-831089

Thursday, March 10, 1983, 9 a.m. The Governor's Commission on Physical Fitness of the Office of the Governor will meet in the Amarillo Room, Ramada Inn Capitol, Austin. Items on the agenda include the director's report, employee health fitness conference review, consideration of budget recommendations for fiscal year 1983 and 1984-1985, endorsement of ongoing programs, including those with AHA through fiscal year 1985, proposed contracts with foundation, and with interagency (Texas Department on Aging and Texas Department of Health), election of board officers, report on physical fitness and sports month, and legislative reports.

Contact: Albert A. Rooker, 4200 North Lamar, #110, Austin, Texas 78756, (512) 475-6718

Filed: February 9, 1983, 10:25 a.m.
TRD-831070

Texas Health Facilities Commission

Friday, February 18, 1983, 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:

Notices of Intent to Acquire Existing Health Care Facilities

MGH Medical, Inc., Louisville,
Kentucky
AH82-1213-265

Four Seasons Nursing Centers, Inc.
Oklahoma City, Oklahoma
AN83 0111 020

Notice of Intent to Acquire Major Medical Equipment
P.V. Patel, M.D., Midland
AO82 1231 311

Applications for Declaratory Ruling
Ripley House Community Health Center,
Harris County Hospital District,
Houston
AO83 0111 022
DePelchin Lath Home, Bayou Place,
Houston
AN83 0106 006

Application for Amendment of Certificate of Need
St. Mary's Hospital, Galveston
AH81 0423 007A(011083)

A business meeting will be held after the open meeting

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

Filed: February 9, 1983, 9:30 a.m.
TRD 831063



State Board of Insurance

Wednesday, February 16, 1983, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider adoption of amendments to Rules 059 01 15 221 (7 TexReg 4368), 059 01 15 222 (7 TexReg 4368), 059 01 11 001-002 (7 TexReg 4537), 059 14 38 017, 018, 021 026 (7 TexReg 3406), 059 14 38 030 (7 TexReg 3414), new Rules 059 01 11 021 022 (7 TexReg 4538), 059 50 40 041 (7 TexReg 4539), 059 21 01 031 (7 TexReg 3660), repeal of Rules 059 01 24 002 (7 TexReg 3313), 059 17 25 001 and 003 (7 TexReg 4302), proposed new Rules 059 05 08 011-012, 059 04 07 011 016, repeal of Rules 059 21 21 004, 006, and 007, 059 05 08 001-005, 059 21 49 002, 059.21

49 003 and 005, 059 21 49 004, 059 04 07 001 004, and discuss Rule 059 21 49 006

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

Filed: February 8, 1983, 2:55 p.m.
TRD 831044

Lamar University

Wednesday, February 16, 1983, 9:30 a.m.

The Board of Regents of Lamar University will meet in the board room, Plummer Administration Building, Lamar University, Beaumont. Items on the agenda include approval of the December 8, 1982, January 31, 1983, minutes, president's reports on Building Committee recommendations for bids received on track renovations, Phase I of central campus development, Inn parking, physical plant offices, roof of bookstore, dining hall air conditioner, approval of development leaves during 1983-1984, approval of academic programs for branches, approval of monthly financial reports for November and December, review of annual budget of the John F. Gray Institute, review of student housing policy, and approval of policy appointing academic department heads and energy conservation policy. The board will also meet in executive session.

Contact: Andrew F. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-8404

Filed: February 8, 1983, 11:56 a.m.
TRD-831036

Texas Department of Mental Health and Mental Retardation

Thursday, February 17, 1983, 8:30 a.m. The Texas Board of Mental Health and Mental Retardation Business Committee of the Texas Department of Mental Health and Mental Retardation will meet in the central office auditorium, Room 164, 909 West 45th Street, Austin. According to the agenda, the committee will consider the central transfer of funds and the quarterly budget additions and revisions.

