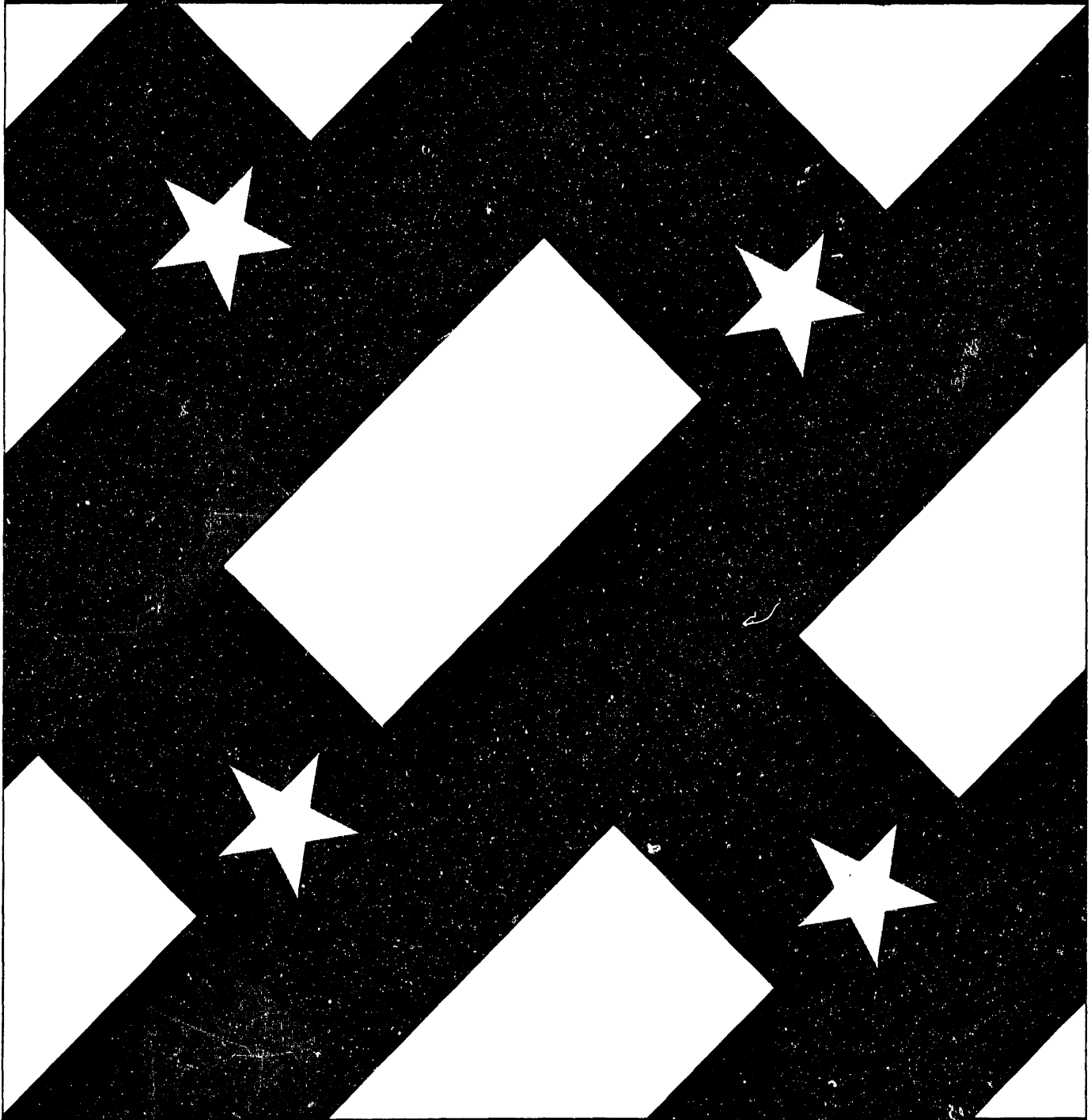


# Texas Register

Volume 9, Number 16, March 2, 1984

Pages 1235 - 1308



## Highlights

The Texas Commission on Law Enforcement Officer Standards and Education proposes amendments concerning substantive rules. Earliest possible date of adoption - April 2 page 1252

The Commission on Jail Standards proposes amendments in chapters concerning new and

existing construction rules. Earliest possible date of adoption - April 2 page 1254

The Texas Department of Health adopts new sections concerning special senses and communication disorders. Effective date - March 14 page 1263

**Office of  
the Secretary  
of State**

# How To Use the Texas Register

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P O Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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

Governor—appointments, executive orders, and proclamations

Secretary of State—summaries of opinions based on election laws

State Ethics Advisory Commission—summaries of requests for opinions and opinions

Attorney General—summaries of requests for opinions, opinions, and open records decisions

Emergency Rules—rules adopted by state agencies on an emergency basis

Proposed Rules—rules proposed for adoption

Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Rules—rules adopted following a 30-day public comment period

Open Meetings—notices of open meetings

In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402

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

**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).

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Latest Texas Code Reporter  
(Master Transmittal Sheet) No 10, December 1982

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1306 Office Relocations and Hearings

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

# The Governor

## Appointment Made February 15

### Coordinating Board, Texas College and University System

To be vice-chairman for a term to continue at the pleasure of this governor:

Harvey M. Weil  
P.O. Box 2446  
Corpus Christi, Texas 78403

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

TRD-842284      Mark White  
Governor of Texas

## Appointments Made February 16

### Low-Level Radioactive Waste Disposal Authority

For a term to expire February 1, 1989:

John E. Simek  
2205 Wayside  
Bryan, Texas 77801

Mr. Simek is being reappointed.

Issued in Austin, Texas, on February 16, 1984.

TRD-842285      Mark White  
Governor of Texas

## Texas Cosmetology Commission

For a term to expire December 31, 1989:

James R. Tarter  
2516 Bonham  
Odessa, Texas 79761

Dr. Tarter is replacing James A. McMullen III of Fort Worth, whose term expired.

Issued in Austin, Texas, on February 16, 1984.

TRD-842286      Mark White  
Governor of Texas

## State Purchasing and General Services Commission

To be chairman for a term to serve at the pleasure of this governor:

James Richard Collier  
5527 Theall  
Houston, Texas 77066

Mr. Collier is replacing Michael O. Prigmore of Pampa.

Issued in Austin, Texas, on February 16, 1984.

TRD-842287      Mark White  
Governor of Texas

## Appointments Made February 17

### Interstate Oil Compact Commission

To the Energy Resources Committee for terms to continue at the pleasure of this governor:

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Issued in Austin, Texas, on February 17, 1984.

TRD-842288

Mark White  
Governor of Texas

# The Attorney General

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

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

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

## Request for Opinion

**RQ-288.** Request from Jim Boyle, public counsel, Office of Public Utility Counsel, Austin, concerning whether the bonding date for a Southwestern Bell rate increase request before the Public Utility Commission of Texas is governed by an amendment effective September 1, 1983, or prior law.  
TRD-842188

## Opinions

**JM-125 (RQ-106).** Request from Margaret Moore, Travis County attorney, Austin, concerning the constitutionality of rules of the Texas State Board of Medical Examiners relating to acupuncturists.

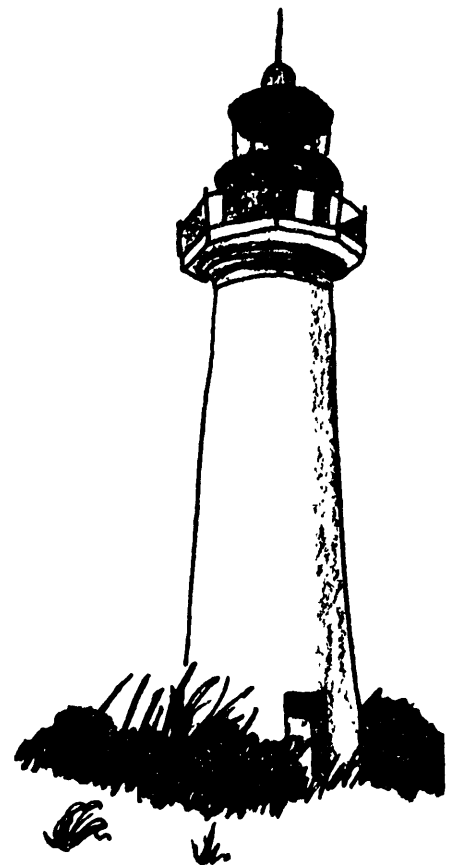
**Summary of Opinion.** Four specific Texas State Board of Medical Examiners regulations, concerning acupuncture, 22 TAC §183.4(c) and §183.5, the last sentence of §183.6(a), and the first sentence of §183.7, are in violation of the 14th amendment of the United States Constitution because there is no rational relationship between them and the protection of the public health.  
TRD-842189

**JM-126 (RQ-220).** Request from W. G. Kirklín, chairman, Texas Health Facilities Commission, Austin, concerning the eligibility of an individual to serve on the Texas Health Facilities Commission.

**Summary of Opinion.** An individual's limited, nonmanagerial, "abstract" community property interest in one-half of her husband's salary does not disqualify her from serving on the Texas Health Facilities Commission.  
TRD-842282

**JM-127 (RQ-288).** Request from Jim Boyle, public counsel, Office of Public Utility Counsel, Austin, concerning whether the bonding date for the Southwestern Bell rate request before the Public Utility Commission of Texas is governed by amendment effective September 1, 1983, or prior law.

**Summary of Opinion.** The Public Utility Regulation Act (PURA), §43(a), dictates what constitutes a valid statement of intent. Bell's filing of June 24, 1983, was materially deficient and therefore invalid. Bell's filing was not substantially complete until October 19, 1983, and the version of the PURA in effect on that date controls the bonding date.  
TRD-842283



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.

# Proposed Rules



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

### Chapter 233. Education Operation of a Vocational Nursing Program

#### 22 TAC §233.22

The Board of Vocational Nurse Examiners proposes an amendment to §233.22, concerning operation of

a vocational nursing program. The proposed amendment is made to increase the availability of faculty members with clinical experience for outlying areas.

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

Ms. Hammer also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that schools of vocational nursing will have a wider area of faculty member applicants from which to select. 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 Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

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

**§233.22. Instructors.** Instructors shall be nurses licensed to practice in the State of Texas. Instructors shall have at least **two** [three] years of varied nursing experience since graduation and shall have been actively employed in nursing for the past one year. Instructors shall submit instructor qualification forms to the board office. Instructors shall have no other hospital responsibilities but the

program. Instructors shall be responsible for supervision of all initial nursing procedures [including administration of medications] in the clinical area and ascertain that the student is competent before he or she is allowed to perform a nursing procedure independently.

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 21, 1984

TRD-842191      Joyce A. Hammer  
Executive Director  
Board of Vocational Nurse  
Examiners

Earliest possible date of adoption  
April 2, 1984

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

## Chapter 235. Licensing Application for Licensure

### 22 TAC §235.15

The Board of Vocational Nurse Examiners proposes an amendment to §235.15, concerning application for licensure. The proposed amendment is made to include the requirement of pharmacology, which is required for licensure in Texas.

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

Ms. Hammer also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is assurance that licensed vocational nurses will have completed a pharmacology course prior to licensure from another 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 Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

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

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

- (1) (No change.)
- (2) have completed satisfactorily obstetric, pediatric, medical, and surgical nursing courses, and pharmacology;

(3) file another application if original application is not completed within six months.

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 21, 1984.

TRD-842192      Joyce A. Hammer  
Executive Director  
Board of Vocational Nurse  
Examiners

Earliest possible date of adoption:  
April 2, 1984

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

## Part XIX. Polygraph Examiners Board

### Chapter 393. General

#### 22 TAC §393.7

The Polygraph Examiners Board proposes new §393.7, concerning definition of a polygraph examination.

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

Ms. Moore also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is continuance of an effective program to insure the citizenry of this state competent polygraph service in compliance with the intent of the Texas Legislature, 1965. 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 Eddie R. Day, Polygraph Examiners Board, P.O. Box 4087, Austin, Texas 78773.

The new section is proposed under Texas Civil Statutes, Article 4413(29cc), which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation.

**§393.7. Polygraph Examination.** "Polygraph examination" means the employment of any instrument to graphically record simultaneously the physiological changes in human respiration, cardiovascular activity, and any other physiological changes that can be recorded for the purpose of verifying truth or detecting deception, and

includes the reading and interpretation of polygraphic records and results.

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 6, 1984.

TRD-842258      Eddie R. Day  
                         Executive Officer  
                         Polygraph Examiners Board

Earliest possible date of adoption.

April 2, 1984

For further information, please call (512) 465-2058.

## **Chapter 395. Code of Operating Procedure for Polygraph Examiners**

**22 TAC §395.2, §395.11**

The Polygraph Examiners Board proposes amendments to §395.2 and §395.11, concerning marking questions and answers and response intervals. The rules are provided so that examiners will have a better understanding of what is expected of them in administering polygraph examinations.

Candy M Moore, administrative secretary has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Ms. Moore also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rule as proposed is continuance of an effective program to insure the citizenry of this state competent polygraph service in compliance with the intent of the Texas Legislature, 1965. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Eddie R. Day, Polygraph Examiners Board, P.O. Box 4087, Austin, Texas 78773.

The amendments are proposed under Texas Civil Statutes, Article 4413(29cc), which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation.

**§395.2. Marking Questions and Answers.** All questions and answers [asked] during a polygraph examination shall be marked on the polygraph charts at the appropriate place on the chart where the question was asked and the answer was given. [If] A question sheet shall be [is] used with numbered questions. [,] The number of the question [questions] asked along with the answer shall be noted at the appropriate place on the polygraph

chart. [at the point asked and] The question sheet shall be attached to the polygraph chart [charts] and [or] made a part of the subject's file.

**§395.11. Response Intervals.** A [The] polygraph examiner shall allow a minimum of 10 seconds to elapse between each question asked. [to allow the subject ample time to physiologically respond to each verbal stimulus. Note: Ten seconds from the termination of one question until the commencement of the next question.] Ten seconds minimum shall be permitted to elapse from the time a subject answers any question asked until the next question is asked, or to the end of the test. In the event a subject elects not to answer a question, 10 seconds shall be permitted to elapse from the conclusion of asking one question to the commencement of the next question, or to the end of the test.

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

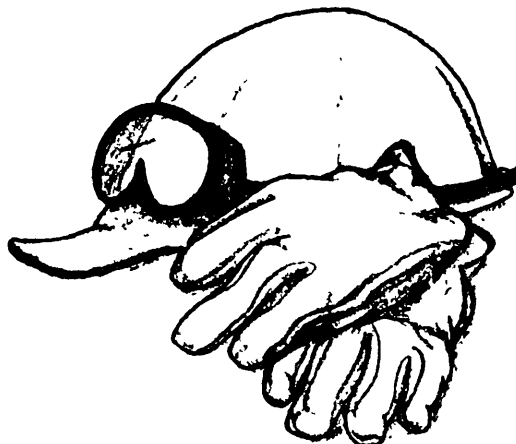
Issued in Austin, Texas, on February 6, 1984

TRD-842259      Eddie R. Day  
                         Executive Officer  
                         Polygraph Examiners Board

Earliest possible date of adoption

April 2, 1984

For further information, please call (512) 465-2058.



## **Part XX. Texas Board of Private Investigators and Private Security Agencies Chapter 433. Handgun; Security Officer Commission**

**22 TAC §433.2**

The Texas Board of Private Investigators and Private Security Agencies proposes an amendment to §433.2, concerning letter of authority. The new subsection (f) is concerned with suspension, revocation, or denial of a letter of authority.

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

Ms. Sanders also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Clema D. Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

**§433.2 Letter of Authority**

(a)-(e) (No change)

**(f) A letter of authority for the purpose of this Act shall be considered a license with respect to suspension, revocation, or denial.**

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 24, 1984

TRD-842324 Clema D. Sanders  
Executive Director  
Texas Board of Private  
Investigators and Private  
Security Agencies

**Earliest possible date of adoption  
April 2, 1984  
For further information, please call (512) 475-3944.**

## Chapter 435. Training Programs

### 22 TAC §435.12

The Texas Board of Private Investigators and Private Security Agencies proposes amendments to §435.12, concerning commissioning of a security officer. The section requires the employer of a commissioned security officer to maintain on file with the board in Travis County proof that the commissioned security officer has met the 24-month firearm requalification requirement.

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

Ms. Sanders also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Clema D. Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

**§435.12 Firearm Qualification** The employer of a commissioned security officer **and the commissioned security officer** shall maintain on file with the board in Travis County proof that the commissioned security officer has met the 24-month firearm requalification requirement. Proof shall be a copy of a certificate of firearm requalification.

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 24, 1984

TRD 842323 Clema D. Sanders  
Executive Director  
Texas Board of Private  
Investigators and Private  
Security Agencies

**Earliest possible date of adoption  
April 2, 1984  
For further information, please call (512) 475-3944.**

### 22 TAC §435.15

The Texas Board of Private Investigators and Private Security Agencies proposes new §435.15, concerning training school and instructor approval. The new section is concerned with suspension, revocation, or denial of approval as a security officer training school and/or instructor.

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

Ms. Sanders also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Clema D. Sanders, Executive Director, Texas Board



of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

**§435.15. Training School and Instructor Approval.** For the purpose of this Act, approval as a security officer training school and/or instructor shall be considered a license with respect to suspension, revocation, or denial.

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 24, 1984

TRD-842327      Clema D Sanders  
Executive Director  
Texas Board of Private  
Investigators and Private  
Security Agencies

Earliest possible date of adoption  
April 2, 1984

For further information, please call (512) 475-3944.

## **Chapter 445. Employee Records**

### **22 TAC §445.3**

The Texas Board of Private Investigators and Private Security Agencies proposes new §445.3, concerning records. The new section is concerned with the availability of records kept by licensees

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

Ms. Sanders also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Clema D Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711

The new section is proposed under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

**§445.3. Records To Be Available for Inspection.** All records required to be kept by licensees shall be made

available for inspection by board staff during reasonable hours.

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 24, 1984

TRD-842321      Clema D Sanders  
Executive Director  
Texas Board of Private  
Investigators and Private  
Security Agencies

Earliest possible date of adoption

April 2, 1984

For further information, please call (512) 475-3944.

## **Chapter 451. Registration of Employees or Private Investigators**

### **22 TAC §451.7**

The Texas Board of Private Investigators and Private Security Agencies proposes new §451.7, concerning letter of authority and registrations. The new section requires that a private business which employs unarmed private security officers get a letter of authority.

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

Ms. Sanders also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Clema D. Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

#### **§451.7. Letter of Authority and Registrations**

(a) A private business that employs noncommissioned (unarmed) private security officers shall obtain a letter of authority for the purpose of registering its noncommissioned (unarmed) private security officer employees.

(b) "Unarmed" private security officer means a private security officer who does not carry on or about his/her person a firearm.

(c) A private business that has been issued a letter of authority may register other security employees, other

than private investigators, on a voluntary basis, but the only employee required to register is the noncommissioned (unarmed) private security officer.

(d) The exceptions to the Act, §3(a)(1), does not apply to the registration of persons employed as noncommissioned (unarmed) private security officers and does not exempt these persons from the registration requirement.

(e) The definition of a letter of authority in Texas Civil Statutes, §2(26), is not restricted to the employment of commissioned security officers, but is also applicable to the registration of noncommissioned (unarmed) private security officers.

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 24, 1984.

TRD-842319      Clema D. Sanders  
Executive Director  
Texas Board of Private  
Investigators and Private  
Security Agencies

Earliest possible date of adoption  
April 2, 1984

For further information, please call (512) 475-3944.



## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

The following proposals submitted by the Comptroller of Public Accounts will be serialized beginning in the March 6, 1984, issue of the *Texas Register*. The earliest possible date of adoption for the documents is April 2, 1984.

Subchapter F Motor Vehicle Tax Division  
§3 93  
(new)

Subchapter T Motor Vehicle Tax Division—  
Manufactured Housing Sales and Use Tax  
§3 481  
(amendment)

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part VII. Texas Commission on Law Enforcement Officer Standards and Education

#### Chapter 211. Administrative Division Substantive Rules

37 TAC §§211.75, 211.76, 211.78, 211.79

The Texas Commission on Law Enforcement Officer Standards and Education proposes amendments to §§211.75, 211.76, 211.78, and 211.79, concerning certification of schools, minimum standards for instructor certification, minimum training standards required for jailers or guards of county jails, and intermediate and advanced training courses.

The proposed amendment to §211.75 states that a certified peace officer training instructor is required to comply with the minimum peace officer licensing standards as a condition of maintaining instructor certification. The proposed amendment to §211.76 corrects a typographical error. The proposed amendment to §211.78 states that trainees of a basic jailer course are required to comply with the minimum attendance standards required of basic peace officer trainees. The proposed amendment to §211.79 states that trainees of an intermediate or advanced peace officer training course are required to comply with the minimum attendance standards required of basic peace officer trainees.

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

Alfredo Villarreal, general counsel, has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is a higher standard of police training, as the proposed amendment dealing with instructor certification serves to further professionalize police trainers, and better-trained peace officers. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Alfredo Villarreal, General Counsel, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

The amendments are proposed under Texas Civil Statutes, Article 4413(29aa), which provide the Texas Commission on Law Enforcement Officer Standards and Education with the authority to approve institutions and facilities operated for the purpose of training peace officers and jailers and which provide the commission with the authority to establish minimum training standards for peace officers and jailers.

**§211.75. Certification of Schools.**

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

(c) The commission may revoke the certification of a school whenever the school:

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

(7) makes a false entry on any commission report, [or]

(8) (No change.)

(9) coordinator fails to comply with standards provided for in §211.83 (a)(5)-(9) of this title (relating to Minimum Standards for Retention of License), or

(10) coordinator fails substantially to fulfill any responsibility of the school coordinator set forth in this title.

(d)-(g) (No change.)

(h) [Contract certification.]

[(1)] The commission may contract with other agencies, as the commission deems necessary, to conduct courses, both preparatory, in-service, basic, and advanced courses, for peace officers, jailers, or guards of county jails, or reserve law enforcement officers, and recruits for those positions as the commission may determine.

[(2)] Contract certification shall be transacted on a single course basis.]

**§211.76. Minimum Standards for Instructor Certification.**

(a) A person who is an applicant for instructor certification shall:

(1) comply with the standards provided in §211.80(a)(1), (2), (4)-(10), [(16) and] (17), and (18) of this title (relating to Minimum Standards for Licensing);

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

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

**§211.78. Minimum Training Standards Required for Jailers or Guards of County Jails.**

(a) (No change.)

(b) Attendance, examination, and evaluation of trainees in the basic course for jailers or guards of county jails.

(1) (No change.)

(2) Each trainee shall attend all sessions of the training course in which the trainee is enrolled. However, the course coordinator may approve a trainee's absences, provided all instruction missed is made up and the absences do not exceed 10% of the total hours of instruction. A trainee whose absences exceed 10% of the total hours of instruction cannot successfully complete the course regardless of makeup.

(3) Instruction makeup must be in the subject area missed and must be completed within 10 working days after the completion of the course and prior to submission of reports to the commission.

(4) The course coordinator shall require the trainee to successfully complete the course in which the trainee is enrolled before submitting a notice of course completion to the commission.

(5)[(2)] To successfully complete the required training course, the trainee shall be tested on each subject contained within the course as identified in subsection (c) of this section.

(6) The commission, acting through its executive director, may prescribe, as a condition of licensing, sup-

plementary or remedial training necessary to equate previous training or out-of-state training with current commission standards.

(c) (No change.)

**§211.79. Intermediate and Advanced Training Courses.**

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

(c) Attendance of trainees in intermediate or advanced courses:

(1) A trainee must successfully complete the entire intermediate or advanced course, including all make-up work, before a report of training is submitted to the commission.

(2) Each trainee shall attend all sessions of the training intermediate or advanced course in which the trainee is enrolled. However, the course coordinator may approve a trainee's absences, provided all instruction missed is made up and the absences do not exceed 10% of the total hours of instruction. A trainee whose absences exceed 10% of the total hours of instruction cannot successfully complete the intermediate or advanced course regardless of makeup.

(3) Instruction makeup must be in the subject area missed and must be completed within 10 working days after the completion of the intermediate or advanced course and prior to submission of reports to the commission.

(4) The course coordinator shall require the trainee to successfully complete the intermediate or advanced course in which the trainee is enrolled before submitting a notice of course completion to the commission.

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 22, 1984

TRD-842211

Alfredo Villarreal  
General Counsel  
Texas Commission on Law  
Enforcement Officer Standards  
and Education

Earliest possible date of adoption.

April 2, 1984

For further information, please call (512) 834-9222.

**Part IX. Commission on Jail  
Standards**

**Chapter 253. Definitions**

**37 TAC §253.1**

The Commission on Jail Standards proposes amendments to §253.1, concerning operation and design of sally ports at county jails. The section recommends drive-through sally ports and requires remotely controlled doors.

Robert O. Viterna, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state gov-

ernment or small businesses as a result of enforcing or administering the rule. The effect on local government will be an estimated additional cost of \$5,000 each year in 1984, 1987, and 1988, and \$10,000 each year in 1985 and 1986

Mr. Viterna also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is provision of a more flexible arrangement by not requiring a drive-through sally port and increasing security by requiring remote operation of doors. 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 the Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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

Sally port—**Should be** a drive-through. **It shall be** made secure by **remotely controlled**, electrically [or manually] operated doors for entrance and exit. It is normally located in close proximity to the facility **intake** [intaking] area.

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 January 25, 1984

TRD-842269 Mrs. William Cree  
Chairman  
Commission on Jail Standards

Earliest possible date of adoption:  
April 2, 1984

For further information, please call (512) 475-2716.

The Commission on Jail Standards proposes amendments to §§259.60, 259.156, 259.243, 261.49, 261.145, and 261.232, concerning emergency operation of doors in county jails. For all doors to single cells, multi-occupancy cells, and dormitories, a means must be provided which permits quick and orderly release of inmates in the event of power failure.

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

Mr. Viterna also has determined that for each year of the first five years the rules as proposed is in effect the public benefit anticipated as a result of enforcing the rules as proposed is provision of more latitude in

the type of systems acceptable to meet the emergency requirement. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Robert O. Viterna, Executive Director, P.O. Box 12985, Austin, Texas 78711.

## Chapter 259. New Construction Rules

### New Jail Design, Construction, and Furnishing Requirements

#### 37 TAC §259.60

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.60. *Emergency Operation of Doors.* For emergency operation of all doors to single cells, multiple-occupancy cells, and dormitories, and to permit quick and orderly release of inmates in the event of **interruption of primary and emergency power sources**, [electrical malfunction,] fire, smoke, or other emergency, reliable means shall be provided remote from the inmate living area for unlocking all cell doors. The reliable means should also provide for completely opening sliding cell doors. Reference should be made to Chapter 259 of this title (relating to Plans for Emergencies, Fire Prevention, Critical Articles in County Jails)

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 January 25, 1984

TRD-842270 Mrs. William Cree  
Chairman  
Commission on Jail Standards

Earliest possible date of adoption:  
April 2, 1984

For further information, please call (512) 475-2716.

### New Lock-Up Design, Construction, and Furnishing Requirements

#### 37 TAC §259.156

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.156. *Emergency Operation of Doors.* For emergency operation of all doors to single cells, multiple-occupancy cells, and dormitories, and to permit quick and orderly release of inmates in the event of **interruption of**

**primary and emergency power sources** [electrical malfunction], fire, smoke, or other emergency, reliable means shall be provided remote from the inmate living area for unlocking all cell doors. The reliable means should also provide for completely opening sliding cell doors. (See Chapter 295 of this title (relating to Plans for Emergencies, Fire Prevention, Critical Articles in County Jails).)

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 January 25, 1984.

TRD-842271      Mrs. William Cree  
                         Chairman  
                         Commission on Jail Standards

Earliest possible date of adoption:  
April 2, 1984

For further information, please call (512) 475-2716.



### **New Low Risk Design, Construction, and Furnishing Requirements**

**37 TAC §259.243**

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

**§259.243. Emergency Operation of Doors.** For emergency operation of all doors to single cells, multiple-occupancy cells, and dormitories, and to permit quick and orderly release of inmates in the event of **interruption of primary and emergency power sources** [electrical malfunction], fire, smoke, or other emergency, reliable means should be provided **remote from the inmate living area** for unlocking all cell doors. The reliable means should

also provide for completely opening sliding cell doors. Reference should be made to Chapter 295 of this title (relating to Plans for Emergencies, Fire Prevention, Critical Articles in County Jails).

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 January 25, 1984

TRD-842272      Mrs. William Cree  
                         Chairman  
                         Commission on Jail Standards

Earliest possible date of adoption:  
April 2, 1984

For further information, please call (512) 475-2716.

### **Chapter 261. Existing Construction Rules**

#### **Existing Jail Design, Construction, and Furnishing Requirements**

**37 TAC §261.49**

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

**§261.49. Emergency Operation of Doors.** For emergency operation of all doors to single cells, multiple-occupancy cells, and dormitories, and to permit quick and orderly release of inmates in the event of **interruption of primary and emergency power sources** [electrical malfunction], fire, smoke, or other emergency, reliable means shall be provided remote from the inmate living area for unlocking all cell doors. The reliable means should also provide for completely opening sliding cell doors. Reference should be made to Chapter 295 of this title (relating to Plans for Emergencies, Fire Prevention, Critical Articles in County Jails).

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 January 25, 1984

TRD-842273      Mrs. William Cree  
                         Chairman  
                         Commission on Jail Standards

Earliest possible date of adoption:  
April 2, 1984

For further information, please call (512) 475-2716.

#### **Existing Lock-Up Design, Construction, and Furnishing Requirements**

**37 TAC §261.145**

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Com-

mission on Jail Standards with the authority to promulgate rules affecting county jails.

**§261.145. Emergency Operation of Doors.** For emergency operation of all doors to single cells, multiple-occupancy cells, and dormitories, and to permit quick and orderly release of inmates in the event of **interruption of primary and emergency power sources** [electric malfunction], fire, smoke, or other emergency, reliable means shall be provided remote from the inmate living area for unlocking all cell doors. The reliable means should also provide for completely opening sliding cell doors. Reference should be made to Chapter 295 of this title (relating to Plans for Emergencies, Fire Prevention, Critical Articles in County Jails).

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 January 25, 1984.

TRD-842274      Mrs. William Cree  
                         Chairman  
                         Commission on Jail Standards

Earliest possible date of adoption:  
April 2, 1984  
For further information, please call (512) 475-2716.

### **Existing Low-Risk Design, Construction, and Furnishing Requirements**

#### **37 TAC §261.232**

The amendments are proposed under Texas Civil Statutes, Title 18, Article 5115.1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

**§261.232. Emergency Operation of Doors.** For emergency operation of all doors to single cells, multiple-occupancy cells, and dormitories, and to permit quick and orderly release of inmates in the event of **interruption of primary and emergency power sources** [electrical malfunction], fire, smoke, or other emergency, reliable means should be provided **remote from the inmate living area** for unlocking all cell doors. The reliable means should also provide for completely opening sliding cell doors. Reference should be made to Chapter 295 of this title (relating to Plans for Emergencies, Fire Prevention, Critical Articles in County Jails).

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 January 25, 1984

TRD-842260      Mrs. William Cree  
                         Chairman  
                         Commission on Jail Standards

Earliest possible date of adoption  
April 2, 1984  
For further information, please call (512) 475-2716.



## **TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

### **Part I. Texas Department of Human Resources**

#### **Chapter 3. Aid to Families with Dependent Children**

##### **Employment Initiative**

##### **40 TAC §3.5101**

The Texas Department of Human Resources proposes an amendment to §3.5101, concerning the availability of employment initiative (job search) services. The list of sites for job search services is deleted. Information about the sites where these services are available may be obtained from DHR's state office. In the areas where job search services are available, DHR offers the services to recipients who may benefit from them.

David Hawes, programs budget and statistics director, has determined that there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Hawes also has determined that for each year of the first five years the rule as proposed is in effect the public benefit is that current information about job search sites can be obtained by calling DHR. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments may be submitted to Susan L. Johnson, Administrator, Policy Development Support Division—079, P.O. Box 2960, Austin, Texas 78769.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs and financial assistance and related services

##### **§3.5101. Employment Initiative Services.**

(a) The rules contained in this subchapter apply to the employment initiative being conducted in **designated areas of the state. Information about the sites where employment initiative services are available can be obtained from the Office of the Assistant Commissioner for Family Self-Support Services, Texas Department of Human Resources, Austin.** [the following sites:

- [(1) parts of Bexar County,
- [(2) parts of El Paso County,

- [(3) Denton County,
- [(4) City of Arlington,
- [(5) Calhoun County,
- [(6) Victoria County,
- [(7) San Patricio County,
- [(8) Delta County,
- [(9) Hopkins County,
- [(10) Rains County,
- [(11) Van Zandt County,
- [(12) Franklin County,
- [(13) Titus County,
- [(14) McLennan County.]

(b) (No change.)

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

Issued in Austin, Texas, on February 27, 1984.

TRD-842375      Marlin W. Johnston  
                  Commissioner  
                  Texas Department of Human  
                  Resources

Earliest possible date of adoption:  
April 2, 1984

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

The following proposals submitted by the Texas Department of Human Resources will be serialized beginning in the March 6, 1984, issue of the *Texas Register*. The earliest possible date of adoption for the documents is April 2, 1984.

Chapter 15. Medicaid Eligibility  
Subchapter GG. Resources for Individuals  
Related to the SSI Program  
§15.3216  
(amendment)

Chapter 49. Child Protective Services  
Subchapter A. Administration  
§§49.101-49.104  
(new)

Subchapter C. Eligibility for Child Protective  
Services  
§§49.301-49.343  
(new)

Subchapter E. Intake and Investigation Services  
§§49.501-49.514  
(new)

Subchapter G. In-Home Child Protective Services  
§49.701, §49.702  
(new)

Subchapter I. Purchased Protective Services To  
Prevent Removal or To Unify Families  
§§49.901-49.903  
(new)

Subchapter K. Court-Related Services  
§§49.1101-49.1108  
(new)

Subchapter M. Substitute Care Placement  
Services  
§§49.1301-49.1306  
(new)

Subchapter O. Foster and Adoptive Home  
Development  
§§49.1501-49.1505  
(new)

Subchapter Q. Purchased Protective Services  
§§49.1701-49.1745  
(new)

Subchapter S. Interstate Placement of Children  
§§49.1901-49.1903  
(new)

Chapter 49. Child Welfare Services  
Subchapter SSS. Legal Base for Child Welfare  
Services  
§§49.7001-49.7015  
(repeal)

Subchapter TTT. Protective Service for Children  
§§49.7101-49.7131, 49.7134-49.7146,  
49.7149-49.7154  
(repeal)

Subchapter UUU. Removal and Court-Related  
Services  
§§49.7201-49.7227  
(repeal)

Subchapter VVV. Foster Care Placement  
Services  
§§49.7301-49.7330, 49.7332-49.7402  
(repeal)

Subchapter WWW. Adoption Services  
§§49.7501-49.7519, 49.7528-49.7538,  
49.7540-49.7547  
(repeal)

Subchapter XXX. Out-of-Town Inquiries  
§§49.7601-49.7616  
(repeal)

Subchapter YYY. Care Closure  
§49.7701  
(repeal)

Subchapter ZZZ. Child Welfare Services and the  
Community  
§§49.7801-49.7809  
(repeal)

Subchapter AAAA. Child Welfare Fiscal System  
§§49.7901-49.7904  
(repeal)

Subchapter BBBB. Standards for Protective  
Services  
§§49.8001-49.8003, 49.8006  
(repeal)

# Withdrawn Rules

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

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office. 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.

**TITLE 22. EXAMINING BOARDS**  
**Part XX. Texas Board of Private**  
**Investigators and Private**  
**Security Agencies**  
**Chapter 451. Registration of**  
**Employees or Private Investigators**

22 TAC §451.7

The Texas Board of Private Investigators and Private Security Agencies has withdrawn from consideration for permanent adoption proposed new §451.7, con-

cerning registration of employees or private investigators. The text of the new section as proposed appeared in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5098).

Issued in Austin, Texas, on February 24, 1984

TRD-842320

Clema D. Sanders  
Executive Director  
Texas Board of Private  
Investigators and Private  
Security Agencies

Filed: February 24, 1984

For further information, please call (512) 475-3944



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

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

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

# Adopted Rules

## TITLE 22. EXAMINING BOARDS Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

### Chapter 145. Continuing Education

#### 22 TAC §145.1

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids adopts new §145.1, with changes to the proposed text published in the January 13, 1984, issue of the *Texas Register* (9 TexReg 322).

Senate Bill 901, 68th Legislature, 1963, mandated that the board by rule shall adopt requirements for the continuing education of licensees. The board may approve specific courses of instruction or establish minimum content requirements of courses of continuing education. The board adopts the new section with changes to clarify that six clock hours would be required, because some individuals thought the rule referred to semester hours.

The licensed fitter and dispenser will be taking courses annually which will cover current methods and technology as related to fitting and dispensing hearing aids. Continuing education will increase his or her knowledge and help the licensee to serve the public better and assure the public's health and welfare.

The primary concern of the comments received on the new section was on the implementation of the new section on September 1, 1984, and for approval of courses. Two individuals felt the new section was restrictive.

Those who commented in favor of the new section were Tony Raica; the Texas Hearing Aid Association; Lisa Famiglietti; Jacque Greenwood; Earl W. Stark, Ph.D.; Don Dorsett; Ruth Newman; and the Texas Speech, Language, and Hearing Association. Those who commented against the new section were Nancy A. Snidow and Beth A. Longnecker.

Those who commented against the new section did not understand it and spoke from personal feeling. They did not take into consideration the overall benefit that continuing education will bring to the licensees and ultimately to the consumer. The new section was not specific in some cases so that the committee could be more versatile in its approval of courses, research, and publications.

The new section is adopted under Texas Civil Statutes, Article 4566, §1.04(a), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

#### §145.1. *General Requirements for Continuing Education.*

(a) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids requires each fitter and dispenser licensed in this state to take six hours of continuing education per fiscal year. The fiscal year is considered to begin September 1 and run through August 31.

(b) The board accepts for continuing education credit courses approved by the Continuing Education Committee pertaining to fitting and dispensing hearing aids sponsored by the Texas Hearing Aid Association, National Hearing Aid Society, National Institute of Hearing Instruments Studies, Texas Speech and Hearing As-

sociation, American Speech-Language Hearing Association, American Conference of Audioprosthology, and such other programs or courses of other organizations.

(c) On written request, a licensee has the option to take and pass the state examination given by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids in lieu of the six clock hours continuing education courses. The current examination fee will be applicable.

(d) Six credit hours will be given for published books and articles which contribute to the professional competence of the licensee.

(e) Six credit hours will be given for each year of full-time research.

(f) Credit will not be given toward approved continuing education coursework which is substantially similar to coursework which was successfully completed within the preceding three years and used to meet the continuing education requirements of this Act. Example: If the same or similar course is taken three consecutive years, it would not qualify.

(g) Licensees who have not complied with the education requirements may not be issued a renewal license unless such person is entitled to an exception under this Act. The following persons are exempt:

(1) a licensee who served in the regular armed forces of the United States during part of the 12 months immediately preceding the annual renewal date,

(2) a licensee who submits medical proof from his or her attending physician that he or she suffered a serious or disabling illness or physical disability which prevented him or her from complying with the requirements of this section during the 12 months immediately preceding the annual license renewal date; or

(3) a licensee who is first licensed within the 12 months immediately preceding the annual renewal date.

(h) Summaries of the courses and resumes of those teaching must be submitted to the board's Continuing Education Committee for approval. This information must be received 30 days prior to the date the course is to take place.

(1) Description of course content of all courses to be offered. The course content shall be related to the use of hearing aids for aiding or compensating the hearing impaired and shall present subject matter related to current developments in the practice of hearing aid dispensing. As used in this section, "current developments" means those subjects, issues, topics, theories, or findings which in recent times have been investigated, studied, or researched, or which have recently evolved or been made known in the fields of hearing loss or impairment, and testing therefor, or hearing aid recommendation, evaluation, and dispensing.

(2) Method of instruction and evaluation for course(s) offered. Teaching methods for each course or program shall be described, e.g., lecture, seminar, audio-visual, simulation, pretest, posttest, etc.

(3) Education objectives. Each course or program shall clearly state the educational objective that can be realistically accomplished within the course and the number of clock hours of continuing education credit which may be obtained by completion of a specified course.

(4) Qualifications of instructors. Instructors shall be qualified to teach the specified course content by virtue of their prior education, training, and experience. A resume of each instructor shall be forwarded with the application for approval 30 days prior to the occurrence of the course.

(i) Licensees must provide written proof of attendance and completion of approved courses for renewal of license. Information such as the following will be required: sponsoring organizations; location and dates; course names; instructor; name of attendee; number of clock hours completed; and any other information deemed necessary by the board. Forms must be properly signed by the course instructor and licensee verifying attendance at the particular course. Applicable forms will be available from the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

(j) Forms to be used.

(1) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids hereby adopts by reference the following forms:

(A) "Application for Conducting Continuing Education Courses;" and

(B) "Verification of Continuing Education Courses."

(2) Copies of these forms may be obtained by contacting Wanda F. Stewart, Executive Director, Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids, 510 South Congress Avenue, Suite 104, Austin, Texas 78704.

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 23, 1984

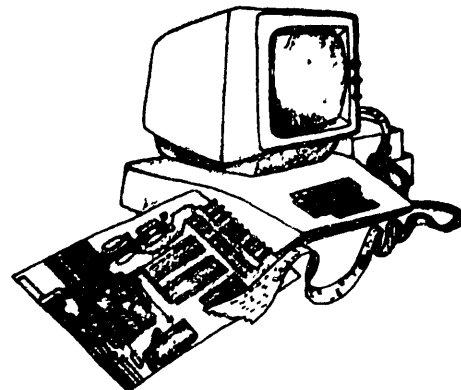
TRD-842316

Wanda F. Stewart  
Executive Director  
Texas Board of Examiners in the  
Fitting and Dispensing of Hearing  
Aids

Effective date: March 16, 1984

Proposal publication date: January 13, 1984

For further information, please call (512) 475-3429.



**Part XX. Texas Board of Private  
Investigators and Private  
Security Agencies  
Chapter 447. Advertisements**

**22 TAC §447.2**

The Texas Board of Private Investigators and Private Security Agencies adopts new §447.2, with changes to the proposed text published in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5097).