Contact: Gary F. Miller, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 454-3761.

Filed: February 9, 1983, 3:55 p.m.
TRD 831098

Thursday, February 17, 1983, 10 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the central office auditorium, Room 164, 909 West 45th Street, Austin. Items on the agenda include approval of the January 28, 1983 minutes, the commissioner's calendar, announcements, status reports, including the commissioner's monthly report, a report on community residential programs for the mentally ill and mentally retarded, a report from East Texas Round Table, a report on energy conservation department legislative program, pilot dental care program for the institutionalized alcohol substance abuse clients, request for a community mental health and mental retardation center in Johnson County, other reports, transfer of funds in the central office, the quarterly budget additions and revisions, adoption of revised directive on internal audit, review of the executive summary of long range needs assessment and information transmittal, citizen's comments, and the status of pending or contemplated litigation.

Contact: Gary F. Miller, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 454-3761

Filed: February 9, 1983, 3:55 p.m.
TRD 831099

State Board of Morticians

Tuesday and Wednesday, February 22 and 23, 1983, 8 a.m. daily. The State Board of Morticians will conduct embalmer practical examinations at the following locations.

Holiday Inn, 1401 South University, Fort Worth

Americana Hotel, 3301 Southwest Freeway, Houston

Roy Akers Funeral Chapels, 515 North Main, San Antonio

North Park Inn, 9300 North Central Expressway, Dallas

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: February 9, 1983, 10:21 a.m.
TRD-831071 831074

Texas Optometry Board

Thursday, February 17, 1983, 8:30 a.m. The Texas Optometry Board will meet in the Wyndham Hotel, Dallas. According to the agenda summary, a special meeting of the Texas Optometry Board will be held following a meeting of all committees at 8 a.m.,

Texas Register

to discuss old business of advertising by Pearle Vision Center and National Board Examination) to hear reports of the Secretary, Treasurer, Legal Counsel, Executive Director, and all committees. An executive session will be held during the meeting in compliance with the Open Meetings Act, Article 6252-17, 32(c), to discuss contemplated and pending litigation with the board attorney. On the previous day, February 16, the Rules Committee will meet at the same location at 2:30 p.m., and the board will hold a grading session at 8 p.m. on that same day.

Contact: Lois Ewald, 1300 East Anderson Lane, Suite C-240, Austin, Texas 78752, (512) 835-1938

Filed: February 8, 1983, 1:32 p.m.
TRD-831040

Board of Pardons and Paroles

Tuesday-Friday, February 22-25, 1983, 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 the agency, and take action upon gubernatorial directives.

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

Filed: February 9, 1983, 1:39 p.m.
TRD-831087

State Pension Review Board

Wednesday, February 16, 1983, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board submitted an emergency revised agenda to a rescheduled meeting to be held in Senator Traeger's office, Room G-35 B, State Capitol, Austin. According to the revised agenda, the committee will discuss upcoming legislation. The meeting is rescheduled from February 15, 1983, due to another legislative committee meeting.

Contact: Benette Meadows, P.O. Box 13498, Austin, Texas 78711, (512) 475-8332

Filed: February 9, 1983, 10:37 a.m.
TRD-831075

Wednesday, February 23, 1983, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board rescheduled a meeting to be held in Room G-35 B, Senator Traeger's office, State Capitol, Austin. According to the agenda, the committee will discuss upcoming legislation. The meeting was originally scheduled for February 22, 1983.

Contact: Benette Meadows, P.O. Box 13498, Austin, Texas 78711, (512) 475-8332

Filed: February 9, 1983, 10:36 a.m.
TRD-831076

Public Utility Commission of Texas

Thursday, February 10, 1983, 9 a.m. The Public Utility Commission of Texas made an emergency addition to the agenda of a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned a motion filed in Docket 3896 - application of Texland Electric Company for a certificate of convenience and necessity for Texland generating units 1, 2, and 3. The emergency status was necessary because deadlines set by a prior order are approaching and must be changed.

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

Filed: February 9, 1983, 10:21 a.m.
TRD-831077

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

Thursday, February 17, 1983, 3:30 p.m. A prehearing conference in Docket 4—application of Briarcliff Utilities, Inc., for authority to change rates for water service within Travis County.

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

Filed: February 8, 1983, 2:42 p.m.
TRD-831041

Tuesday, February 22, 1983, 10 a.m. A hearing on the merits in Docket 4812—application of HHM Corporation for a certificate of convenience and necessity within Chambers County, and Docket 4823—ap-

plication of Chuck Thomas and Associates to purchase the HHM Corporation.

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

Filed: February 10, 1983, 9:17 a.m.
TRD-831102

Monday, April 25, 1983, 10 a.m. A hearing in Docket 4525—petition of Ideal Village Development Cooperative of Austin for amendments to the certificates of convenience and necessity of Southwestern Bell Telephone Company and General Telephone Company of the Southwest within Hays County.

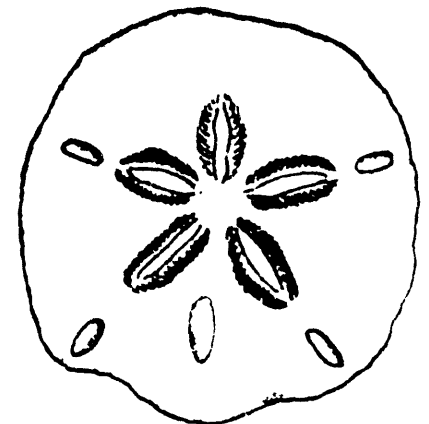
Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: February 8, 1983, 10:30 a.m.
TRD-831031

Tuesday, May 24, 1983, 10 a.m. A hearing in Docket 4675—application of Hill County Water Supply Corporation for a certificate of convenience and necessity within Travis and Hays Counties.

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

Filed: February 8, 1983, 10:34 a.m.
TRD-831032



Texas Water Commission

The Texas Water Commission will conduct public hearings in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Thursday, March 10, 1983, 10 a.m. In Room 118, the commission will consider the petition for creation of Montgomery County Municipal Utility District 47 containing 1099.466 acres of land.

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

Filed: February 9, 1983, 11:27 a.m.
TRD 831081

Thursday, March 17, 1983, 10 a.m. In Room 124A, the commission will consider the application by Rambo Club, Inc., for a permit to impound 830 acre feet of water for recreational purposes in an existing reservoir on Catfish Creek, tributary of Trinity River, Trinity River Basin, Henderson County, Athens.

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

Filed: February 9, 1983, 3:21 p.m.
TRD 831093

Friday, March 18, 1983, 10 a.m. In Room 119, the commission will consider the application by Ralac, Inc., for a permit to divert 1,500 acre feet of water per year directly from East Caranchuhua Creek, tributary of Caranchuhua Creek, tributary of Caranchuhua Bay, tributary of Matagorda Bay, in the Colorado Lavaca Coastal Basin for irrigation purposes in Jackson and Matagorda Counties, southwest of Bay City, Texas.

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

Filed: February 9, 1983, 3:22 p.m.
TRD 831094

Friday, March 18, 1983, 10 a.m. In Room 119, the commission will consider Application 4314 of Tonkawa Springs Home Owners Association for a permit to authorize an existing dam and reservoir on Dry Fork Brushy Creek, tributary of Brushy Creek, tributary of San Gabriel River, tributary of Little River, tributary of Brazos River, Brazos River Basin, for recreational purposes in Williamson County.

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

Filed: February 9, 1983, 11:28 a.m.
TRD 831082

Wednesday, March 23, 1983, 10 a.m. In Room 124A, the commission will consider an application by the City of Amarillo for an amendment to Permit 2010 to authorize the use of a 5,122 acre-foot capacity reservoir (Lake Bivins), located on Palo Duro Creek, tributary of Prairie Dog Town Fork

Red River, tributary of Red River, Red River Basin, in Randall County for municipal purposes.