The new section prohibits false advertising by licensees, and provides that licensees shall not advertise that their services and/or equipment have been approved by an entity that is generally recognized as a standard of authority in matters relating to services required to be licensed by the Act

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413(29bb), §11, which provides the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act

**§447.2 False Advertising** A licensee shall not falsely advertise that its service and/or equipment is or has been approved by any entity that is generally recognized as a standard of authority in matters relating to services required to be licensed by this Act

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

Issued in Austin, Texas, on February 24, 1984

TRD-842326      Clema D Sanders  
Executive Director  
Texas Board of Private  
Investigators and Private  
Security Agencies

Effective date: March 26, 1984  
Proposal publication date: December 9, 1983  
For further information, please call (512) 475-3944.

**Chapter 451. Registration of  
Employees or Private Investigators**

**22 TAC §451.1, §451.6**

The Texas Board of Private Investigators and Private Security Agencies adopts amendments to §451.1 and §451.6, without changes to the proposed text published in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5098).

The amendments permit only "bona fide" employees of a licensee to work under the license of the licensee and require the employee to carry a pocket registration card while on duty. The amendments, which re-

quire proper identification, will permit the proper authorities to check and enforce the rule

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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

Issued in Austin, Texas, on February 24, 1984

TRD-842325      Clema D Sanders  
Executive Director  
Texas Board of Private  
Investigators and Private  
Security Agencies

Effective date: March 16, 1984  
Proposal publication date: December 9, 1983  
For further information, please call (512) 475-3944.

**TITLE 25. HEALTH SERVICES  
Part I. Texas Department of Health**

**Chapter 5. Grants and Contracts**

**25 TAC §5.1**

The Texas Department of Health adopts the repeal of §5.1, concerning a variance from the property management standards of the Uniform Grant and Contract Management Standards (UGCMS), without changes to the proposal published in the December 23, 1983, issue of the *Texas Register* (8 TexReg 5396)

Because of recent legislation, the rule is no longer necessary. Senate Bill 274, 68th Legislature, 1983, effective September 1, 1983, exempts equipment and supplies purchased by or for outside groups from the state property accounting provisions and inventory requirements. Outside groups are required to maintain accurate and complete records and be subject to audit, to conform to guidelines set out in the contract with the department, and be subject to return any useable supplies or equipment to the department upon the termination of the contract

Section 5.1 concerns a variance from the property management standards of the Uniform Grant and Contract Management Standards (UGCMS) adopted by the governor's office in 1 TAC §§5.141-5.167.

No public comments were received regarding adoption of the repeal.

The repeal is adopted under the authority of Texas Civil Statutes, Article 4418f-1, §§(a)-(d), and Article 601b, §8.02(d), which make §5.1 no longer neces-

sary because these articles authorize the department to provide funds by grant or contract for the purchase of services, supplies, and equipment for public health purposes and to change certain property accounting methods.

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 January 22, 1984

TRD-842250 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date March 15, 1984  
Proposal publication date December 23, 1983  
For further information, please call (512) 458-7640

## Chapter 37. Maternal and Child Health Services

A notice appeared in the February 28, 1984, issue of the *Texas Register* indicating that the following adoptions would be serialized in this issue. The effective date for the documents is March 14, 1984

Hearing Aid Loan Program  
§§37 21-37 35  
(repeal)

Special Senses and Communication Disorders  
§§37 21-37 46  
(new)

Screening of Children for Visual Handicaps  
§§37 141-37 150  
(repeal)

**The Texas Department of Health adopts the repeal of §§37.21-37.35 and 37.141-37.150 and adopts new §§37.21-37.46, concerning special senses and communication disorders. New §§37.22, 37.23, 37.25, 37.26, 37.29, 37.32, 37.34, and 37.40 are adopted with minor changes to the proposed text published in the December 2, 1983, issue of the *Texas Register* (8 TexReg 4965). New §§37.21, 37.24, 37.27, 37.28, 37.30, 37.31, 37.33, 37.35-37.37, 37.39, and 37.41-37.46, and the repeal are adopted without changes and will not be republished in this issue.**

The sections provide for early detection of vision disorders (estimated at 7.0%) and hearing disorders (estimated at 6.7% of the preschool- and school-age population, and early intervention in the form of service-delivery programming for identified sensory disorders resulting in reduced future costs to the educational, rehabilitative, and other institutional systems and greater opportunity for the impaired individual to become a productive member of our society.

The new sections establish the structures for producing statewide standardization of vision and hearing screening through the training and certification of screeners and instructors of screeners and through the regulation of screening procedures and audiometric equipment. The rules provide for the reporting of screening and service-delivery activities in response to the Special Senses and Communication Disorders Act, Texas Civil Statutes, Article 4419g. Also established are the criteria for becoming service providers and recipients of services (hearing aid and/or speech/language services) through the department's Vision, Hearing, and Speech Services Program. The means for suspension or termination of activities are addressed, along with recourse for such actions.

Several comments were made regarding §37.22, concerning the definition of "licensed professional." The commenters recommended that the professional group "nurse" be added to the list of licensed professionals provided in this definition. The agency agrees with the reasons given by the commenters and has modified §37.22, concerning definition for licensed professional, to conform with that recommendation and has added the definition of "nurse" to conform with the Texas statutes regulating the practice of professional nursing.

A comment was made regarding §37.22, concerning the definition of "provider." The commenter recommended that the professional group "hearing aid dispenser" be added to the list of providers in this definition. The agency agrees with the reasons given by the commenter and has modified §37.22, concerning definition for provider, to conform with that recommendation.

A comment was made regarding §37.22, concerning the definition of "visual acuity." The commenter recommended that the latter portion of this definition be deleted because the information was unnecessary and not precise with regard to the full range of visual acuity recording. The agency agrees with the reasons given by the commenter and has modified §37.22, concerning definition for visual acuity, to conform with that recommendation.

Several comments were made regarding the specified 90-day screening period for first-time entrants into a preschool or school in §37.23(a). The commenters recommended that the period of time be extended to 150 days to adequately serve the required population. The agency agrees with the reasons given by the commenters and has modified §37.23(a) to conform with that recommendation by stating that first-time entrants must be screened "prior to completion of the first semester of enrollment or within 120 calendar days of enrollment, whichever is longest, or present evidence of screening conducted one year prior to enrollment." The agency has also modified §37.26(a) to conform with this time change.

Several comments were made regarding the omission of a professional group from those who could be by the qualification of their licensure evaluate hearing difficulty. The agency agrees with the reasons given by

the commenters and has modified §§37.23(a)(2), 37.25(b), and 37.29(f) by deleting the words "audiologist" and "speech/language pathologist," since those professional groups along with hearing aid dispensers and otologists qualify by virtue of their licensure and their inclusion in the definition of licensed professional to provide the services specified in those referenced subsections

Several comments were made regarding the implementation of mandatory screening of preschool children, four years old and above, beginning in 1984. The commenters recommended that this date be extended to allow for the expansion and placement of the necessary screening programs to serve this population. The agency agrees with the reasons given by the commenters and has modified §37.23(b)(1) to begin the mandatory screening of that group on September 1, 1985. The agency has also modified §37.26(e) to conform with this time change.

Several comments were made regarding the mandatory screening of 11th graders, as it was felt that this population would generally be unavailable for mass screening and that this group is considered to be a low priority in terms of cost-effectiveness of the screening. The commenters recommended that, at this time, this group be deleted from those populations to be mandatorily screened under the provisions of this law and be reconsidered after full implementation of the law and its rules is effected. The agency agrees with the reasons given by the commenters and has modified §37.23(c)(1)-(3) to conform with that recommendation.

Several comments were made regarding the burden placed upon schools, especially larger school systems or systems with limited health personnel, of the additional mandatory screening. The commenters recommended that variations be allowed in the required screening times to accommodate those systems. The agency agrees with the reasons given by the commenters and has added a subsection (d) to §37.23, providing that populations required to be screened other than first-time entrants "may be screened at any time during the reporting year prior to May 31 of that year," and subsection (e), providing that a school may screen those populations for vision or hearing in alternating years upon approval from the agency. The agency also has modified §37.26(b) to conform with these provisions.

Several comments were made regarding the omission of a professional group from those who could by the qualification of their licensure provide services under the provisions of these rules. The agency agrees with the reasons given by the commenters and has modified §37.34(c), and §37.40(a)(7)(B) and (C) by deleting the word "audiologist" and substituting the word "provider," since that professional group and the omitted professional groups qualify to render the services specified in these subsections by virtue of their licensure and their inclusion in the definition of provider.

The agency also has made several other miscellaneous changes throughout the rules for the purpose of clarifying language and wording in the rules

The following groups or associations commented on the proposed rules: Alief Independent School District (ISD); Austin ISD; Cypress-Fairbanks ISD, Dallas ISD; Fort Worth ISD; Garland ISD; the Harris County Department of Education, Houston ISD; Humble ISD; Klein ISD; Mesquite ISD; Pasadena ISD, Richardson ISD; San Antonio ISD; the Texas Education Agency; Public Health Region 4, the Texas Ophthalmological Association, Alamo Hearing Aid Service, Inc.; and the Texas Hearing Aid Association. None expressed opposition to the rules, although concerns, questions, and recommendations were expressed

## Hearing Aid Loan Program

### 25 TAC §§37.21-37.35

This repeal is adopted under authority of Texas Civil Statutes, Article 4419g, §§4-7, which authorize the Texas Board of Health to adopt rules to cover special senses and communication disorders

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 21, 1984

TRD-842166      Robert A. MacLean, M D  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: March 14, 1984

Proposal publication date: December 2, 1983

For further information, please call (512) 458-7700.

## Special Senses and Communication Disorders

### 25 TAC §§37.21-37.46

The new rules are adopted under Texas Civil Statutes, Article 4419g, §§4-7, which authorize the Texas Board of Health to adopt rules covering special senses and communication disorders.

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

Article 4419g—The Texas Civil Statute which these rules will implement.

Article 4566—The Texas Civil Statute establishing the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids and requiring the licensing of all persons fitting and dispensing hearing aids.

Article 4590f—The Texas Civil Statute to protect occupational and public health and safety through programs to regulate and permit development and utilization of sources of radiation for peaceful purposes, including infrasonic, sonic, and ultrasonic radiation. Ar-

ticle 4590f is the basis for rules relating to the use and maintenance of audiometric equipment and registration of audiometric equipment, users of audiometric equipment, and calibration firms.

**Audiogram**—A graph of an individual's hearing thresholds for each ear at the department's minimum six designated frequencies.

**Audiologist**—A person who holds a valid license issued by the State Commission of Examiners for Speech-Language Pathology and Audiology to practice as an audiologist in the State of Texas.

**Audiometric evaluation**—Results obtained from tests to provide the otologist with sufficient information to diagnose the type and degree of the hearing loss.

**Binaural**—A hearing aid arrangement that utilizes two individual hearing aids, one fitted to each ear.

**Board**—The Texas Board of Health.

**Calibration**—The process of comparing an instrument or device with a standard to determine its accuracy and to make the necessary repairs or adjustments to assure that the operating characteristics are within the allowable limits established by a national standard or manufacturer's specifications.

**Child-care facility**—A Texas Department of Human Resources-licensed or -registered facility that provides care, training, education, custody, treatment, or supervision for more than 12 children who are not related, by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

**Communication disorder**—An abnormality of functioning related to the ability to express and receive ideas.

**Department**—The Texas Department of Health.

**Earmold**—A piece of plastic derived from an impression of the outer ear. It is attached to the hearing aid and inserted into the wearer's ear. It is used to channel the amplified sound directly from the receiver of the hearing aid into the ear canal.

**Educator**—An individual engaged in the formal educational development of the impaired individual.

**Examination**—A diagnostic evaluation performed by a licensed, certified, or sanctioned individual whose expertise addresses the diagnostic needs of the individual identified as having a possible special senses or communication disorder.

**Hearing aid**—A small portable electronic device that amplifies sound and is worn by a person to compensate for a hearing loss. This instrument is designed for, or may be represented as, aiding, improving, or correcting defective human hearing.

**Hearing aid arrangement**—A system of hearing enhancement fitted to an individual with auditory impairment. This arrangement can consist of the hearing aid(s) or other amplification device(s) selected to maximize the individual's hearing potential and accompanying accessories including, but not limited to, earmold(s).

**Hearing aid dispenser**—A person who holds a valid license issued by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids to fit and dispense hearing aids in the State of Texas.

**Hearing aid evaluation**—The performance of unaided and aided sound-field tests of appropriate hearing aid(s) to determine which hearing aid arrangement best meets an individual's needs for personal amplification.

**Hearing aid fitting**—The physical attaching of the hearing aid(s) to the earmold(s), adjusting the hearing aid(s) to control parameters in order to meet the needs of the hearing-impaired individual, placing the resulting hearing aid arrangement on the individual's ear(s) and counseling regarding the appropriate usage of, care of, and maintenance of the hearing aid arrangement.

**Hearing aid purchase**—The purchase of hearing aid(s) through the State Purchasing and General Services Commission for the use on a loan basis by a hearing-impaired individual who is eligible for services under this program.

**Hearing threshold screening test (threshold)**—A test using a pure-tone audiometer to determine the lowest hearing threshold level at which a person responds to each of the following frequencies: 1,000 hertz, 2,000 hertz, 4,000 hertz, 6,000 hertz, 500 hertz, and 250 hertz.

**Impaired individual**—A person having a significant special senses or communication disorder great enough to impede the acquisition of language, speech, and/or educational training through the normal sensory mechanisms. Such disorders may include auditory impaired, aurally handicapped, deaf, defective hearing, or hearing loss, visually handicapped, blind, and/or speech or language impaired.

**Impression**—An exact reproduction of the contours of the outer ear made by a process such as inserting a cotton block in the ear canal and packing those areas with a soft-impression, easily extractable material.

**Instructors of screeners**—Screeners in one or more program area (vision, hearing, or speech/language) who can provide credentials indicating professional and experiential suitability for instruction in a program area and/or who have successfully completed any department-required training course.

**Licensed professional**—An individual who holds a valid license, or when applicable a valid certificate, to practice one of the following professions in the State of Texas: audiologist, educator, hearing aid dispenser, medical doctor, nurse, ophthalmologist, optometrist, otologist, psychologist, or speech/language pathologist.

**Loan**—The acquisition and temporary issuance of a new hearing aid, usually on a long-term basis, to a recipient of services through this program.

**Medicaid**—Benefits under the United States Social Security Act, Title XIX, 42 United States Code §139ba.

**Monaural**—A hearing aid arrangement that utilizes one hearing aid, which may be fitted to one ear or may be fitted to both ears with a Y-cord.

**Nurse**—Any person practicing or offering to practice professional nursing in this state for compensation and being registered as a nurse by the Board of Nurse Examiners.

**Ophthalmological evaluation**—A physical examination of an individual's eye performed by an ophthalmologist, as well as the medical interpretation of clinical assessment tests and other information required to diagnose the type and degree of vision loss.

**Ophthalmologist**—A physician who is a specialist in diseases of the eye and visual mechanism and who is licensed to practice medicine in the State of Texas by the Texas State Board of Medical Examiners.

**Optometric evaluation**—A physical examination of an individual's eye performed by an optometrist, as well as a nonmedical interpretation of clinical assessment tests and other information required to diagnose the type and degree of vision loss.

**Optometrist**—A person who holds a valid license issued by the Texas Optometry Board to practice as an optometrist in the State of Texas.

**Otological evaluation**—A physical examination of the individual's external ear, ear canal, and tympanic membrane performed by an otologist, as well as the medical interpretation of clinical assessment tests and other information required to diagnose the type and degree of hearing loss.

**Otologist** (also referred to as ear, nose, and throat specialist, otolaryngologist, or otorhino-laryngologist)—A physician who is a specialist in diseases of the ear and hearing mechanism and who is licensed to practice medicine in the State of Texas by the Texas State Board of Medical Examiners.

**Person**—Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, and any legal successor, representative, agent, or agency of the foregoing.

**Preschool**—An educational or child-care facility that admits children who are less than five years of age.

**Professional examination**—A diagnostic evaluation performed by a licensed, certified, or sanctioned individual whose expertise addresses the diagnostic needs of the individual identified as having a possible special senses or communication disorder.

**Program**—The Vision, Hearing, and Speech Services Program of the Texas Department of Health.

**Provider**—An individual, partnership, association, corporation, state agency, or political subdivision of the state that provides remedial services to individuals who have special senses and/or communication disorders and may include a physician, audiologist, speech/language pathologist, optometrist, psychologist, hearing aid dispenser, hospital, clinic, rehabilitation center, university, or medical school.

**Psychologist**—An individual who holds a valid license issued by the Texas State Board of Examiners of Psychologists to practice psychology in the State of Texas.

**Recipient**—A person who is under 21 years of age and who is determined to be eligible for assistance according to the criteria established by the Texas Department of Health's Vision, Hearing, and Speech Services.

**Remedial services**—Professional examinations and prescribed remediation, including hearing aids, for special senses and communication disorders.

**Reporting year**—The period of consecutive time between June 1 of each year and May 31 of the following year.

**School**—An educational institution that admits children who are five years of age or older but less than 21 years of age.

**Screeners**—Health personnel, volunteers, school nurses or aides, or other preschool and school personnel having department certification in one or more areas of screening.

**Screening**—A test or battery of tests for the determination of the need for a professional examination.

**Screening equipment**—An instrument or device used to perform a measurement or measurements for the assessment of sensory abilities. This may include, but is not limited to, stereoscopic instrumentation, audiometers, tympanometers, impedance/admittance/compliance bridges or meters, middle ear analyzers, aural acoustic immittance instruments, brain stem evoked response audiometers, auditory evoked potential audiometers, visual potential testing instrumentation, evoked response audiometers, and electric response audiometers.

**SKI-HI (State Kids-Hearing-Impaired) Modeled Program**—A program modeled after a federally funded demonstration project which has been implemented in the State of Texas in cooperation with day school programs for the deaf.

**Special senses**—The faculties by which the conditions or properties of things are perceived and includes vision and hearing.

**Speech/language pathologist**—A person who holds a valid license issued by the State Commission of Examiners for Speech-Language Pathology and Audiology to practice as a speech/language pathologist in the State of Texas.

**Sweep check hearing screening test (sweep check)**—A quick test using a pure-tone audiometer to determine whether a person can hear the following frequencies at less than or equal to the 25 decibel setting: 1,000 hertz, 2,000 hertz, 4,000 hertz, and 500 hertz.

**Temporary loan**—The acquisition and temporary issuance, usually on a short-term basis, of a used hearing aid arrangement or hearing aid to a recipient of the program.

**Testing equipment**—An instrument or device used to perform a measurement or measurements to substantiate or verify the presence or absence of sensory impairment(s) and to identify the particular sensory deficiency. This category may include, but is not limited to, the equipment defined as screening equipment and also secondary equipment such as audiometric calibration equipment and hearing aid analyzers.

**Tests**—Procedures to assess special senses and communication functions, which may include, but are not limited to, auditory brainstem response audiometry, pure-tone air and bone conduction thresholds, with appropriate masking when indicated; speech discrimination scores; speech reception thresholds, tympanograms with reflex thresholds; Snellen chart screening; screening with stereoscopic instrumentation; visual evoked potential testing instrumentation; measurements of articulation functioning, receptive and expressive language, voice quality, stuttering, auditory perception, and discrimination, and other corroborating tests which the person conducting the professional examination determines as necessary to define the parameters of the individual's sensory loss or communication disorder.

**Visual acuity**—The sharpness of vision that is measured and recorded using an internationally recognized, two-figured indicator, such as 20/20.

**§37.23. Children Requiring Vision and Hearing Screening.**

(a) All children enrolling in any public, private, parochial, or denominational preschool or school in Texas for the first time must be screened for possible vision and hearing problems prior to completion of the first semester of enrollment or within 120 calendar days of enrollment, whichever is longest, or present evidence of screening conducted one year prior to enrollment. The screening requirement may be met either by:

(1) a physician licensed to practice medicine in the United States; or

(2) an optometrist or another licensed professional whose licensure qualifies him or her to evaluate vision difficulty and a licensed professional whose licensure qualifies him or her to evaluate hearing difficulty; or

(3) a Texas Department of Health-certified screener trained for vision or hearing screening.

(b) First-time entrants into preschool programs will be screened within 120 days of enrollment or present evidence of screening conducted one year prior to enrollment. Those children will be screened or present evidence of screening in the following sequence:

(1) children who are four years of age or older, beginning September 1, 1985,

(2) children who are three years of age, upon notice from the department of development and implementation of department-approved screening methods and referral criteria; and

(3) children from birth to three years of age, upon notice from the department of development and implementation of department-approved screening methods and referral criteria.

(c) The school population to be screened for vision and hearing problems beyond the level of first entry into preschools or schools shall be expanded according to the following schedule:

(1) In the 1985-1986 school year, third and fifth grade students will be added to those children to be screened under subsections (a) and (b) of this section.

(2) In the 1986-1987 school year, seventh and ninth grade students will be added to those children to be screened under paragraph (c)(1) of this section.

(d) The school population to be screened under subsection (c) of this section may be screened at any time during the reporting year prior to May 31 of that year.

(e) Upon written request submitted to the department and approved by the department, the screening of vision or hearing in a school may occur in alternating years for those grades specified in subsection (c) of this section.

(f) An affidavit, signed by the parent(s), guardian(s), managing conservator(s), or person(s) having legal responsibility for the child's support, stating that the child will undergo the required vision and/or hearing screening as rapidly as is feasible may be submitted to the admitting officer of the preschool or school to provisionally admit the child into a preschool, kindergarten, elementary, or secondary school.

(g) An affidavit, signed by the parent(s), guardian(s), managing conservator(s), or person(s) having a legal responsibility for the child's support, stating that the vision and/or hearing screening conflicts with the tenets or practices of a recognized church or religious

denomination of which the affiant is an adherent or member may be submitted to the preschool or school authorities in lieu of the required record of screening.

(h) Upon review of data from the populations screened, the board shall determine the further expansion or reduction of the populations and any additional periodic screenings of children beyond the minimum levels herein established.

(i) Until more comprehensive screening procedures are recommended by the department, and published, all vision and hearing screeners who provide testing above the minimum requirements are urged to continue such testing and to continue using referral criteria for such testing that are either professionally accepted or recommended by the manufacturer of the testing equipment or the developer of the testing instrument.

**§37.25. Authorized Signatures**

(a) The required proof of vision screening may be signed by a physician licensed to practice in the United States or by an optometrist licensed to practice in the United States, either of whom performed the vision examinations or personally supervised the screening tests.

(b) The required proof of hearing screening may be signed by a physician licensed to practice in the United States or by a licensed professional whose licensure qualifies him or her to evaluate hearing difficulty, either of whom performed the hearing examinations or personally supervised the screening tests.

(c) The required proofs of screening may be signed by designated personnel certified as screeners under §37.29 of this title (relating to Standards for Screening Tests and Screener Training Courses in Vision and Hearing).

**§37.26. Closing Dates for Submitting Proofs of Screening and Reports of Screening Results.**

(a) The closing date for submitting proofs to the admitting officer of the preschool or school that children who are first-time entrants into a preschool or school have had vision and hearing screening tests shall be no later than 120 calendar days after first enrollment of the child into the preschool or school or the second week of the second semester after first enrollment, whichever is the longest or applicable to the circumstances of the facility.

(b) The closing date for submitting proofs to the admitting officer of the preschool or school that children mandated for vision and hearing screening, other than first-time entrants into a school, have had vision and hearing screening tests shall be no later than June 30 of each reporting year.

(c) Each preschool or school shall submit to the department an annual report on the screening status of the individuals in attendance during the reporting year.

(1) The results of required examinations and/or screening tests shall be reported annually by the governing body of each preschool and school, under the signature of the superintendent or chief administrator of the preschool or school, as specified on a form(s) which is (are) approved by the department.

(2) All screening and referral results shall be reported on standard forms for vision and for hearing; those forms shall be developed and revised as deemed necessary by the department.



(3) The annual reports of all vision and hearing screening activities shall be submitted to the department by June 30 of each year.

(d) Reports of failures among the populations which are required to be screened in a Texas preschool or school shall be submitted to the department on a form(s) which is (are) approved by the department on or before June 30 of each reporting year in which the screening was performed.

(e) Reports of failures among the populations which are required to be screened in a Texas child-care facility shall be submitted to the department every six months on a form(s) which is (are) approved by the department, i.e., on or before April 1 and October 1 of each reporting year. For example, the failures among those children screened between October 1985 and March 1986 should be reported on or before April 1, 1986; and the failures among those children screened between April 1986 and September 1986 should be reported on or before October 1, 1986.

*§37.29. Standards for Screening Tests and Screener Training Courses in Vision and Hearing.*

(a) The basic screening tests and referral criteria reviewed by the advisory committees and approved by the department are incorporated into the screener training manuals provided by the department and shall be adhered to by all individuals screening under the requirements of Texas Civil Statutes, Article 4419g

(b) Licensed professionals who screen under Texas Civil Statutes, Article 4419g, shall adhere to the basic screening tests and referral criteria referenced in subsection (a) of this section.

(c) Individuals eligible to become screeners shall include health personnel, volunteers, school nurses or aides, or other preschool or school personnel.

(d) Department staff or department-certified instructors shall issue a certificate to an individual who successfully completes the department's vision or hearing screening course. The certificate indicates that the screener has the authority to screen children in the approved area (vision or hearing) for a period of five years.

(e) The certificate shall be renewable as follows: an individual in good standing who holds a valid certificate will be eligible for a five-year extension of his or her certificate to screen upon successful completion of an approved continuing education course in vision or hearing screening. This continuing education course may be taken at any time during the five-year period but must be taken before the expiration of each original five-year certificate.

(f) Individuals eligible to become instructors in hearing screening techniques must be licensed individuals whose licensure qualifies them to evaluate hearing difficulty, medical doctors specializing in hearing disorders, or individuals who have been evaluated and approved by the program's staff on the basis of formal and/or experiential background.

(g) Individuals eligible to become instructors in vision screening techniques must be optometrists, medical doctors specializing in visual disorders, or individuals who have been evaluated and approved by the program's staff on the basis of formal and/or experiential background.

(h) Instructors shall be those eligible individuals who have successfully completed a course in procedures and techniques of instruction presented by the program's staff and who have demonstrated their knowledge of department-approved vision or hearing screening techniques or those eligible individuals who have had their training credentials evaluated and approved by the department. A certificate verifying instructor status will be issued upon satisfaction of these requirements.

(i) In order to maintain instructor status, the individual shall successfully complete each updated continuing education course provided by the program upon notification of the provision of such a course.

(j) All training sessions for screeners must be approved by the department at least 10 working days in advance of the training sessions.

*§37.32. Provision of Other Screening Services Offered by the Department*

(a) The program offers an optional speech/language screening instrument, the Texas-Acevedo Screening of Speech and Language (TASSL), and training courses in its use. If a preschool or school should choose to use the TASSL, the preschool or school shall follow prescribed department standards in that screening and report all screening results to the department.

(b) For any other screening instrument or equipment the department develops, adapts, or approves for special senses and communication disorders detection, the agency using said product shall follow prescribed department standards in screening utilization of the product and report all screening results to the department upon departmental request.

*§37.34. Program Benefits.*

(a) The department is authorized to pay the providers on a fee-for-service basis for services rendered to recipients.

(b) The fee may not exceed the schedule of payment developed by the department which is contained in the contract between the department and the provider.

(c) Upon the receipt of a prescription, the department is authorized to provide a hearing aid(s) for the recipient to a provider on contract with the department; provided, however, that:

(1) the title to the hearing aid(s) provided remains in the State of Texas, and

(2) one additional hearing aid may be provided to replace a hearing aid which is either lost or negligently destroyed while in the possession of a recipient or his or her parent(s), guardian(s), or managing conservator(s).

*§37.38. Department Approved Providers.*

(a) Approval criteria. All providers who wish to furnish services through this program must be approved by the department and must meet the following criteria.

(1) Providers approved to cooperate and participate in the program shall comply with Texas Civil Statutes, Articles 4419g, 4566, and 4590f, and with other laws which may apply to services provided through the program.

(2) The provider's testing equipment, including, but not limited to, audiometers, tympanometers, hearing aid analyzers, audiometer calibration equipment, and such other equipment that is used in the assessment of

human hearing abilities must be registered with the department.

(3) A provider must have the capability of conducting all hearing evaluations in a sound-treated facility meeting current ANSI standards and any federal, state, or manufacturer's specifications in order to insure the accuracy of all nonmedical evaluations including, but not limited to, pure-tone air and bone conduction testing and speech audiometry both under earphones and in sound field, unaided and aided

(4) A provider for the Hearing Aid Loan Program must demonstrate that its staff and equipment available for testing are suitable and capable for evaluating the hearing loss of infants, children, and/or young adults.

(5) A provider for the Speech/Language Services Program must possess a variety of test instruments which measure articulation, receptive and expressive language abilities, cognitive functioning, semantics, syntactic rules, voice quality, fluency of speech, and other typical tests used in the assessment of speech and language functioning

(6) A provider for the Speech/Language Services Program must demonstrate that its staff and equipment are suitable and capable for evaluating the speech and language problems of infants, children, and/or young adults.

(7) All providers shall be required to submit an annual inventory of state-owned equipment on loan to their facility from the department and of all hearing aids on consignment to their facility which have not been transferred by receipt to a recipient of services approved by the department.

(8) The provider must supply its federal vendor identification number to the department to ensure vendor payments from the state comptroller's office.

(9) The provider's equipment requiring calibration shall be calibrated annually by a calibration firm that is registered with the department

(10) The equipment and facility of all providers shall be subject to monitoring visits by personnel from the department in accordance with Article 4590f

(11) Providers who furnish services and/or hearing aids for the Hearing Aid Loan Program alone shall be in compliance with Article 4566 and after the audiological assessment shall obtain the approval of an otologist for the hearing aid fitting

(12) All providers specified in subsection (b)(4) of this section, except those in subparagraphs (C)-(F) of subsection (b)(4), shall have a licensed audiologist and, when applicable, a licensed speech/language pathologist on staff or on contract who are in compliance with Article 4419g.

(13) All providers specified in subsection (b)(4) (E) of this section shall have a licensed speech/language pathologist on staff or on contract who is in compliance with Article 4419g

(b) Method of obtaining approval as a provider

(1) The applicant must request a contract from the department.

(2) The request for a contract must come from the chief administrating officer of the facility

(3) Applicants must provide assurances in writing that the applicant's facility and staff meet the standards

established by the department to furnish special senses and communication disorders services through the program.

(4) The contract applicant may apply for different levels of service delivery as indicated in subparagraphs (A)-(F) of this paragraph.

(A) The applicant may request to become a full provider under the program for all services (the Hearing Aid Loan Program and the Speech/Language Services Program) to all ages, birth through 20 years, if the provider's facility and personnel qualify under the standards set by the department.

(B) The applicant may request to become a full provider under the Hearing Aid Loan Program only for all services to all ages, birth through 20 years, if the provider's facility and personnel qualify under the standards set by the department.

(C) The applicant may request approval as a full provider under the Hearing Aid Loan Program only for all services to individuals from 10 years through 20 years of age, if the provider's facility and personnel qualify under the standards set by the department.

(D) The applicant may request approval under the Hearing Aid Loan Program as a limited provider of hearing aid repair and/or earmold services for all individuals from birth through 20 years of age even though the provider does not qualify to provide evaluation services.

(E) The contract applicant may request approval as a full provider only under the Speech/Language Services Program for all services to all ages, birth through 20 years of age, if the provider's facility and personnel qualify under the standards set by the department.

(F) Providers holding valid contracts with the Hearing Aid Loan Program as of January 1, 1983, may continue to function as providers of services with the Texas Department of Health as contracted.

(5) Requests to become a provider shall be reviewed by the department.

(6) After the provider has been approved by the department, the two parties shall enter into a contract which shall:

(A) specify the services to be performed by the provider;

(B) incorporate these rules and the various Texas state laws and regulations governing the department as a state agency; and

(C) be, for a period of one year, subject to annual renewal if the provider meets the renewal criteria.

(7) In order to renew a contract with the program, the provider shall submit a letter to the department requesting continuation for a period of one year of the existing contract or the contract as amended.

(8) The department will extend a contract with the program if the department finds that the provider has satisfactorily performed under the initial contract and has complied with these program rules.

*§37 40. Department Approval of Recipients.*

(a) The impaired individual must meet the following criteria to be approved to receive services from the program:

(1) the child shall be less than 21 years of age; and

(2) the program will serve only individuals who are bona fide residents of Texas, i.e., a person who:

(A) is physically present within the geographic boundaries of the State of Texas;

(B) has an intent to remain within the state, either permanently or for an indefinite period; and

(C) actually maintains an abode (e.g., house, apartment, etc., but not merely a post office box) within this state; and

(D) does not claim residency in any other state or country; or

(E) is a minor child, residing in Texas, of a bona fide resident; or

(F) is a legal dependent spouse, residing in Texas, of a bona fide resident; or

(G) is an adult residing in Texas and his/her legal guardian is a bona fide resident.

(3) Any recipient of services provided through the program must be present in the State of Texas unless the department finds that the recipient is a bona fide student in a recognized educational institution which has specialized programs for the deaf and hearing-impaired and/or speech/language-impaired.

(4) Texas residency may be documented by submitting either:

(A) copies of three of the following documents all in the applicant's name:

(i) a current, valid Texas driver's license, or identification card issued by the Texas Department of Public Safety;

(ii) a current, valid Texas voter's registration card;

(iii) a current, valid Texas motor vehicle registration;

(iv) a residential warranty deed, or receipts for the payment of mortgage, rent, or utilities, for two consecutive months prior to the date of the applicant's first request for services through this program;

(v) the most recent two retirement checks on which the applicant's name and address are imprinted;

(vi) a current, valid Texas Medicaid card;

(vii) current Texas AFDC benefit records;

(viii) Texas property tax receipts for the most recently completed tax year;

(ix) the most recent two months' payroll checks or employment records containing the applicant's name and address;

(x) a complete copy of United States Immigration and Naturalization Services (INS) Form I-151 or Form I-551 (Alien Registration Receipt Card);

(xi) a copy of the applicant's most recent change of status application, as submitted to INS, and updated every six months; or

(xii) a complete copy of the forms issued to the applicant by INS as evidence of lawful temporary entry into the United States. Such forms may include, but are not limited to, Form I-90, Form I-94, Form I-190, or Form I-181, and these must be renewed every six months; or

(B) copies of two of the documents listed in subparagraph (A) of this paragraph and a copy of one of the following documents:

(i) a Texas birth certificate;

(ii) military service separation records;

(iii) school records; or

(iv) most recent medical records that contain the applicant's name and current address, other than the program's own application forms.

(5) The recipient must have a documented potential hearing loss.

(6) Monthly income for the family shall be considered as the primary eligibility criteria, and the following eligibility factors shall be considered.

(A) Families living at or below the federally defined guidelines of poverty shall be given first consideration for approval.

(B) Family size and location of residency may be considered as factors of income required to meet the family's financial obligations.

(C) The parent(s), guardian(s), or managing conservator(s) must state on a department-approved form that they are unable to provide a hearing aid(s) and/or other services for the impaired individual because of limitations of the family's income.

(D) Extenuating circumstances, e.g., multi-handicapping conditions of the applicant, more than one handicapped individual in the home, unusually large medical bills, family income limited to seasonal work, may be considered when establishing eligibility.

(E) Monthly expenses for essential housing, utilities, food, transportation, medical bills, loan payments, insurance, clothing, or other similar expenses as related to monthly income shall be evaluated.

(F) Available income and assets shall be evaluated to determine whether the parent(s), guardian(s), or managing conservator(s) can provide hearing aid(s) and/or other services through a private provider.

(G) Families with limited funds may be approved for partial funding with contributions being made to the program based on their ability to pay.

(7) A recipient may qualify for a hearing aid through the Hearing Aid Loan Program when:

(A) an otologist judges the medical implications of the recipient's hearing loss and determines that the recipient is treatable with the use of a hearing aid(s) and that no danger will exist to the recipient from the use of a hearing aid(s);

(B) a provider, an educator, and/or otologist judges that the hearing loss is an impediment to the individual's educational advancement;

(C) a provider must demonstrate improvement or justify the fitting of a hearing aid(s) which can be expected to improve the recipient's ability to communicate;

(D) Recipients found to have medically and/or surgically treatable hearing losses shall be referred to responsible programs and/or state agencies for medical treatment and management or, if Medicaid-eligible, to the Texas Department of Human Resources;

(E) recipients who are found to have a medically treatable hearing loss, but in the opinion of the otologist should be fitted with a hearing aid(s) on a temporary basis, are eligible to receive a hearing aid(s) through the department's program.

(b) Pursuant to a contract between the Texas Department of Human Resources as a single state agency to administer the medical assistance program and the

department, hearing aid services and/or speech/language services may be provided to Medicaid-eligible recipients between the ages of birth and 21 years.

(c) An impaired individual is not eligible to receive services or a hearing aid(s) provided by this program to the extent that the impaired individual or the individual's parent(s), guardian(s), managing conservator(s), or other persons who have a legal obligation to support the impaired individual is eligible to receive such services or hearing aid(s) or payment for same from any third-party source. Third-party sources may include, but are not limited to, Title XVIII and Title XIX of the Social Security Act as amended, the Veterans Administration, the Civilian Health and Medical Program of the Uniformed Services, Worker's Compensation or other compulsory employer's insurance program benefits arising from a cause of action for medical services, and any private insurance plan. The department may waive this requirement relating to third-party sources if the department finds that the enforcement of this rule would tend to disrupt the administration or to prevent the provision of services or hearing aid(s) and/or speech/language services to recipients contemplated in these rules.

(d) The approval of the impaired individual for assistance through or in cooperation with the program shall be granted on an individual basis for each request for assistance.

*§37.46 Nondiscrimination Statement.* The Texas Department of Health operates in compliance with the Civil Rights Act of 1964 (Public Law 88-352), Title VI, and the Code of Federal Regulations, Title 45, Part 80, so that no person will be excluded from participation in the program, be denied benefits of the program, or be otherwise subjected to discrimination on the grounds of race, color or national origin, sex, creed, handicap, or age.

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 21, 1984

TRD-842167      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date March 14, 1984  
Proposal publication date December 2, 1983  
For further information, please call (512) 458-7700.



## Screening of Children for Visual Handicaps

25 TAC §§37.141-37.150

This repeal is adopted under the authority of Texas Civil Statutes, Article 4419g, § 4-7, which authorize the Texas Board of Health to adopt rules to cover special senses and communication disorders

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 21, 1984

TRD-842168      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date March 14, 1984  
Proposal publication date December 2, 1983  
For further information, please call (512) 458-7700.

## Chapter 87. Controlled Substances

The Texas Department of Health adopts the repeal of § 87.1-87.6 and new § 87.1-87.6, concerning a controlled substances therapeutic research program, without changes to the proposal published in the December 23, 1983, issue of the *Texas Register* (8 Tex-Reg 5396).

The repeal of § 87.1-87.6 eliminates duplication on the state level with existing control and distribution procedures in federally-approved therapeutic programs, and the new § 87.1-87.6 enable the public to know the criteria which the commissioner of health will use to determine that a federally-approved therapeutic research program contains a medically responsible research protocol.

New § 87.1-87.6 cover control and distribution procedures used by the department to implement the program on a statewide level. The new sections establish the methods by which the Texas commissioner of health determines that a federally-approved therapeutic research program contains a medically responsible research protocol.

No comments were received regarding adoption of the repeal and new sections

### Controlled Substances Therapeutic Research Program

25 TAC §§87.1-87.6

The repeal is adopted under Texas Civil Statutes, Article 4476-15, § 7.01, which provide the Texas Board of Health with the discretion to establish a controlled substance therapeutic research program and §§3.01(e)(5), 3.03(g), and 4.11(c) which provide the Texas commissioner of health with the authority to determine whether a federally approved therapeutic pro-

gram contains a medically responsible research protocol.

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 January 22, 1984

TRD-842251 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date March 15, 1984  
Proposal publication date December 23, 1983  
For further information, please call (512) 458-7321.

### Submission of Research Protocols Using Tetrahydrocannabinols

#### 25 TAC §§87.1-87.6

The new sections are adopted under Texas Civil Statutes, Article 4476-15, §7.01, which provide the Texas Board of Health with the discretion to establish a controlled substance therapeutic research program and §§3 01(e)(5), 3 03(g), and 4 11(c), which provide the Texas commissioner of health with the authority to determine whether a federally-approved therapeutic program contains a medically responsible research protocol.

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 22, 1984

TRD-842253 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date March 15, 1984  
Proposal publication date December 23, 1983  
For further information, please call (512) 458-7321.

### Chapter 289. Occupational Health and Radiation Control

#### Control of Radiation

#### 25 TAC §§289.1, 289.2, 289.6

The Texas Department of Health adopts amendments to §§289.1, 289.2, and 289.6, with minor changes to the proposed text published in the September 16, 1983, issue of the *Texas Register* (8 TexReg 3655)

The amendments cover the addition of a new Part 12 to the *Texas Regulations for Control of Radiation* (TRCR) Part 12, titled "Fees for Certificates of Registration, Radioactive Material(s) Licenses, Emergency Planning and Implementation, and Other Regulatory Services," will defray the cost to the public for ad-

ministration and enforcement of the control of radiation in the State of Texas. The economic costs to individuals who are required to comply with the rules will depend upon their category of registration or license.

The new Part 12 establishes fees to be charged for licensing, registration, and other regulatory services rendered by the department and provides for their payment upon initial application or renewal and annually thereafter. Fees will also be charged for emergency planning and implementation and environmental surveillance of nuclear reactors and fixed nuclear facilities. Part 12 also produces amendments to existing TRCR Parts 35, 36, 41, 42, 43, and 44 (see §289.1(a)(9)-(14))

These amendments add requirements for payment of fees to licensing and registration requirements and add registration requirements for generally licensed radioactive material for in vitro use. The previous 180-day limit on reciprocal recognition of out-of-state licenses will be removed from TRCR Part 41.

Part 12 will produce amendments to existing Part 70 of the *Texas Regulations for Control of Laser Radiation Hazards* by adding requirements for payment of fees to laser registration requirements

Part 12 will also produce amendments to existing Part 100 of the *Texas Regulations for the Control of Radio-Frequency Electromagnetic Radiation* by adding requirements for payment of fees to radio-frequency radiation registration requirements

Six public hearings on the proposed fee rules were held throughout Texas in October and November 1983. The agency received 42 comments at the hearings. In addition, the agency received 462 written comments addressing the proposed fee rules, of which 413 were comment letters of similar content from dentists throughout Texas and the Texas Dental Association (TDA). As a result of the comments received, the agency has made several minor changes to the proposed rules. The following is a summary of the comments received and the resulting agency responses

Several commenters expressed concerns of a general nature concerning the rules. The comments and the staff response to those comments are as follows.