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

Filed: February 9, 1983, 3:22 p.m.
TRD 831095

Wednesday, March 23, 1983, 10 a.m. In Room 124A, the commission will consider an application by Ethel E. Musselman, individually and as joint trustee, and John A. Musselman, joint trustee, for a permit to divert and use 18 acre feet of water per annum from McKinney Bayou, tributary of Red River, Red River Basin, in Bowie County for irrigation purposes.

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

Filed: February 9, 1983, 3:21 p.m.
TRD 831096

Thursday, March 24, 1983, 10 a.m. In Room 618, the commission will consider Application 4315 of F. T. Buchel for a permit to authorize the diversion and use of not to exceed 80 acre feet of water per annum from the Guadalupe River, Guadalupe River Basin, for irrigation purposes in DeWitt County.

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

Filed: February 9, 1983, 11:28 a.m.
TRD-831083

Thursday, March 24, 1983, 10 a.m. In Room 618, the commission will consider Application 3677B of Guadalupe-Blanco River Authority for an amendment to Permit 3400, as amended, to authorize the diversion and use for municipal purposes of an additional 1,300 acre feet of water per year with water to be diverted from the San Marcos River, Guadalupe River Basin, in Caldwell County.

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

Filed: February 9, 1983, 11:28 a.m.
TRD-831084

Tuesday, March 29, 1983, 10 a.m. In Room 118, the commission will consider the adjudication of claims of water rights in the Little River segment of the Brazos River Basin, for consideration of application for rehearings to the final determination.

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

Filed: February 9, 1983, 11:27 a.m.
TRD-831085

Texas Department of Water Resources

Thursday, February 17, 1983, 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 the minutes, the development fund manager's report, the cession to the City of Alba's loan commitment, allowing the City of Marlin to refund all or a portion of the \$1,175,000 Certificates of Obligation purchased by the board in December, 1982, joining the Franklin County Water District to amend the diversion rate, financial assistance to the City of Cooper and Muenster Water District, the EPA contract regarding planned removal activities under CERCLA at Geneva Industries, final adoption of the board rules in Chapter 319 concerning the Water Well Driller's Act, Chapter 335 relating to industrial solid waste, and Chapter 341 relating to consolidated permitting requirements, and §§335.101-355.108 concerning water conservation, water quality, and water development planning and research and flood control planning fund, and will be briefed on the status of the water planning activities.

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

Filed: February 9, 1983, 11:26 a.m.
TRD-831086

Regional Agencies

Meetings Filed February 8

The Atascosa County Appraisal District, Board of Directors, met in emergency session at 1010 Zanderson, Jourdanton, on February 11, 1983, at 1:30 p.m. Information may be obtained from Eula M. Cunnell, 1010 Zanderson, Jourdanton, Texas 78026.

The Callahan County Appraisal District, Board, will meet in the courtroom, Callahan County Courthouse, Baird, on February 15, 1983, at 7 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 1055, Baird, Texas 79504.

The Region I Education Service Center, Board of Directors, met in emergency session at 1900 West Schumor, Edinburg, on February 8, 1983, at 6 p.m. Information may be obtained from Eauto R. Guerra, 1900 West Schumor, Edinburg, Texas 78539, (512) 383-5611, ext. 210.

Texas Register

The Region XVI Education Service Center, Board of Directors, will meet in the Petroleum Room, Amarillo Club, American National Bank Building, Amarillo, on February 17, 1983, at 12:45 p.m. Information may be obtained from Dr. Kenneth M. Laycock, P.O. Box 30600, Amarillo, Texas 79120.