Several commenters expressed concern that the Bureau of Radiation Control (BRC) should announce all inspections of registrants and should inform registrants in advance of what procedures and records will be inspected. The staff agrees with these comments and has already changed to announced inspections, with the announcement card stating the need for a technician to be present and the records that will be reviewed during the inspection. The bureau will also begin coordinating with the TDA to write educational articles for the TDA journal addressing regulatory requirements of the agency

Comments were received from registrants suggesting that the BRC establish a ceiling for the number of machines for which a registrant can be billed. The staff agrees with the comment. The rules have been

changed to establish upper limits on registration fees and provisions for more than one location under the same registration. The category "Particle Accelerator" has a ceiling of \$1,500 total annual fee. Diagnostic/therapeutic x-ray facilities will pay a fee for no more than 10 machines. The fee ceilings are: hospital fee not to exceed \$260 annually, medical private practice and chiropractic fee not to exceed \$195 annually; and dental, podiatric, and veterinary fees not to exceed \$130 annually.

The category "Other Radiation Producing Machines" has a ceiling of \$300 total annual fee.

Several commenters suggested that an investigation of the bureau's direct and indirect costs be performed to determine the cost-effectiveness of the bureau's operations, including number of staff. The agency cannot investigate itself, however, the Bureau of Radiation Control has been under two legislative budget reviews in recent years. The bureau budget was not increased during the last legislative session. Also, the bureau is continually reviewing the effectiveness of its own program through the management by objectives system and yearly individual staff performance reviews.

Some commenters asked that the agency consider other methods for inspection, such as the use of private inspectors or the DENT mail-in program. Through contact with other state radiation control programs, the staff has obtained information on alternate inspection methods. In each case, statutory changes or budget restrictions have necessitated their current practices, and problems with the methods have been encountered.

The method used in California is very minimal and is not considered adequate by national standards. The staff will continue to monitor methods used by other agencies and is open to changes in inspection procedures if practicable.

Comments were received from registrants suggesting that the agency lengthen the inspection interval for x-ray machines from two years to five years. In addition, veterinary x-ray machines are not used to examine humans and so present less hazard to the public. Therefore, these units should be inspected less frequently than medical and dental equipment. The bureau has established an inspection interval of two years to locate the x-ray machines and determine compliance problems at the facilities. As more compliance data is gathered, inspection intervals may be changed to reflect any reductions or increases in compliance violations.

The accuracy of bureau data on number of registrants was questioned by some of the commenters. The staff has recognized inaccuracies in registration data, due in part to users failing to register their equipment. Bureau data is becoming more accurate as more users are registered and information received on the machines is more definitive.

Some respondents commented that the Radiation Control Act states that the TDH "may" charge a fee,

not "shall" charge a fee. They felt that the state should fund the BRC, not the customers of registrants. Although the Act says the agency "may" collect fees, not "shall" collect fees, many of those who participated in developing and passing the amendments to the Radiation Control Act believe the intent of the legislature was for the TDH to collect fees. The legislation places an emphasis on fees to be paid by those who use radioactive material or radiation-producing machines. The legislature has determined that fees are an acceptable method of reimbursing the state for radiation-related regulatory activities.

Several commenters questioned the need for a fee system and protested the agency funding itself with the collected fees. The fee rules were introduced by the agency as a result of the Texas Radiation Control Act (Texas Civil Statutes, Article 4590f), as amended in 1981, which directs the Texas Department of Health (TDH) to collect annual fees for processing applications for a license or registration; amendments to or renewals of licenses or registrations; making inspections of licensees and registrants; and enforcement of the Act and rules, orders, licenses, and registrations of the agency. The Radiation Control Act also specifically states that "fees collected by the agency under this section shall be deposited in the General Revenue Fund." The agency will have no voice as to how the collected monies are appropriated. The legislature appropriates monies in the General Revenue Fund.

Many commenters questioned an annual fee system. Instead, they proposed that the agency charge a fee for each inspection, licensing, or registration activity of the bureau. The Radiation Control Act provides for the collection of an annual fee rather than a fee for each regulatory action taken by the bureau. Costs have therefore been averaged over a five-year period (licenses and registrations are issued for a five-year period) rather than establishing a fee for each regulatory action taken by the bureau. The tremendous amount of bookkeeping involved with a fee per action system is alleviated. The Act permits collection of a fee equal to, but not to exceed, the actual cost of carrying out each regulatory action. At no time will any licensee or registrant be charged more than the actual cost to the agency for regulatory services.

Several commenters questioned the amounts of the fees and how the agency determined the amounts for fees for the various use categories. The commenters felt there were inequities in the fee amounts. The amount of money proposed to be charged by the agency in each fee category was determined by bureau staff after reviewing manpower, time accounting, data currently available on BRC program costs, and the fees charged by other states and the U.S. Nuclear Regulatory Commission for comparable regulatory activities. The bureau feels that the proposed fees are in line with the fees charged by other comparable U.S. radiation control programs and, in most categories, the proposed fees for radioactive material licenses are lower than those currently proposed by the NRC.

Several commenters suggested that the fee rules take into consideration the size of an operation, the number of curies licensed, and/or the number of occupationally exposed workers. The agency feels that there is not necessarily a relationship between any one or all of these factors and the amount of agency time spent in licensing, inspecting, and other regulatory activities, nor to the potential for health and safety problems. The agency has followed the guidance of fee establishment by the U S Nuclear Regulatory Commission and comparable state radiation control programs which charge fees. In those programs, fees are set by category, not by size of operation. In addition, the costs of creating a bookkeeping system to address the size of each licensee's or registrant's operation would greatly increase the cost to the agency for implementation of the rules and thus increase the fees. As the agency continues to gather cost data on the various categories of regulatory activities, the fees will be adjusted accordingly through the formal rule-making process. At no time will a fee exceed agency costs of conducting licensing, registration, inspection, and environmental activities for each category of licensee and registrant.

Several commenters suggested that private consultants and physicists be allowed to inspect registrants for compliance with agency rules. This would reduce the agency's cost of regulating and would ultimately reduce the proposed fees. The agency is not in a position to accept a physicist's or consultant's report as a replacement for compliance inspections by agency staff. Agency inspectors continue to find items of noncompliance in facilities which have been recently visited by a consultant or physicist. Items reviewed by the private sector and the agency differ. In addition, consultants and physicists may only advise and do not have the authority to require compliance with the Radiation Control Act or rules developed under the authority of the Act.

Another comment questioned why the agency does not regulate and thus charge a fee for industries which produce radioactive byproducts such as fly ash. The agency is not currently required by law to regulate the coal, lignite, or natural gas production industries, as it is the uranium recovery industry.

In addition to the general comments previously addressed, comments were made on specific sections of the materials adopted by reference.

**12.2-Definitions** A comment was made that the definition of "fixed nuclear facility" should be changed to clarify that more than one reactor may exist at a facility site. The staff agreed with the comment and an appropriate change was made to the definition.

**12.3-Exemptions** Several commenters suggested exemptions for state and federal institutions, nonprofit health-providing organizations, and city or county civil defense activities. The Texas Radiation Advisory Board and the agency have taken the position that fees are a legitimate cost of doing business and should, as such, be charged to all licensees and registrants of the agency. In addition, the exemption for voluntary, non-

profit emergency management work has been deleted. Fees may be added into grant or contract proposals that involve the use of sources of radiation.

**12.11(c)-Reciprocity Fees** Several industry commenters questioned the fee for reciprocity activities authorized by the agency. Reciprocity is a granting of authorization by the agency to perform certain activities. Under a general license issued by the TRCR and additional requirements of TRCR Part 41.9, a person holding a license from another agreement state or the U S Nuclear Regulatory Commission may perform work in Texas under that license 365 days per year. The agency inspects these licensees in the field at least as often as similar in-state licensees. Since the agency does not have access to all correspondence between the licensee and the licensing agency, lines of communication must be established for this. All these regulatory activities incur costs to the agency. A precedent has been set by other state programs who charge fees for reciprocity. This practice has not been challenged by the U S Nuclear Regulatory Commission.

**12.21-Schedule of Annual Fees for Radioactive Material Licenses** Category 2, "Low-Level Waste Burial Site." A comment was made that the annual fee for this category was too high, and the agency costs should be re-evaluated based on the entire life of the license. The staff agreed with the comment and performed the re-evaluation. The waste disposal fee has been reduced from \$100,000 annually to \$61,000 annually. The agency has now averaged its costs over a 20-year period of disposal site operation. The \$100,000 fee originally proposed was based on the agency's costs during the first five years of the disposal site's licensing process and initial operation.

**12.21-Category 3, "Waste Processing"** The agency has created a separate category for Class A exempt waste licensees and established an annual fee of \$50. In conjunction with this change, the annual fee for Category 4, "Manufacturing Processing-Distribution of Radioactive Material License," has been reduced from \$1,500 to \$1,450, and the annual fee for Category 10, "Nuclear Pharmacy," has been reduced from \$460 to \$410.

**12.21-Category 7, "Well Logging"** There was some confusion among commentors as to which category tracer studies would apply. The category "Well Logging" has been changed to "Wireline Service Operations" to include licensees performing tracer studies under TRCR Part 36.

**12.21-Category 20, "Gas Chromatograph Detector"** A new category of license, "Gas Chromatograph Detector," has been added. This reduces the fee for a gas chromatograph detector license from \$170 to \$50.

**12.21-Category 21, "Other Specific Licenses"** The license category "Other Specific License" now has two subgroups to better define the complexity of the license. An additional \$50 per license for those licenses in this category using radioactive material at temporary job sites and an additional \$30 per license

for those licenses in this category involving the use of radioactive material in other than sealed source form will be charged to reflect the differences in costs to the agency for regulating these licensees

**12.31-Schedule of Annual Fees for Certificates of Registration for Radiation Machines, Lasers, and Services.** For clarification purposes, the following categories have been reworded "Industrial Radiography" is now "Industrial Radiography Facility," "Lasers" is now "Laser Facility Requiring Registration," and "Nonexempt Radio-Frequency Products or Installations" is now "Radio-Frequency Products or Installations Requiring Registration, Per Facility "

**12.31-Category 3(a), "Diagnostic/Therapeutic X-Ray Facilities, Hospitals "** Several commentors questioned the proposed fees for hospital x-ray registrations. The hospital fees are higher than the fees for medical private practice facilities. Hospitals are inspected on an annual basis versus a biennial inspection interval for private practice facilities. The annual inspection interval incurs more cost to the agency. The reasons for more frequent inspections at hospitals are the higher patient load and greater use of x-ray machines resulting in more radiation exposure to members of the general public. Upper limits on categories of registration have been added to the proposed rules to hold down the fee costs for hospitals and other large institutions.

**12.31-Category 9, "Additional Permanent Sites Where Radiation Machines or Services Are Authorized Under the Same Registration "** A comment was received suggesting that a facility be allowed to register its satellite locations under the same broad registration category. The staff agreed with the comment and will now allow registration of satellite locations under one registration. An additional 20% of the assessed fee for a registrant will be charged for each additional location of the registrant, not to exceed an additional 100% of the applicable fee based on total number of registered machines. In the past, the agency had required a separate registration for each location. To register additional locations under one registration, the registrant must establish one central location for copies of all records required by the TRCR and have one radiation safety officer responsible for reviewing and overseeing radiation safety operations at all locations under the registration. This reduces the registration fee costs for those persons with more than one location of operation.

**41.22(d)(3)-Regarding Generally Licensed Gauges.** Several commentors stated that to require registration of gauges and static eliminators, and thus a fee from general licensees under this category, is a duplication and is unnecessary for health and safety purposes. They asked that the requirement be eliminated until a demonstrated need for additional regulation is established. The staff agreed with the comment. The registration requirement for users of generally licensed industrial gauges has been deleted. The result is that the users of generally licensed industrial devices will not have to register with nor pay a fee to the agency.

The U S Nuclear Regulatory Commission was clearly in favor of the rules.

The following groups or associations were clearly against the rule: Texas In Situ Uranium Mining Environmental Association, Baptist Memorial Hospital System, Uranium Resources, Inc.; Texaco, Inc.; City of Pasadena, Mercy Hospital of Laredo, Radiology Associates, Lee Memorial Hospital, Inc.; Texas Dental Association, Southwestern General Hospital; Radiation Service and Suppliers Association; Moncrief Radiation Center, Radiation Consultants, Inc.; Nuclear Sources and Services, Inc., Texas Tech Medical School, U S Steel Corporation; Hermann Hospital; Methodist Hospital of Lubbock, El Paso Veterinary Medical Association, and Evans Tank Company.

The following groups or associations had comments, questions, and/or recommendations but were not clearly for or against the rule: Texas Nuclear; Houston Lighting and Power Company; Di-Com Services, Inc.; Diagnostic Affiliates, Industrial Laboratories; Tex-X Industrial X-Ray, San Jacinto College; Valley Diagnostic Clinic, Hendrick Medical Center, Radiological Physics, Inc., City of Arlington, 3M, Texas Medical Association, American Association of Physicists in Medicine; Scott and White Clinic, Texas Veterinary Medical Association, St Mary's University of San Antonio; Tracer Lab, El Paso County Medical Society; Bonded Inspections, Tarrant County Veterinarians; Texas Chiropractic Association, South Texas Chapter, Health Physics Society, Everest Minerals; Texas Low Level Radioactive Waste Disposal Authority; Nuclear Pharmacy, Inc., and El Paso Natural Gas Company.

The amendments are adopted under Texas Civil Statutes, Article 4590f, § 54(d)(3), 17, and 18, which provide the Texas Department of Health with the authority to formulate, adopt, and promulgate rules which provide for licensing and registration relating to control, transport, and routing of radioactive material within the State of Texas, to prescribe and collect a fee for each license and registration, and to prescribe and collect annual fees from each fixed nuclear facility that utilizes special nuclear material for emergency planning and implementation and environmental surveillance activities.

**§289 I Control of Radiation Generally.**

(a) The Texas Department of Health adopts by reference the rules contained in the department's document titled *Texas Regulations for Control of Radiation*, which consists of the following parts and the dates they have been amended:

(1)-(8) (No change)

(9) Part 35, "Radiation Safety Requirements for Particle Accelerators," as amended in April 1984.

(10) Part 36, "Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies," as amended in April 1984.

(11) Part 41, "Licensing of Radioactive Material," as amended in April 1984.

(12) Part 42, "Registration of Radiation Machines and Services," as amended in April 1984.



(13) Part 43, "Licensing of Uranium Recovery Facilities," as amended in April 1984.

(14) Part 44, "Licensing of Radioactive Waste Processing and Storage Facilities," as amended in April 1984.

(15) (No change.)

(16) Part 12, "Fees for Certificates of Registration, Radioactive Material(s) Licenses, Emergency Planning and Implementation, and Other Regulatory Services," added in April 1984.

(b) The documents adopted by reference in this section are indexed and filed in the Bureau of Radiation Control, Texas Department of Health office, located at 1212 East Anderson Lane, Austin, Texas 78752, and are available for public inspection during regular working hours.

**§289.2. Control of Laser Radiation Hazards.**

(a) The Texas Department of Health adopts by reference the regulations contained in the department's document titled *Texas Regulations for the Control of Laser Radiation Hazards*, as amended in April 1984.

(b) The document adopted by reference in this section is indexed and filed in the Bureau of Radiation Control, Texas Department of Health office, located at 1212 East Anderson Lane, Austin, Texas, 78752, and is available for public inspection during regular working hours.

**§289.6. Control of Radio-Frequency Electromagnetic Radiation.**

(a) The Texas Department of Health adopts by reference the regulations contained in the department's document titled *Texas Regulations for the Control of Radio-Frequency Electromagnetic Radiation*, as amended in April 1984.

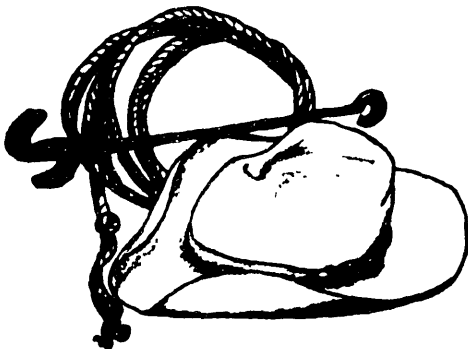
(b) The document adopted by reference in this section is indexed and filed in the Bureau of Radiation Control, Texas Department of Health office, located at 1212 East Anderson Lane, Austin, Texas 78752, and is available for public inspection during regular working hours.

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 22, 1984

TRD-842252      Robert A. MacLean, M D  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date April 1, 1984  
Proposal publication date September 16, 1983  
For further information, please call (512) 835-7000.



**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.)*

**Fees, Charges, and Costs**

**059.04.07.013**

The State Board of Insurance adopts an amendment to Rule 059.04.07.013, without changes to the proposed text published in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4888).

This rule sets out the cost per copy of the board's publication of the Insurance Code and related laws. This volume is published by the board subsequent to each legislative session. It includes new law and amendments but does not include annotations.

No comments were received regarding adoption of the amendment.

This amendment is adopted under the Insurance Code, Article 4.07, which authorizes the State Board of Insurance to set and collect a sales charge for copies of any paper or record in its offices sufficient to reimburse the state for actual expenses.

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 22, 1984.

TRD-842243      James W. Norman  
Chief Clerk  
State Board of Insurance

Effective date. March 15, 1984  
Proposal publication date: November 25, 1983  
For further information, please call (512) 475-2950.

**General Provisions  
Texas Medical Liability Insurance  
Underwriting Association Act**

**059.21.49.302**

The State Board of Insurance adopts the repeal of Rule 059.21.49.302, without changes to the proposal published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4842).

This rule appoints a temporary board of directors for the joint underwriting association established under the Texas Medical Liability Insurance Underwriting Association Act. The contents of this rule are not in the nature of a rule as defined in the Administrative Procedure and Texas Register Act. The repeal of this rule does not change any present board procedure or

requirement. It is provided in the board order adopting this repeal that the status of any prior action by the board or board orders respecting the board of directors of the joint underwriting association remain unchanged by this order.

No comments were received regarding adoption of the repeal.

This repeal is adopted under authority of the Insurance Code, Article 21.49, §6, pursuant to which the board may appoint a temporary board of directors of the joint underwriting association, and pursuant to the board's authority to repeal any rule it has previously adopted.

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

Issued in Austin, Texas, on February 22, 1984

TRD-842244      James W. Norman  
                         Chief Clerk  
                         State Board of Insurance

Effective date March 15, 1984  
Proposal publication date: November 22, 1983  
For further information, please call (512) 475-2950.

**059.21.49.303**

The State Board of Insurance adopts the repeal of Rule 059.21.49.303, without changes to the proposal published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4842).

This rule adopts an application form to be used in connection with the writing of medical liability insurance by the joint underwriting association, pursuant to the Texas Medical Liability Insurance Association Act. The material adopted under this rule may be adopted under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, application forms are being adopted under that law. No present practice or requirement of the board is being changed as a result of this repeal.

No comments were received regarding adoption of the repeal.

This repeal is adopted under authority of the Insurance Code, Article 21.49-3, §4, pursuant to which forms and rates are reviewed for approval by the State Board of Insurance and pursuant to the board's authority to repeal any rule it has previously promulgated

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

Issued in Austin, Texas, on February 22, 1984

TRD-842245      James W. Norman  
                         Chief Clerk  
                         State Board of Insurance

Effective date March 15, 1984  
Proposal publication date November 22, 1983  
For further information, please call (512) 475-2950.

**059.21.49.304**

The State Board of Insurance adopts the repeal of Rule 059.21.49.304, without changes to the proposal published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4843).

This rule adopts an application form to be used in connection with the writing of medical liability insurance by the joint underwriting association, pursuant to the Texas Medical Liability Insurance Association Act. The material adopted under this rule is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, application forms are being adopted under that law. No present practice or requirement of the board is changed as a result of this repeal.

No comments were received regarding adoption of the repeal.

This repeal is adopted under authority of the Insurance Code, Article 21.49-3, §4, pursuant to which forms and rates are reviewed for approval by the State Board of Insurance, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on February 22, 1984

TRD-842246      James W. Norman  
                         Chief Clerk  
                         State Board of Insurance

Effective date: March 15, 1984  
Proposal publication date: November 22, 1983  
For further information, please call (512) 475-2950.

**059.21.49.305**

The State Board of Insurance adopts the repeal of Rule 059.21.49.305, without changes to the proposal published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4843).

This rule adopts an application, binders, policy forms, and endorsement forms to be used in connection with the writing of medical liability insurance by the joint underwriting association, pursuant to the Texas Medical Liability Insurance Association Act. The material adopted in this rule is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, forms are being adopted under that law. No present practice or requirement of the board is changed as a result of this repeal.

No comments were received regarding adoption of the repeal.

This repeal is adopted under authority of the Insurance Code, Article 21.49-3, §4, pursuant to which forms and rates are reviewed for approval by the State Board

of Insurance, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on February 22, 1984

TRD-842247 James W Norman  
Chief Clerk  
State Board of Insurance

Effective date: March 15, 1984  
Proposal publication date: November 22, 1983  
For further information, please call (512) 475-2950.