The Gonzales County Appraisal District, Board of Review, will meet in Suite 201, 508 St. Louis Street, Gonzales Bank Building, Gonzales, on February 17, 1983, at 6:30 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hockley County Appraisal District, Board of Directors, will meet in the board room, 913 Austin, Levelland, on February 21, 1983, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, Paris, on February 14, 1983, at 3 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lampasas County Appraisal District met at 403 East Second Street, Lampasas, on February 11, 1983, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Middle Rio Grande Development Council, Regional Alcoholism Advisory Committee, will meet at city council chambers, Uvalde, on February 16, 1983, at 2 p.m. Information may be obtained from Ramon S. Johnston, Del Rio National Bank Building, Room 307, Del Rio, Texas 78840, (512) 774-3878.

The Palo Pinto Appraisal District, Board of Directors, met at 603 South Oak, Mineral Wells, on February 10, 1983, at 7 p.m. Information may be obtained from Ruth Henderson, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.

The Wood County Appraisal District, Appraisal Review Board, met in emergency session in the conference room, 217 North Main Street, Quitman, on February 8, 1983, at 2 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783.

TRD-831030

Meetings Filed February 9

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees Executive Committee, will meet in Room 114, 1430 Collier Street, Austin, on February 18, 1983, at noon. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 27.

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 1011 East Avenue A, Copperas Cove, on February 17, 1983, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503.

The Grayson County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Grayson County Courthouse, Sherman, on February 16, 1983, at noon. Information may be obtained from Rita Neill, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on February 17, 1983, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The Jasper County Appraisal District, Board of Directors, will meet at the Evadale Independent School District Administration Building, Evadale, on February 17, 1983, at 7 p.m. Information may be obtained from R. C. Hyden, P.O. Box 490, Buna, Texas, (713) 994-3818.

The Palo Pinto Appraisal District, Board of Review, met in emergency session at 603 South Oak, Mineral Wells, on February 10, 1983, at 4 p.m. Information may be obtained from Ruth Henderson, 603 South Oak, Mineral Wells, Texas 76067.

The South Plains Association of Governments, Executive Committee, will meet at 1709 26th Street, Lubbock, on February 15, 1983, at 9 a.m. and the Board of Directors will meet at the same location on the same day at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721.

The Trinity River Authority of Texas, Utility Services Committee will meet at TRA's Lake Livingston Dam and Reservoir, FM

Road 1988, Livingston, on February 15, 1983, at 2:30 p.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Upshur County Appraisal District, Board of Directors, will meet at the appraisal district office, Warren and Trinity Streets, Gilmer, on February 17, 1983, at 7 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

The Wheeler County Appraisal District made an emergency addition to the agenda of a meeting held at the district's office, courthouse square, Wheeler, on February 11, 1983, at 2 p.m. Information may be obtained from Marilyn Copeland, Box 349, Wheeler, Texas 79096, (806) 826-5900.

The Wood County Appraisal District, Board of Directors, will meet in the conference room, at 217 North Main, Quitman, on February 17, 1983, at 1:30 p.m. Information may be obtained from W. Carson Wages, 217 North Main, Quitman, Texas 75783, (214) 763-4946.

TRD-831078

Meetings Filed February 10

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main Street, Cleburne, on February 23, 1983, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Region II Education Service Center, Board of Directors, will meet in the administrative conference room, 209 North Water, Corpus Christi, on February 22, 1983, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78401-2599, (512) 883-9288.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on February 17, 1983, at 9 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas, (915) 823-2422.

TRD-831103

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 February 1-4, 1983.

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.

Georgia Pacific Corporation, Daingerfield; asphalt roll roofing line; Farm Road 130; 9280; new source

TXO Production Corporation, Girvin; gas compressor; (location not available); 9281; modification

All Minerals Corporation, Channelview; hematite and barite processing plant; 1930 Sheldon Road; 9282; new source

Issued in Austin, Texas, on February 7, 1983.

TRD-831079 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: February 9, 1983
For further information, please call (512) 451-5711,
ext. 354.