**059.21.49.306**

The State Board of Insurance adopts the repeal of Rule 059.21.49.306, without changes to the proposal published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4844).

This rule adopts by reference a manual for hospital professional liability rules, rates, and special endorsements to be used by the joint underwriting association established under the Texas Medical Liability Insurance Association Act. This manual may be adopted under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is adopting the manual under that statute. No present procedure or requirement is changed as a result of this repeal.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 21.49-3, §4, pursuant to which the board may approve rates, rating rules, rating classifications, territories, and policy forms applicable to the insurance written by the joint underwriting association, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on February 22, 1984

TRD-842248 James W Norman  
Chief Clerk  
State Board of Insurance

Effective date: March 15, 1984  
Proposal publication date: November 22, 1983  
For further information, please call (512) 475-2950.

**059.21.49.308**

The State Board of Insurance adopts the repeal of Rule 059.21.49.308, without changes to the proposal published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4844).

This rule adopts certain forms for use by the joint underwriting association established under the Texas Medical Liability Insurance Association Act. The forms adopted under this rule are subject to the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, application forms are being adopted under that law. No present board procedure or requirement is changed as a result of this repeal.

No comments were received regarding adoption of the repeal.

This repeal is adopted under authority of the Insurance Code, Article 21.49-3, §4, pursuant to which the board approves forms and rates for the joint underwriting association, and pursuant to the board's authority to repeal any rule it has previously adopted.

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

Issued in Austin, Texas, on February 22, 1984

TRD-842249 James W Norman  
Chief Clerk  
State Board of Insurance

Effective date: March 15, 1984  
Proposal publication date: November 22, 1983  
For further information, please call (512) 475-2950.



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

The following adoptions submitted by the Comptroller of Public Accounts will be serialized beginning in the March 6, 1984, issue of the *Texas Register*. The effective date for the documents is March 19, 1984.

- Chapter 3 Tax Administration
  - Subchapter C Minerals Tax Division—Crude Oil Taxes
    - §3.35 (repeal)
    - §3.35 (new)
  - Subchapter L. Fuels Tax Division
    - §3.175 (repeal)
    - §3.175 (new)

Subchapter Q Business Tax Division—Franchise  
Tax  
§3 392  
(amendment)

Subchapter V Bingo Regulation Division  
§3.541  
(amendment)  
§3 543  
(new)

Chapter 5. Funds Management  
§5.22  
(amendment)

**TITLE 40. SOCIAL SERVICES AND  
ASSISTANCE  
Part I. Texas Department of  
Human Resources  
Chapter 85. General Licensing  
Procedures  
Subchapter YY. Child-Care  
Administrators' Licensing**

The Texas Department of Human Resources adopts new rules and amendments to its rules concerning child-care administrators' licensing in its chapter on general licensing procedures. New §85 5017 and §85 5018 and amendments to §85.5012 and §85.5014 are adopted without changes to the proposed text published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4845).

Recent legislation provided for a change in the fees for the administrators' licensing examination, initial issuance of a license, and renewal of a license. Previously, the fee amounts were set by law. The new legislation allows the department to establish fees in amounts necessary to cover the cost of administering the program.

The new rules and amendments include the addition of a \$50 initial licensing fee, a \$25 increase in the renewal fee, the addition of a \$5.00 fee for replacement of a license, and a provision for a fee to renew an expired license as an alternative to reapplication or re-examination.

The department received written comments from representatives of Girlstown, U S A , the Mary Lee Foundation, and the Catholic Children's Home of Amarillo. All commented against the increase in the biennial renewal fee. The representative of the Mary Lee Foundation supported the requirement for a fee as an alternative to reapplication and re-examination when a license expires.

The department has not increased fees for administrators' licenses since the program began in 1974. In

addition to inflation over that period of time, administrative costs have increased. Adopting recommendations of the department's Advisory Review Board, such as revision of the existing exam, has also added to program costs. Since relatively few new applicants apply for licensure each year, the increase in the initial licensing fee is not sufficient to cover program costs.

**40 TAC §85.5012, §85.5014**

The amendments are adopted under the Human Resources Code, Title 2, Chapter 43, which authorizes the department to establish rules for the regulation of child care administrators.

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 24, 1984

TRD-842276      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date March 30, 1984  
Proposal publication date November 22, 1983  
For further information, please call (512) 441-3355,  
ext 2037

**40 TAC §85.5017, §85.5018**

The new rules are adopted under the Human Resources Code, Title 2, Chapter 43, which authorizes the department to establish rules for the regulation of child care administrators.

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 24, 1984

TRD-842275      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date March 30, 1984  
Proposal publication date November 22, 1983  
For further information, please call (512) 441-3355,  
ext 2037.

**Subchapter III. Social Work Certification**

The Texas Department of Human Resources adopts amendments, new rules, and the repeal of a rule concerning social work certification in its general licensing procedures chapter. The proposals were published in the October 11, 1983, issue of the *Texas Register* (8 TexReg 4125). Sections 85.6001, 85.6002, 85.6007, 85.6011-85.6013, 85.6019, 85.6021,

85.6023, 85.6024, and 85.6026 are adopted without changes to the proposed text and will not be republished here. Sections 85.6003, 85.6004, 85.6009, 85.6010, 85.6014, 85.6015, 85.6018, 85.6020, 85.6022, and 85.6025 are adopted with changes.

The rules on social work certification are adopted to implement amendments to the Human Resources Code, Chapter 50, concerning regulation of social work practitioners. The rules address the department's requirements for the various types of certifications for which a social worker may apply.

The department received two written comments on the proposal. A representative of the National Association of Social Workers, Texas, was supportive of the rules. Both commenters were concerned that the requirements for independent private practice did not provide sufficient protection for clients. One commenter stated that only social workers with a master's degree in social work should be permitted to engage in private practice or be recognized as advanced clinical practitioners. The same commenter opposed all "grandfather" provisions in the rules.

In response to the comments, the department strengthened the requirements for independent private practice and orders of recognition. The intent of the legislature in amending Chapter 50, however, was to provide for certification for persons with social work experience before the effective dates stated in the rules. The "grandfather" provisions were not changed.

The department included recommendations from the Council for Social Work Certification in rewording and adding language to the rule text. Minor changes were also made for clarity and consistency.

**40 TAC §§85.6001, 85.6003, 85.6004,  
85.6007, 85.6009-85.6015, 85.6018**

The amendments are adopted under the Human Resources Code, Title 2, Chapter 50, which authorizes the department to regulate social work practitioners

**§85.6003. Recognition.**

(a) The department recognizes persons as qualified to engage in the private practice of social work and/or grants an order of recognition when it determines that a holder of a social work certificate is qualified for specialty practice.

(b) Private practice—A private practitioner of social work is one who, on either a full- or part-time basis, is responsible for his own practice, establishes his own conditions of exchanges with his clients, and identifies himself as a social work practitioner in offering services. A social worker is considered in private practice if he provides social work services with sole responsibility for the client, regardless of the organizational structure in which he provides the services.

(1) Only persons meeting the requirements may present themselves to the public as independent private

practitioners. Persons currently in private practice and persons entering private practice must notify the department and document that they meet the requirements for private practice.

(2) The requirements for recognition as an independent private practitioner are:

(A) certification as a certified social worker under Chapter 50, Human Resources Code

(B) five years of full-time social work practice in an agency, institution, or in the employment of an individual qualified as a private practitioner under these rules. The private practitioner must have five years of experience after completing the requirements for certification as a certified social worker. He must meet the experience requirements in §85.6022 of this title (relating to Social Work Experience). (Completion of these requirements may predate actual certification under the law.) The department may grant provisional recognition as a private practitioner to persons submitting an acceptable plan for completing this requirement by August 31, 1987.

(C) two years of these five years or 3,000 hours must have been completed under the supervision of a person eligible for certification as a certified social worker who has had at least an equivalent amount of supervision. (Completion of these requirements may predate actual certification under the law.)

(D) (No change.)

(3) Until August 31, 1987, the department may waive the requirement that the five years of full-time social work practice must be in an agency or institutional setting or in the employment of a private practitioner qualified under these rules if the private practitioner has:

(A) five years of full-time social work experience completed after the requirements for the C.S.W.

(B) one year of full-time experience in private practice of social work before March 1, 1983, and

(C) (No change.)

(4) An applicant for provisional recognition as a private practitioner must submit within 90 days of application an acceptable plan for completing the requirements in subsection (b)(2)(A) of this section. He must include in the plan a minimum of one hour per week of supervision by or consultation from a certified social worker approved by the department for the duration of the provisional recognition.

(c) Specialty practice—For the category of advanced clinical practitioner, a person may not use the names, titles, or related designations until he has received an order of specialty recognition.

(1) Clinical social work is the practice of providing direct diagnostic, preventative, or clinical services to individuals, families, and groups whose functioning is threatened or affected by social or psychological stress or health impairment

(2) An advanced clinical practitioner is a clinical social worker who

(A) is a certified social worker under the Human Resources Code, Chapter 50

(B) has five years of full-time clinical social work practice in an agency, institution, or in the employment of an individual qualified as a private practitioner under these rules. The clinical practitioner must have five years of experience after completing the requirements for

certification as a certified social worker. He must meet the experience requirements in §85.6022 of this title (relating to Social Work Experience). (Completion of these requirements may predate actual certification under the law.)

(C) two years of these five years or 3,000 hours must have been completed under the supervision of an individual eligible for certification as a certified social worker with an order of recognition as an advanced clinical practitioner. Until August 31, 1983, an applicant may substitute supervision by a mental health clinical professional approved by the department. (Completion of these requirements may predate actual certification under the law.)

(D) (No change )

(3) Until August 31, 1987, the department may waive the requirement that the five years of clinical social work experience must be in an agency or institutional setting or in the employment of an individual qualified as a private practitioner. This exception applies to applicants qualifying as a certified social worker before August 31, 1983.

**§85.6004. Fees.**

(a) Applicants for certification must pay the following fees:

- (1) Application fee for all certifications: \$15
- (2) (No change )
- (3) Certification and official roster fees.
  - (A) (C) (No change.)
  - (D) Order of recognition: \$10

(4) Fee for replacement, remailing, or additional copies of a certificate or order of recognition or for a renewal of a certificate or order of recognition: \$5.00.

(b) Renewal fees are the same as the certification and roster fee. If a certified social work associate is qualified for certification as a social worker under §85.6022 of this title (relating to Social Work Experience) on September 2, 1983, the department does not charge a fee for issuing the initial social worker certificate. The initial social worker certificate has the same expiration date as the social work associate certificate it replaces, and the renewal fee is the same as for the social worker certificate. The reciprocity fee is the same as the fee for certification in the category for which reciprocity is sought.

**§85.6009. Expiration and Renewal**

(a) Certificates expire annually on the last day of the month of the certificate holder's birth. Certificate holders whose initial period of certification is less than 12 months are entitled to extend their certification for an additional year. The department prorates fees and continuing educational requirements in these cases.

(b) At least 30 days before the expiration date of the certificate or order of recognition, a certificate holder is entitled to written notification of

- (1) date of expiration of the certificate or order of recognition,
- (2) fee for renewal, and
- (3) continuing education requirements for renewal.

(c) Before the date of expiration, certificate holders and those holding orders of recognition must apply for

renewal of the certification, pay applicable fees, and provide documentation of acceptable continuing education.

(d) If the request for renewal is not received within 10 days of the expiration date, the certificate holder must reapply for certification, including re-examination if an examination was originally required, or:

(1) If the request for renewal is received within 90 days after the expiration date, the certificate or order of recognition may be renewed by paying to the department the required renewal fee and a fee that is equal to one-half of the examination fee for the certificate or order of recognition.

(2) If a certificate or order of recognition has been expired for longer than 90 days, but less than two years, the certificate or order of recognition may be renewed by paying all unpaid renewal fees and a fee that is equal to the examination fee for the certificate or order of recognition.

(e) Certificate holders may request to be placed in an inactive status category rather than renew their certification if they are not currently employed as a social worker or are living and practicing outside of Texas. The fee for the inactive status category is half that of certification. Inactive status is granted for a 12-month period and may not extend beyond 24 consecutive months. In addition, the certificate holder must provide documentation of continuing involvement with the social work profession for renewal of the inactive status. The department does not require continuing education during the period of inactive status.

**§85.6010. Denial Notification.**

(a) Applicants who are denied are entitled to notification that includes:

- (1) (No change )
- (2) the right to request reconsideration of the application,
- (3) the right to appeal the certification denial within 30 days of the department's notice; and
- (4) a copy of the appeal procedures.

(b) If the applicant or certificate holder does not request a reconsideration of his application or an appeal, the denial is final at the end of the 30-day period.

**§85.6014. Probation**

(a) Certificate holders whose social work certification is suspended or revoked may request probation. The certificate holder must request probation in writing to the director within 30 days of receipt of the notice of revocation or suspension. The certificate holder must include in his request the following information:

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

(b) A certificate holder's request for probation does not negate his right to appeal. The time limit for requesting an appeal, if appropriate, begins the date the certificate holder is notified of the decision on his request for probation. If an appeal is requested before a request for probation is made, the certificate holder must make the request for probation before the appeal board convenes.

(c) The certificate holder is entitled to be notified of the director's decision on the probation request by certified mail. If the director grants the request for probation, he states the terms and time period of the probation.

in a probation agreement. Any violation by the certificate holder of the terms of the agreement, the provisions of the Human Resources Code, Chapter 50, or the department's rules is grounds for suspension or revocation of the probationary certificate.

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

**§85.6015. Procedures for Establishing Proof of Rehabilitation.**

(a) Applicants who have been denied certification because of prior felony convictions may establish proof of rehabilitation to qualify for certification. The applicant must make a request in writing to the director of social work certification to establish proof of rehabilitation. An applicant must supply information documenting rehabilitation which may include, but is not limited to:

(1) (No change.)

(2) if the applicant was incarcerated.

(A)-(C) (No change)

(3) information related to the terms and conditions of probation if the applicant was given a probated sentence

(4) the nature and seriousness of the crime

(5) the extent and nature of the criminal activity for which the applicant was convicted

(6) the age of the applicant at the time of commission.

(7) the amount of time that has elapsed since the applicant's last conviction

(8) evidence of rehabilitative effort during and following incarceration.

(9) the conduct and work activity of the applicant before and after the conviction.

(10) other evidence of the applicant's present fitness, including letters of recommendation from those who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant lives, and any other persons in contact with the convicted applicant

(11) documentation substantiating that the applicant has:

(A) maintained a record of steady employment and has supported his dependents,

(B) otherwise maintained a record of good conduct;

(C) paid all outstanding court costs, supervision fees, fines, and restitution ordered in all criminal cases in which he has been involved

(c) (No change.)

**§85.6018. Code of Ethics.** Social workers certified by the department must observe and comply with a code of ethics. Engaging in unethical conduct or conduct that discredits the profession of social work is grounds for disqualification of a certificate holder. Violation of any of the following principles of ethics may be regarded as engaging in unethical conduct or conduct which discredits the profession of social work

(1) In providing services, a social worker must not discriminate on the basis of age, sex, race, color, religion, national origin, handicap, or political affiliation.

(2) A social worker must safeguard information given by clients in providing client services. Except when required by law or judicial order, a social worker must

obtain the client's informed written consent before releasing confidential information from the setting or facility.

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

(5) In referring clients for professional services, a social worker must not:

(A) give to or receive from an individual or an agency any form of commission, rebate, or other remuneration; or

(B) engage in fee-splitting.

(6) A social worker must obtain the client's or legal guardian's informed written consent when a client is to be involved in any research project. A social worker must explain the research including any implications.

(7) (No change.)

(8) A social worker must not violate a position of trust by mishandling funds or committing any other act detrimental to a client and beneficial to the social worker

(9) If a social worker engages in advertising, he must present services and credentials factually.

(10) A social worker must report any violation of this rule by a person certified under the Human Resources Code, Chapter 50, to the Texas Department of Human Resources, Social Work Certification Program.

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 24, 1984

TRD-842297      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date March 16, 1984

Proposal publication date October 11, 1983

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

**40 TAC §85 6002**

The repeal is adopted under the Human Resources Code, Title 2, Chapter 50, which authorizes the department to regulate social work practitioners

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 24, 1984

TRD-842296      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date March 16, 1984

Proposal publication date October 11, 1983

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

**40 TAC §§85.6019-85.6026**

The new rules are adopted under the Human Resources Code, Title 2, Chapter 50, which authorizes the department to regulate social work practitioners.

**§85.6020. Social Worker.**

(a) The minimum qualifications for examination for certification as a social worker are a bachelor's degree in social work from an accredited college or university or one of the following combinations of education and experience:

(1) a bachelor's degree from an accredited college or university in a field other than social work and the successful completion of five years' actual and active social work experience approved by the department

(2) an associate degree or its equivalent from an accredited college or university and the successful completion of 10 years' actual and active social work experience approved by the department.

(3) a high school diploma or its equivalent (G.E.D.) and the successful completion of 15 years' actual and active social work experience approved by the department.

(b) After December 31, 1985, the department considers a bachelor's degree in social work from an accredited college or university as the minimum qualification for certification as a social worker.

(c) For experience to be approved by the department as meeting the requirement for a certificate as a social worker, the applicant must document:

(1) that the position(s) is ordinarily filled by a person with a bachelor's degree in social work.

(2) that the position(s) requires competencies covered in bachelor's level social work training.

(3) identification with the profession of social work.

**§85.6022. Social Work Experience** For experience to be approved by the department as meeting the requirements for a certificate as a social work associate, social worker, certified social worker, an order of recognition, or recognition as an independent private practitioner, the applicant must:

(1) document that work experience offered to fulfill the requirement was successfully performed. The department determines the acceptability of documentation submitted and may request further information

(2) have been employed in a full- or part-time paid position meeting at least the experience required for the certificate for which he is applying. The applicant must have been so employed within the five years before the date of application. If he was not employed within the past five years, the period during which he was not

engaged in actual and active social work practice may not exceed his previous employment in social work

(A) Full time is defined as at least 30 hours per week.

(B) Part-time experience is counted as a percentage of full-time experience.

(3) have been employed by an agency, institution, or qualified independent private practitioner. The applicant must ensure that his employment by an independent private practitioner meets the following requirements.

(A) The qualified independent private practitioner must have administrative authority over the provision of social work services

(B) The applicant's compensation for services must be paid by the independent private practitioner.

(C) The independent private practitioner must ensure that all advertising, informational material, and written policy reflect the employment relationship.

**§85.6025. Continuing Education Requirements.** To renew a certificate or order of recognition, the certificate holder must meet continuing education requirements. Continuing education requirements may be met by completing continuing education units (C.E.U.'s), actual hours of training, or a combination of these through 1984. In 1985 and after, the certificate holder must complete at least one C.E.U. granted by an authorized accrediting body. One C.E.U. is counted as 10 hours of training. The required hours of training are:

(1) 1983—10 hours,

(2) 1984—20 hours;

(3) 1985 and after—30 hours.

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 24, 1984

TRD-842295

Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date March 16, 1984

Proposal publication date October 11, 1983

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

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**State Board of Insurance Exempt Filings**

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

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

*Register Act, and the final actions printed in this section have not been previously published as proposals.*

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

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

The State Board of Insurance has approved a filing by the Surety Association of America of standard and uni-



form forms and rates for a fire protection sprinkler system contractor bond.

Senate Bill 234, 68th Legislature, 1983, added Article 5.43-3 to the Insurance Code to provide for the regulation of fire protection sprinkler systems contractors. The law provides, among other things, that to receive a certification of registration, each fire protection sprinkler system contractor must file a \$10,000 surety bond with the State Board of Insurance. The bond is payable to the state and is conditioned to compensate third-party losses caused by the acts of the principal or his agents.

The bonds are compliance type bonds, and the general license and permit bond rate of \$10 per thousand per annum is filed for the bond.

This filing is effective 15 days after it is published in the *Texas Register*.

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

Issued in Austin, Texas, on February 17, 1984

TRD-842194      James W Norman  
Chief Clerk  
State Board of Insurance

Effective date: March 18, 1984  
For further information, please call (512) 475-2950.

The State Board of Insurance has approved a filing by the Mortgage Guaranty Insurance Corporation (MGIC) of additional uniform and standard plans and rates for adjustable rate mortgages in their Mortgage Guaranty Insurance Program

The MGIC received approval in 1981 for a program designated as the adjustor, which was structured to provide coverage down to 75% of the original value of the property. This program was designed to meet minimum coverage requirements established by the Federal Home Loan Mortgage Corporation (FHLMC) and the Federal National Mortgage Association (FNMA). The FNMA has now indicated that, on a second home and certain types of condominiums, it will require coverage to 65% of the original market value of the property.

This filing provides the necessary coverage down to 65% of the original market value of the property. These coverages could be used for any lender desiring deeper coverage but are basically designed for the previously mentioned type of loans.

The rates filed maintain a relativity with the original program filed.

This filing is effective 15 days after it is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the re-

quirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on February 17, 1984

TRD-842195      James W Norman  
Chief Clerk  
State Board of Insurance

Effective date: March 18, 1984  
For further information, please call (512) 475-2950.

The State Board of Insurance has approved a filing by the PMI Insurance Company of a new standard and uniform rating plan for their Home Equity/Home Improvement Loan Credit Insurance program.

The new plan calls for the inclusion of 90% Combined Loan to Value (CLTV) rates for levels of coverage from 25% to 50%. These 90% CLTV rates are part of a program offered nationwide by PMI's clients and were inadvertently omitted from the filing approved by board Order 43370 on August 9, 1983. Incorporated in the filing are annual and single premium rates for 90% CLTV loans with coverage from 25%-50%.

The filing is effective 15 days after it is published in the *Texas Register*.

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

Issued in Austin, Texas, on February 17, 1984

TRD-842196      James W Norman  
Chief Clerk  
State Board of Insurance

Effective date: March 18, 1984  
For further information, please call (512) 475-2950.

The State Board of Insurance has approved a filing by CUMIS Insurance Society, Inc., of a standard and uniform rate increase for its credit union discovery bond NCUA 581.

The filing is accompanied by supporting data consisting of the following.

Section A contains a rate level analysis indicating the need for the 25% rate increase after consideration of investment income, and various exhibits supporting the data incorporated in the rate level analysis.

Section B explains and details the smoothing of loss and loss adjustment expense loads and the leveling of underwriting expense loads.

Section C explains the calculation of premiums for various deductible options.

Section D contains the new manual pages numbered 1-16 which replace the same numbered pages currently on file.

Section E shows Texas experience.

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The overall rate level change will fall within the board's current interim procedure for handling investment income in rate making, and the statistical data supports the increase

The filing is effective 15 days after it is published in the *Texas Register*

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the require-

ments of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on February 17, 1984.

TRD-842197      James W. Norman  
Chief Clerk  
State Board of Insurance

Effective date March 18, 1984  
For further information, please call (512) 475-2950.

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

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

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

# Open Meetings

## **Texas Department of Agriculture**

**Tuesday, April 17, 1984, 10:30 a.m.** The Texas Department of Agriculture rescheduled a meeting to be held at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review an alleged violation of the Texas Agriculture Code, §101.013(a), by Guerra Brothers Produce. The meeting originally was scheduled for February 28, 1984, as published at 9 TexReg 842.

**Contact:** Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711

**Filed:** February 24, 1984, 10:14 a.m.  
TRD-842289

## **Texas Antiquities Committee**

**Wednesday, March 7, 1984, 9 a.m.** The Texas Antiquities Committee will meet in Room 206 and Room 207, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the committee will approve minutes 67, 68, and 70-72; consider State Archaeological Landmark (SAL) nominations and designations, a Lubbock Lake site report on a meeting with city officials and a recent incident of vandalism,

an interim study meeting of the House Committee on Cultural and Historical Resources, a report on the February 10, 1984, workshop on agency rules and quality control in archaeology, a situation report on the transfer of the state's 1554 collection to the Corpus Christi museum, staff recommendations on blanket permits to cover archaeology surveys, and a progress report on the development of the Texas Centennial Exposition Historic District; and discuss the development of rules on historic structures as SALs and Bell County Courthouse Square and the effects of action being taken by the county commissioners. The committee also will meet in executive session regarding the Platoro lawsuit and the Kenon and Purvis lawsuit.

**Contact:** Cindy Smetak, 105 West 16th Street, Austin, Texas, (512) 475-6328

**Filed:** February 27, 1984, 2:02 p.m.  
TRD-842401

## **Texas Department of Community Affairs**

**Monday, March 12, 1984, 1 p.m.** The Training and Employment Development Division of the Texas Department of Com-

munity Affairs will meet in Room 304T, Texas Employment Commission, 1117 Trinity Street, Austin. According to the agenda, the division will conduct a conference for bidders planning to respond to the revised request for proposals (RFP) for providing employment service participant services. Staff from the Governor's Planning Office, the Texas Department of Community Affairs, and the Texas Employment Commission will be available to comment on and respond to question about the revised RFP for participant services.

**Contact:** Dr. Christopher T. King, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 270.

**Filed:** February 27, 1984, 9:09 a.m.  
TRD-842370

## **Texas Commission for the Deaf**

**Saturday, March 10, 1984, 8:30 a.m.** The Texas Commission for the Deaf will meet at 510 South Congress Avenue, Austin. Items on the agenda include approval of the previous meeting minutes, a report of the Board for Evaluation of Interpreters, public hearings on issues, a review of a Sunset Advisory Commission Report, final approval

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of rules, the director's report, and the chairman's report. The commission also will meet in executive session to consider personnel matters.

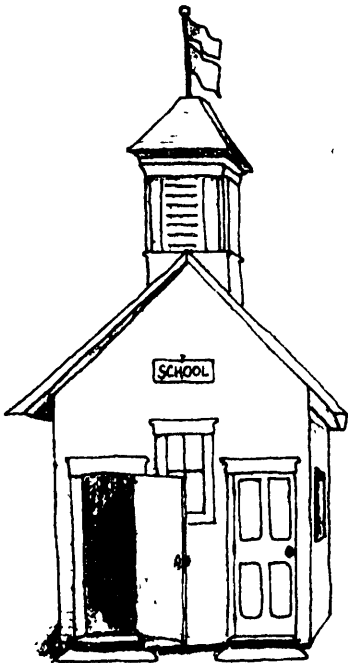
**Contact:** Fred R. Tammen, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 475-2492

**Filed:** February 24, 1984, 10:14 a.m.  
TRD-842290

**Wednesday, March 14, 1984, 3 p.m.** The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf will meet in Room 212, 510 South Congress Avenue, Austin. Items on the agenda include action on the previous meeting minutes, review of certification applications, the chairman's report, and discussion of the grievance procedure, BEI vacancies, and budget preparations. The board also will meet in executive session to discuss certification materials.

**Contact:** Fred R. Tammen, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 475-2492

**Filed:** February 24, 1984, 10:14 a.m.  
TRD-842291



### Select Committee on Public Education

**Thursday, March 1, 1984, 3 p.m.** The Subcommittee on Legislative Action of the Select Committee on Public Education met in emergency session in Room 100-E, John H.

Reagan Building, 101 West 15th Street, Austin. According to the agenda, the subcommittee considered subcommittee recommendations. The emergency status was necessary so the subcommittee's work could proceed as scheduled.

**Contact:** Sally Haenelt, State Archives Building, Room 413, Austin, Texas 78711, (512) 475-2020

**Filed:** February 27, 1984, 2:34 p.m.  
TRD-842414

**Friday, March 2, 1984, 4 p.m.** The Subcommittee on Organization and Management of the Select Committee on Public Education will meet in emergency session in Room 100-E, John H. Reagan Building, 101 West 15th Street, Austin. According to the agenda, the subcommittee will consider subcommittee recommendations. The emergency status is necessary so the subcommittee's work can proceed as scheduled.

**Contact:** Sally Williams, 7171 Forest Lane, Dallas, Texas 75230, (214) 661-6526

**Filed:** February 27, 1984, 2:34 p.m.  
TRD-842415

**Monday, March 5, 1984, 9 a.m.** The Subcommittee on Educating the Child of the Select Committee on Public Education revised the agenda of a meeting to be held in Room 100-E, John H. Reagan Building, 101 West 15th Street, Austin. According to the revised agenda, the location has been changed from Room 346, State Capitol, to the previously stated location.

**Contact:** Sally Williams, 7171 Forest Lane, Dallas, Texas 75230, (214) 661-6526

**Filed:** February 24, 1984, 3:46 p.m.  
TRD-842346

**Thursday, March 8, 1984, 9 a.m.** The Subcommittee on Finance of the Select Committee on Public Education will meet in Room 100-E, John H. Reagan Building, 101 West 15th Street, Austin. According to the agenda, the subcommittee will consider school finance funding proposals.

**Contact:** Jim Shear, LBJ Building, 111 East 17th Street, Austin, Texas 78701, (512) 475-7061.

**Filed:** February 27, 1984, 2:34 p.m.  
TRD-842416

### Texas Education Agency

**Tuesday, March 6, 1984, 2 p.m.** The Interagency Planning Committee for the State Plan for Vocational Education of the Texas Education Agency (TEA) will meet in

Room 214, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will review the first draft of the Annual Program Plan for 1985 and the accountability report for 1983.

**Contact:** R. D. Bristow, 201 East 11th Street, Austin, Texas 78701

**Filed:** February 24, 1984, 3:47 p.m.  
TRD-842347

### Texas Employment Commission

**Tuesday, March 6, 1984, 9 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will discuss prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases in Docket 10, and set the date of the next meeting.

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

**Filed:** February 27, 1984, 3:19 p.m.  
TRD-842404

### Enterprise Zone Board

**Wednesday, February 29, 1984, 2 p.m.** The Enterprise Zone Board met in emergency session at the Convention Center Business Office, 200 East Market Street, San Antonio. According to the agenda, the board reviewed and acted on proposed emergency rules relating to the application process for designation of local enterprise zones. The emergency session was necessary to implement provisions of the Enterprise Zone Act.

**Contact:** Kent Yeates, P. O. Box 12728, Austin, Texas 78711, (512) 472-5059.

**Filed:** February 27, 1984, 3:46 p.m.  
TRD-842425

### State Ethics Advisory Commission

**Friday, March 9, 1984, 11 a.m.** The State Ethics Advisory Commission will meet in Room 100-C, John H. Reagan Building, 101 West 15th Street, Austin. According to the agenda, the commission will approve the February 24, 1984, minutes, consider opin-

ion requests and drafts, and set the date for the next meeting.

**Contact:** Greg Pollock, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 475-1429.

**Filed:** February 27, 1984, 9:20 a.m.  
TRD-842374

### **Texas Grain Sorghum Producers Board**

**Tuesday, March 13, 1984, 10 a.m.** The Texas Grain Sorghum Producers Board of the Texas Department of Agriculture will meet in the seminar center, Quality Inn, IH 40 East, Amarillo. According to the agenda, the board will discuss a financial report, the grain sorghum outlook and futures option contract, and a market development report.

**Contact:** Elbert Harp, P O Box R, Abernathy, Texas 79311, (806) 298-2543.

**Filed:** February 28, 1984, 9:56 a.m.  
TRD-842470

### **Texas Health Facilities Commission**

**Thursday, March 8, 1984, 1:30 p.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

#### Certificates of Need

Ben Taub General Hospital, Houston  
AH83-1025-223

Regency Manor Nursing Center,  
Temple  
AN83-0620-638

Woods Psychiatric Institute,  
Ablene  
AH83-1005-199

Shannon West Texas Memorial  
Hospital, San Angelo  
AH83-0930-189

**Motion for Rehearing/Reconsideration**  
Port Arthur Day Surgery Center, Inc.,  
Port Arthur  
AS83-0415-346

**Contact:** Judith A Monaco, P.O. Box 50049, Austin, Texas 78763.

**Filed:** February 27, 1984, 9:20 a.m.  
TRD-842372

### **State Board of Insurance**

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

**Tuesday, March 6, 1984, 11 a.m.** Docket 7591—whether the surplus lines agent's license held by Hobbs Brook Agency of Texas, Inc., Dallas, should be canceled or revoked

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

**Filed:** February 24, 1984, 2:05 p.m.  
TRD-842330

**Wednesday, March 7, 1984, 9 a.m.** Docket 7608—application of John Stephen Little, Austin, for a legal reserve life insurance agent's license

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

**Filed:** February 24, 1984, 2:05 p.m.  
TRD-842331

**Wednesday, March 7, 1984, 1:30 p.m.** Docket 7609—application of James Darrell Harris, Odessa, for a legal reserve life insurance agent's license

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

**Filed:** February 24, 1984, 2:04 p.m.  
TRD-842332

**Thursday, March 8, 1984, 9 a.m.** Docket 7604—application of Abraham H. Kuvet to acquire control of Southern Savings Life Insurance Company, Brownwood.

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

**Filed:** February 24, 1984, 2:04 p.m.  
TRD-842333

**Friday, March 9, 1984, 9 a.m.** Docket 7610—application for the approval of the articles of agreement of Progressive Lloyds, Austin, to engage in the business of property and casualty insurance

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

**Filed:** February 24, 1984, 2:04 p.m.  
TRD-842334

**Wednesday, March 14, 1984, 9 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct public hearings to consider the appeal

of James Hilton Hilliard from Commissioner's Order 83-3169 and the appeal of Hilton Hilliard Insurance Designs, Inc., from Commissioner's Order 83-3170.

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

**Filed:** February 27, 1984, 10:43 a.m.  
TRD-842379

### **Texas State Board of Medical Examiners**

**Friday, February 24, 1984, 9 a.m.** The Texas State Board of Medical Examiners met in emergency session at 1101 Camino LaCosta, Austin. Items on the agenda included discussion and action on Attorney General Opinion JM-125, regarding acupuncture regulations, and discussion of an attorney general opinion request regarding Article 4495b, §4.05(d). The emergency status was necessary because information had just been received on these items and they needed to be given immediate attention. These items will be referred to in a later open meeting.

**Contact:** Jean Davis, 1101 Camino LaCosta, Austin, Texas 78711, (512) 452-1078.

**Filed:** February 23, 1984, 2:29 p.m.  
TRD-842256

### **Texas Department of Mental Health and Mental Retardation**

**Friday, February 24, 1984, noon.** The Business Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation met in emergency session in the auditorium, 909 West 45th Street, Austin. According to the agenda, the board considered approval of budget guidelines for fiscal year 1986-1987. The emergency status was necessary because these guidelines needed to be submitted to the field in a timely manner to facilitate the budgeting process at the facility level.

**Contact:** Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas, (512) 465-4588.

**Filed:** February 24, 1984, 9 a.m.  
TRD-842279

### **State Board of Morticians**

**Tuesday-Thursday, March 6-8, 1984, 9 a.m. daily.** The State Board of Morticians will

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meet on Tuesday and Thursday, March 6 and 8, 1984, at 1513 IH 35 South, Austin. On Tuesday, March 6, 1984, the board will consider applicants for a reciprocal license and reinstatement of licenses; applicants for examination convicted of a felony; embalmer practical grades certified, review of reciprocal interviews, request for an extension on period to register as an apprentice and a request for exemption of apprenticeship; discussion on annual meetings of the Independent Association, Texas Association and Conference; complaints reviewed; and committee, investigator, and executive secretary reports. On Wednesday, March 7, 1984, the board will meet at the Ramada Inn, 1001 IH 35 South, Austin, to consider written funeral director and embalmer examinations and to certify grades. On Thursday, March 8, 1984, the board will consider any items not considered on March 6 and 7, 1984.

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

**Filed:** February 24, 1984, 1:31 p.m.  
TRD-842328

### Texas Motor Vehicle Commission

**Wednesday, March 7, 1984, 9 a.m.** The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos Street, Austin. According to the agenda summary, the commission will adopt the November 22, 1984, minutes, consider hearing reports in Dockets 302, 307, and 329 and orders of dismissals in Dockets 312, 319, 323, 324, 328, 330, 331, 333, and 337; review pending litigation in Docket 234; and hear a financial report.

**Contact:** Russell Harding, 815 Brazos Street, Austin, Texas, (512) 476-3587.

**Filed:** February 27, 1984, 2:04 p.m.  
TRD-842402

### Texas Municipal Retirement System

**Saturday, March 17, 1984, 9 a.m.** The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 IH 35 North, Austin. According to the agenda summary, the board will hear and approve the December 10, 1983, minutes; review and approve service and disability retirements payable November 1, 1983-January 31, 1984, supplemental death benefits payments payable November 1, 1983-January 31, 1984, extended supplemental death benefits

coverage, and financial statements; hear and review a report of the 1978-1982 actuarial investigation and recommendation of rates and tables; consider the adoption of rates and tables as recommended by the actuary and any other business to come before the board; and hear reports by the director and the legal counsel.

**Contact:** Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78756, (512) 476-7577.

**Filed:** February 27, 1984, 3:06 p.m.  
TRD-842418

### North Texas State University

**Friday, February 24, 1984, 10:30 a.m.** The Budget and Finance Committee of the Board of Regents of the Texas College of Osteopathic Medicine of North Texas State University made an emergency addition to the agenda of a meeting held in the board room, North Texas State University, Denton. The addition concerned the purchase of a printing press. The emergency status was necessary because bids were just received on the University Services Building and they were lower than anticipated, releasing funds for the purchase of the press to be placed in the building.

**Contact:** Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198

**Filed:** February 24, 1984, 8:23 a.m.  
TRD-842278

### Board of Pardons and Paroles

**Monday-Friday, March 12-16, 1984, 9 a.m. daily.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will review cases of inmates for parole consideration and procedures affecting the daily operation of staff; take action on requests for executive clemency and concerning certifying and contracting with community residential facilities; review and act on reports regarding administrative releasees, take action on gubernatorial directives; and consider and act regarding needed administrative rule changes and personnel matters.

**Contact:** John W. Byrd, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2716.

**Filed:** February 27, 1984, 10:26 a.m.  
TRD-842380

### State Pension Review Board

**Tuesday, March 6, 1984, 10 a.m.** The State Pension Review Board will meet in Conference Room 100-C, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the board will discuss utilizing actuarial services to provide additional information on Judicial Retirement System costs and utilizing subpoena power to obtain information from Killeen Firemen's Relief and Retirement Fund.

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

**Filed:** February 23, 1984, 12:59 p.m.  
TRD-842255

### Texas State Board of Pharmacy

**Tuesday, March 20, 1984, 9 a.m.** The Texas State Board of Pharmacy will meet in Room 117, Sam Houston Building, 14th and Brazos Streets, Austin. According to the agenda, the board will administer the Texas Jurisprudence Examination and conduct reciprocity hearings for licensure as pharmacists.

**Contact:** Priscilla Jarvis, 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827

**Filed:** February 28, 1984, 9:57 a.m.  
TRD-842471

### State Preservation Board

**Tuesday, March 6, 1984, 10 a.m.** The Permanent Advisory Committee of the State Preservation Board will meet in Room 104, State Bar of Texas, 15th and Colorado Streets, Austin. According to the agenda, the committee will discuss the architect of the Capitol position, guidelines for donations, the Congressional Medal of Honor exhibit, and the old General Land Office Building.

**Contact:** Susan Willis, P.O. Box 12276, Austin, Texas, (512) 475-3092.

**Filed:** February 27, 1984, 1:23 p.m.  
TRD-842400

### Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite

450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

**Tuesday, March 6, 1984, 9 a.m.** Consideration of final orders in Dockets 5317, 5506, 5362, 5408, 5483, 5496, 4477, 5223, 5449, 5518, 5225, 5029, 5219, 5494, 5504, 5507, 5523, 5308, 5337, 5519, 5532, 5552, 5328, and 5497.

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

**Filed:** February 27, 1984, 4:09 p.m.  
TRD-842444

**Wednesday, March 7, 1984, 9:30 a.m.** A prehearing conference in Docket 5612—application of Kaufman County Electric Cooperative, Inc., for authority to change rates

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

**Filed:** February 23, 1984, 2:39 p.m.  
TRD-842265

**Wednesday, March 7, 1984, 10 a.m.** A prehearing conference in Docket 5540—application of AT&T Communications of the Southwest, Inc., for authority to change rates

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

**Filed:** February 24, 1984, 10:14 a.m.  
TRD-842292

**Thursday, March 8, 1984, 10 a.m.** A prehearing conference in Docket 5490— inquiry into refusal to serve by North County Water Corporation and application of North County Water Corporation to amend a certificate of convenience and necessity within McLennan County

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

**Filed:** February 27, 1984, 10:43 a.m.  
TRD-842381

**Thursday, March 8, 1984, 1:30 p.m.** A prehearing conference in Docket 5593—application of Maxwell Water Supply Corporation to amend its certificate of convenience and necessity within Hays and Caldwell Counties.

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

**Filed:** February 24, 1984, 10:14 a.m.  
TRD-842293

**Friday, March 9, 1984, 10:30 a.m.** A prehearing conference in Docket 5620—application of Nitsch and Son Utility Company, Inc., for a rate increase.

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

**Filed:** February 28, 1984, 9:58 a.m.  
TRD-842472

**Monday, March 12, 1984, 10 a.m.** A prehearing conference in Docket 5614—complaints of Carrera and Camacho, *et al*, against Southwestern Bell Telephone Company regarding coin phone policies; Docket 5618—complaint of TAM Company against Southwestern Bell Telephone Company regarding coin phone policies; and Docket 5622—complaint of Texas Recycling Gas and Oil against General Telephone Company of the Southwest regarding coin phone policies.

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

**Filed:** February 28, 1984, 9:58 a.m.  
TRD-842473

**Monday, March 26, 1984, 1:30 p.m.** Docket 5364—application of Spring Vally Water Company, doing business as Spring Valley Utility Company, for water and sewer certificates of convenience and necessity in Parker County; and Docket 5442—application of the City of Willow Park for a water certificate of convenience and necessity in Parker County.

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

**Filed:** February 27, 1984, 10:42 a.m.  
TRD-842382

**Thursday, April 5, 1984, 9:30 a.m.** A hearing on the merits in Docket 5591—application of Southwest Water Services, Inc., for a rate increase for Oak Trail Shores subdivision in Hood County; and Docket 5592—application of Resort Water Services, Inc., for a rate increase for Arrowhead Shores and Lake Granbury Harbor subdivisions in Hood County

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

**Filed:** February 27, 1984, 10:43 a.m.  
TRD-842383

**Friday, April 6, 1984, 9:30 a.m.** A hearing in Docket 5490— inquiry into refusal to serve by North County Water Corporation

and application of North County Water Corporation to amend a certificate of convenience and necessity within McLennan County.