Coordinating Board, Texas College and University System Public Meeting

This meeting is not subject to Texas Civil Statutes, Article 6252-17. The Advisory Committee of the Higher Education Insurance Program will meet on Tuesday, February 15, 1983, at 1:30 p.m. in Room 255, Bevington A. Reed Building, 200 East Riverside Drive, Austin.

Agenda items to be discussed are consideration of research group recommendations on the definition of a retiree, basic coverage standards, a survey of private industry, and leave without pay; a discussion on recent developments in the Higher Education Insurance Program; and the chairman's report.

Additional information may be obtained from James McWhorter, Executive Secretary to the Administrative Council, P.O. Box 12788, Austin, Texas 78711, (512) 475-2033.

Issued in Austin, Texas, on February 4, 1983.

TRD-831012 James McWhorter
Executive Secretary to the
Administrative Council
Coordinating Board, Texas
College and University System

Filed: February 7, 1983
For further information, please call (512) 475-2033.

Texas Employment Commission Correction of Error

The February 4, 1983, issue of the *Texas Register* contained an error as submitted in a notice of a Texas Employment Commission public hearing. The purpose of the meeting should read: "The purpose of the meeting is to elicit public input as to measures which the com-

mission should consider undertaking to minimize the incidence of fraud with respect to any program formally adopted by the commissioners of the Texas Employment Commission providing for the taking of initial claims for unemployment insurance by mail."

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.

Surgimedical Care Systems, Inc.,
doing business as Surgimed Care Center,
Dickinson
AO81-0616-016A(020483)
CN/AMD—Request to extend the completion
deadline from March 5, 1983, to December 5, 1983,

in Certificate of Need AO81-0616-016 which authorized the construction and operation of a 12,000 square foot free-standing outpatient surgical facility in Dickinson.

Issued in Austin, Texas, on February 9, 1983.

TRD-831064 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: February 9, 1983

For further information, please call (512) 475-6940.

Texas Department of Human Resources Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources furnishes this notice of the contract award. The consultant proposal request was published in the November 2, 1982, issue of the *Texas Register* (7 TexReg 3903).

Description of Service. The Texas Department of Human Resources is contracting with Arthur Andersen & Co. to support publication of a request for quotation in support of Project WEI.NET and to assist agency staff in initial implementation planning efforts.

Contractor. The contract has been awarded to Arthur Andersen & Co., Suite 2000, 221 West Sixth Street, Austin, Texas 78701.

Total Value. The total value of the contract is a maximum of \$50,000 to be billed based on actual hours worked.

Report Dates. A final summary report is to be prepared by September 15, 1983. Interim reports are as follows: March 1, 1983—recommendations regarding RFQ specifications; May 31, 1983—recommendations regarding the Project WELNET Implementation Plan and the Data Communications and Network Management Plan.

Issued in Austin, Texas, on February 7, 1983.

TRD-831015 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: February 7, 1983

For further information, please call (512) 441-3355,
ext. 2037.

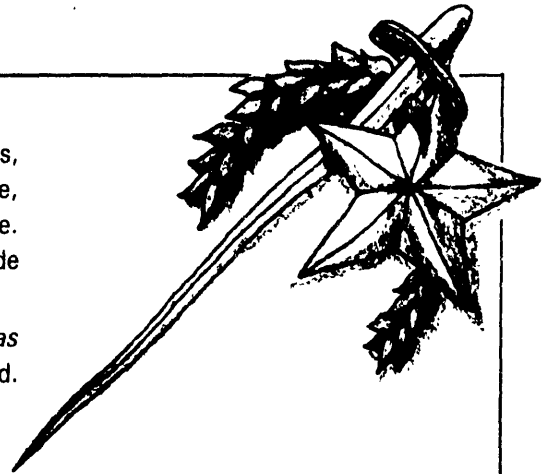
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