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

**Filed:** February 27, 1984, 10:43 a.m.  
TRD-842384

**Thursday, April 12, 1984, 1 p.m.** A hearing in Docket 5474—application of B&P Water Supply Corporation for a certificate of convenience and necessity within Johnson County.

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

**Filed:** February 27, 1984, 10:42 a.m.  
TRD-842385

**Tuesday, April 24, 1984, 10 a.m.** A rescheduled hearing in Docket 5192—petition of the City of Lucas for removal of restrictions on General Telephone Company of the Southwest.

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

**Filed:** February 24, 1984, 2:15 p.m.  
TRD-842335

**Wednesday, May 2, 1984, 10 a.m.** A rescheduled hearing in Docket 5461—application of Clear Lake City Water Authority for a water and sewer certificate of convenience and necessity within Harris County.

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

**Filed:** February 24, 1984, 2:19 p.m.  
TRD-842336

**Monday, May 7, 1984, 10 a.m.** A hearing in Docket 5529— inquiry into compliance vel non of Apache Shores Utility Corporation with matters ordered in Docket 4611 and into the rates charged and services rendered by Apache Shores Utility Corporation

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

**Filed:** February 27, 1984, 2:04 p.m.  
TRD-842403



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### Railroad Commission of Texas

**Monday, March 5, 1984, 9 a.m.** Divisions of the Railroad Commission of Texas will meet in the third floor conference room, Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow.

The Automatic Data Processing Division will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

**Filed:** February 24, 1984, 11:08 a.m.  
TRD-842298

The Flight Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

**Filed:** February 24, 1984, 11:07 a.m.  
TRD-842299

The Gas Utilities Division will consider various matters falling within the Railroad Commission's Gas Utilities Division regulatory jurisdiction.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

**Filed:** February 24, 1984, 11:09 a.m.  
TRD-842300

The Office of Information Services will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

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

**Filed:** February 24, 1984, 11:08 a.m.  
TRD-842301

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

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

**Filed:** February 24, 1984, 11:10 a.m.  
TRD-842302

The Oil and Gas Division will consider various matters falling within the Railroad

Commission's oil and gas regulatory jurisdiction.

**Contact:** Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

**Filed:** February 24, 1984, 11:09 a.m.  
TRD-842303

**Additions to the above agenda:**

Consideration of whether or not to institute legal action against Reserve Pits, Inc.

**Contact:** Glenn Jordan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1229.

**Filed:** February 24, 1984, 11:07 a.m.  
TRD-842304

Consideration of whether to adopt amendments to 16 TAC §3.8, pertaining to water protection. The proposed amendments were published in the December 9, 1983, issue of the *Texas Register*, with a correction of error published in the December 23, 1983, issue.

**Contact:** Bill Barnes, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1373.

**Filed:** February 24, 1984, 11:08 a.m.  
TRD-842305

Consideration of oil and gas Docket 2-81,661—request for an interim order to reassign wells and correct Forms P-15; application of Pend Oreille Oil & Gas Company to amend field rules in the Limes (Wilcox 9900) Field, Live Oak County; and consideration of an interim order in oil and gas Docket 2-81,962—application of Cutbirth Oil Company to amend field rules for the Ashford (Yegua) Field, Lavaca County.

**Contact:** Sandra Buch or Billy D. Thomas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286 or (512) 445-1289, respectively.

**Filed:** February 24, 1984, 11:08 a.m.  
TRD-842306

Consideration of oil and gas Docket 3-79,474—application of Jordan Engineering, Inc., for a mineral interest pooling act in the Kurten (Woodbine) Field, Brazos County; consideration of an interim order; and consideration of a motion for rehearing in oil and gas Docket 93,670—Danco Resources, Inc., Rule 37, Hickman "A" Lease, Well 1, R.B.C. (Cisco Sand) Field, Coke County.

**Contact:** Sandra Joseph, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

**Filed:** February 24, 1984, 11:09 a.m.  
TRD-842307

Consideration of category determinations under the Natural Gas Policy Act of 1978,

§§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

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

**Filed:** February 24, 1984, 11:09 a.m.  
TRD-842308

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

**Filed:** February 24, 1984, 11:10 a.m.  
TRD-842309

The Office of the Special Counsel will consider and act on the division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters; and consider an interagency contract between the Railroad Commission of Texas and the Comptroller of Public Accounts for econometric forecasting services.

**Contact:** Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

**Filed:** February 24, 1984, 11:07 a.m.  
TRD-842310

The Surface Mining and Reclamation Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

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

**Filed:** February 24, 1984, 11:10 a.m.  
TRD-842311

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction.

**Contact:** Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

**Filed:** February 24, 1984, 11:10 a.m.  
TRD-842312

**Addition to the above agenda:**

Consideration of dismissal filed by applicant in Docket 036593A1N—application of Paul A Yale and Norma Castle, doing business as Giddy-Up & Go, 1414 East Taylor, Harlingen, Texas 78550, for a new SMC certificate to authorize the transportation of mobile and manufactured homes; and equipment, materials, and supplies incidental to the use and occupancy of commodities of mobile and manufactured homes between all points within a 175-mile



radius of the intersection of U.S. Highway 77 and U.S. Highway 83 in Harlingen, restricted to secondary movements only.

**Contact:** Howard Joseph, 1124 IH 35 South, Austin, Texas, (512) 445-1331

**Filed:** February 24, 1984, 11:07 a.m.  
TRD-842313

**Tuesday, March 20, 1984, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet at the Hyatt Regency Hotel, Fort Worth. According to the agenda summary, the commission will conduct a statewide oil and gas hearing.

**Contact:** Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

**Filed:** February 24, 1984, 11:08 a.m.  
TRD-842314

### **Texas Real Estate Research Center**

**Saturday, March 3, 1984, 3 p.m.** The Advisory Committee of the Texas Real Estate Research Center will meet in The Woodlands conference center, The Woodlands. Items on the agenda include approval of the minutes, progress reports, budget approval for fiscal year 1984-1985, other business, and setting the date of the next meeting.

**Contact:** Richard L. Floyd, Texas A&M University, College Station, Texas 77843, (409) 845-9691

**Filed:** February 23, 1984, 10:02 a.m.  
TRD-842242

### **School Land Board**

**Tuesday, March 6, 1984, 10 a.m.** The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the minutes of the previous meeting, consider pooling applications, pooling agreement amendments, lease suspension applications, an excess acreage application, and final approval of land trade in Calhoun County, and hear a status report of the City of Corpus Christi's plan for annexation of state lands on Mustang Island.

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

**Filed:** February 24, 1984, 3:53 p.m.  
TRD-842348

### **Teacher Retirement System of Texas**

**Friday, March 9, 1984, 10 a.m.** The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at the Lincoln Center Club, 5440 LBJ Freeway, Dallas. According to the agenda, the committee will approve the previous meeting minutes, hear an update on investments for the preceding quarter and a report on forward commitments, consider an asset allocation study concerning projecting marketing returns, conduct a general discussion on economic outlook and market conditions, and consider allocation of cash flow for the current quarter.

**Contact:** Clark Manning, 1001 Trinity, Austin, Texas 78701, (512) 397-6400

**Filed:** February 27, 1984, 4:15 p.m.  
TRD-842445

### **Texas A&M University System**

**Friday, March 2, 1984.** Committees of the Board of Regents of the Texas A&M University System rescheduled meetings to be held in the MSC Annex, Texas A&M University, College Station. The meetings were originally scheduled for February 29, 1984. Times, committees, and agendas follow.

**10:30 a.m.** The Planning and Building Committee will consider matters relating to a new poultry science center.

**Contact:** Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603

**Filed:** February 23, 1984, 2:37 p.m.  
TRD-842661

Revision to the above agenda:

A change in the meeting place from the MSC Annex, Texas A&M University, College Station, to Room 205 (Birch Room), Memorial Student Center, Texas A&M University, College Station.

**Contact:** Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603

**Filed:** February 24, 1984, 2:38 p.m.  
TRD-842343

**1 p.m.** The Corps of Cadets Enhancement Committee will develop and consider poli-

cies relating to the enhancement of the Corps of Cadets at Texas A&M University.

**Contact:** Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603

**Filed:** February 23, 1984, 2:37 p.m.  
TRD-842262

Revision to the above agenda:

A change in the meeting place from the MSC Annex, Texas A&M University, College Station, to Room 205 (Birch Room), Memorial Student Center, Texas A&M University, College Station.

**Contact:** Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603

**Filed:** February 24, 1984, 2:17 p.m.  
TRD-842344

**Tuesday, March 5, 1984, 10 a.m.** The Committee for Service Units of the Texas A&M University System made an addition to the agenda of a meeting to be held in the conference room, Suite G, 10900 Richmond, Granada Corporation, Houston. The addition concerns review of program requirements for research and extension in the poultry sciences.

**Contact:** Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603

**Filed:** February 23, 1984, 2:38 p.m.  
TRD-842263

### **Texas Southern University**

**Friday, March 2, 1984.** Committees of the Board of Regents of Texas Southern University will meet in Room 117, Hannah Hall, 3100 Cleburne Avenue, Houston. Times, committees, and agendas follow.

**9 a.m.** The Building and Grounds Committee will consider approval of payments for construction contracts, approval/ratification of building contracts and change orders, land improvements and the sale of improvements, and central plant expansion and renovation and reports of ongoing projects.

**9:45 a.m.** The Finance Committee will consider monthly financial reports, approval of short-term investments and payments of real estate purchases, and status reports.

**10:30 a.m.** The Student Affairs Committee will receive reports from the administration concerning student organizations and activities, dormitory renovations progress reports, and status reports.

**11:15 a.m.** The Personnel and Academic Affairs Committee will receive enrollment and curricula data from the administration; consider cancellation of appointments and changes in the status of personnel; approve personnel, the returning of persons on leaves, and the acceptance of educational gifts and grants; and consider the faculty manual.

**Noon.** The Development Committee will receive reports from the administration on university fund raising and accept real property status reports.

**Contact:** Everett O Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911

**Filed:** February 24, 1984, 2:18 p.m.  
TRD-842337-842341

**Friday, March 2, 1984, 1:30 p.m.** The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Houston. According to the agenda, the board will receive and consider reports from the president and the Finance, Building and Grounds, Personnel and Academic Affairs, Development, and Student Affairs Committees. The board also will meet in executive session.

**Contact:** Everett O Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911

**Filed:** February 24, 1984, 2:18 p.m.  
TRD-842342

### **Texas Turnpike Authority**

**Monday, February 27, 1984, 2 p.m.** The Right-of-Way Acquisition Committee of the Texas Turnpike Authority submitted an emergency revised agenda for a meeting held at 3015 Raleigh Street, Dallas. The revision concerned approval of Property Appraisal List 4 for the acquisition of right-of-way for the Dallas North Tollway Extension project and approval of a settlement on Right-of-Way Parcels 5-5, 6-9, and 6-11. The committee also met in executive session to consider the purchase or value of real property. The emergency status was necessary because of a delay in approval of offers for right-of-way which created additional cost in construction contracts and financial damage in delay of opening the revenue bond project.

**Contact:** Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200

**Filed:** February 24, 1984, 2:17 p.m.  
TRD-842345

### **Texas Water Commission**

**Monday, March 5, 1984, 11 a.m.** The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a conference regarding briefing with Clay Roming and other representatives concerning the Brazos River Basin.

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

**Filed:** February 23, 1984, 2:05 p.m.  
TRD-842266

**Tuesday, March 6, 1984, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider water district bond issues, use of surplus funds, release from escrow, setting a hearing date for creation, water quality permits, amendments and renewals, certificates of adjudication, and the filing and setting of hearing dates.

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

**Filed:** February 24, 1984, 1:36 p.m.  
TRD-842329

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

**Wednesday, March 7, 1984, 10 a.m.** Application of the City of Portland to the Texas Department of Water Resources for an amendment to temporary Order 83-36E, which expires on March 14, 1984, and which authorizes the discharge of a daily average of 1.25 million gallons per day of partially treated wastewater effluent for the applicant to modify and expand its sewage treatment plant. The applicant has stated that additional time is required due to poor weather conditions and delays in receiving necessary equipment, which have prevented completion of the modification and expansion work.

**Wednesday, March 14, 1984, 2 p.m.** Application of the City of Carthage to the Texas Department of Water Resources for an amendment to temporary Order 83-22E, which would authorize the extension of the expiration date of temporary Order 83-22E from March 9, 1984, to June 9, 1984, due to poor weather conditions preventing completion of repair work; removal of limitations on biochemical oxygen demand influent loading from the Tastybird Foods Company because the wastewater treatment

plant can now handle the projected added loading from Tastybird; and an increase in the authorized discharges to the volumes stated in Permit 10074-03, a 30-day average of 1.35 MGD and a daily maximum of 2.7 MGD. Temporary Order 83-22E presently authorizes a 30-day average of 1.0 MGD and a daily maximum of 2.0 MGD.

**Contact:** Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

**Filed:** February 23, 1984, 2:02 p.m.  
TRD-842267, 842268

**Wednesday, April 4, 1984, 10 a.m.** The Texas Water Commission will meet in conference Room 4100A, City Hall Annex, 900 Bagby Street, Houston. According to the agenda summary, the commission will consider the application of William R. Stanley, 9511 Oxted, Spring, Texas 77379, to the Texas Department of Water Resources for a proposed Permit 12863-01, to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the proposed Orchard Crossing Wastewater Treatment Plant, which is to serve a proposed mobile home subdivision.

**Contact:** Michael E. Field, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

**Filed:** February 27, 1984, 11:11 a.m.  
TRD-842386

**Friday, April 6, 1984, 10 a.m.** The Texas Water Commission will meet in Room 152, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on the application of the R. L. Lipsey Estate (RE-0216) for approval of plans for certain improvements made of the Trinity River in Freestone County.

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

**Filed:** February 28, 1984, 9:56 a.m.  
TRD-842475

**Wednesday, April 18, 1984, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the adjudication of all claims of water rights in the Upper Angelina River Segment of the Neches River Basin.

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

**Filed:** February 28, 1984, 9:56 a.m.  
TRD-842476

**Texas Department of Water  
Resources**

**Thursday, March 29, 1984, 9 a.m.** The Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the department will conduct a public hearing to receive testimony concerning revisions to the waste load evaluation for Brushy Creek in the Brazos River Basin

**Contact:** Clyde E. Bohmfalk, P.O. Box 13087, Austin, Texas 78711, (512) 475-3454.

**Filed:** February 28, 1984, 9:55 a.m.  
TRD-842477

**Regional Agencies**

**Meetings Filed February 23**

**The Carson County Appraisal District,** Board of Directors, met at 220 Main Street, Panhandle, on February 29, 1984, at 4 p.m. Information may be obtained from Dianne Lavake, Box 970, Panhandle, Texas 79068, (806) 537-3569.

**The Central Texas Mental Health and Mental Retardation Center,** Board of Trustees, met at 408 Mulberry Drive, Brownwood, on February 28, 1984, at 4.30 p.m. Information may be obtained from Gloria Willen, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, ext 35

**The Lee County Appraisal District,** Board of Directors, met at 218 East Richmond Street, Giddings, on February 29, 1984, at 9 a.m. Information may be obtained from James L. Dunham, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

**The Central Appraisal District of Rockwall County,** Appraisal Review Board, met at the Rockwall County Annex, 101 South Fannin, Rockwall, on February 28, 1984, at 8:30 a.m. Information may be obtained from Bo Daffin, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034

**The South Texas Development Council,** STED Corporation Board of Trustees, met in emergency session at the Zapata County Library, Zapata, on February 23, 1984, at 11 a.m. Information may be obtained from Roberto Mendiola, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

TRD-842241

**Meetings Filed February 24**

**The Bastrop County Appraisal District,** Board of Directors, will meet at the Bastrop County commissioners courtroom, 804 Pecan, Bastrop, on March 2, 1984, at 2 p.m. Information may be obtained from Clifton Kessler, 705 Spring Street, Bastrop, Texas, (512) 321-4316.

**The Brown County Appraisal District,** Board of Directors, will meet at 403 Fisk Street, Brownwood, on March 5, 1984, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Street, Brownwood, Texas 76801, (915) 643-5676.

**The Fisher County Appraisal District,** Appraisal Review Board, will meet in the district courtroom, Roby Courthouse, Roby, on March 9, 1984, at 9 a.m. Information may be obtained from Harvie Davis, Route 2, Box 99, Sweetwater, Texas 79556, (915) 776-2733.

**The Middle Rio Grande Development Council,** Project Review Committee, met in the council offices, Del Rio National Bank Building, Del Rio, on February 29, 1984, at 10 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank Building, Room 307, Del Rio, Texas 78840, (512) 774-4949.

TRD-842277

**Meetings Filed February 27**

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1,** Board of Directors, will meet in the district office, U S Highway 81, Natalia, on March 5, 1984, at 8 a.m. Information may be obtained from C A Mueller, P.O. Box 170, Natalia, Texas, 78059, (512) 663-2132.

**The Coryell County Appraisal District,** Board of Directors, met at 105 North Seventh, Gatesville, on March 1, 1984, at 7 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

**The Dallas Area Rapid Transit,** Communication and Community Involvement Committee, met in emergency session in Room 6ES, Dallas City Hall, 1500 Marilla Street, Dallas, on February 28, 1984, at 9 a.m. The Service Plan/Work Program Committee met in emergency session at 601 Pacific, Dallas, on the same day at 4 p.m. The Budget and Finance Committee met in emergency session at 601 Pacific, Dallas, on February 29, 1984, at 4 p.m. The Special

Service Needs Committee will meet in Room 6ES, Dallas City Hall, 1500 Marilla, Dallas, on March 2, 1984, at 2 p.m. Information may be obtained from Michael Miles, 601 Pacific, Dallas, Texas 75202, (214) 748-3278.

**The Lower Rio Grande Valley Development Council,** Board of Directors, will meet at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on March 2, 1984, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Texas Commerce Bank Building, Suite 207, McAllen, Texas 78501, (512) 682-3481.

**The Parmer County Tax Appraisal Office,** Board of Directors, will meet at 305 Third Street, Bovina, on March 5, 1984, at 7:30 p.m. Information may be obtained from Ronald E. Procter, RPA, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

**The San Patricio County Appraisal District,** Board of Directors, will meet in Room 226, courthouse annex, Sinton, on March 8, 1984, at 9:30 a.m. The Appraisal Review Board will meet at the same location on the same day at 2 p.m. Information may be obtained from Bennie L. Stewart, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

**The Tyler County Tax Appraisal District,** Board of Directors, will meet at 1004 West Bluff, Woodville, on March 5, 1984, at 7 p.m. Information may be obtained from Mark Allen, 1004 West Bluff, Woodville, Texas 75979, (409) 283-3736.

**The Upshur County Appraisal District,** Appraisal Review Board, will meet in the district office, Warren and Trinity Streets, Gilmer, on March 2, 1984, at 8:30 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

TRD-842356

**Meeting Filed February 28**

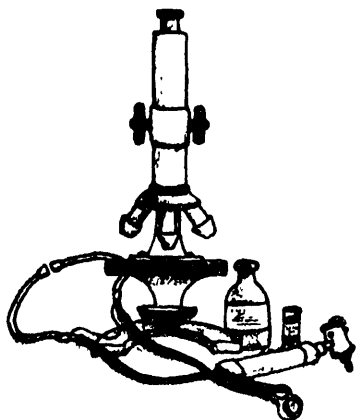
**The Bexar Appraisal District,** Appraisal Review Board, will meet in emergency session at 535 South Main, San Antonio, on March 2, 1984, at 9 a.m. The board also will meet at the same location on March 5-8, 12-16, 19-22, and 26-30, 1984, at 9 a.m. daily. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

TRD-842474

# In Addition

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.



## Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of February 13-17, 1984.

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

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

Listed are the names of the applicants and the cities in which the facilities are located, types of facilities, locations of the facilities (if available), permit numbers; and types of applications—new source or modification.

Walker Contractors, Inc., Alton, rock crusher; northeast corner Mile 6 Road and Tresper Road; 9426; new source.

Gentex, Pasadena, gas turbine/cogeneration facility; 400 Davison Road; 9320A; modification.

Barge Refining, Ltd., Rockport; CFJ #1 (barge); Rockport, Arkansas County, 9427; new source.

K-B Asphalt and Materials, Inc., Alton, drum mixer asphalt concrete plant, northeast corner Mile 6 Road and Tresper Road; 6224E; modification.

Issued in Austin, Texas, on February 21, 1984.

TRD-842198      Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed February 22, 1984  
For further information, please call (512) 451-5711, ext 354.

## Contested Case Hearing

Pursuant to the authority provided in the Texas Clean Air Act, Article 4477-5, §§3.15, 3.16 and 3.17, and 31 TAC §§103.11(3), 103.31 and 103.41 of the procedural rules of the Texas Air Control Board (TACB), an examiner for the TACB will conduct a contested case hearing to consider whether a permit should be issued to Kirkland-Hammond Asphalt Corporation (hereinafter referred to as the company) for the construction of a hot mix asphalt plant to be located off of County Road 1134, approximately ½ mile south of Highway 31 near Tyler, Smith County.

The company is directed to appear at the time and place shown as follows and demonstrate by preponderance of evidence why the TACB should issue a permit to construct the proposed facility as authorized by the Act, §3.27, and Regulation VI of the rules and regulations of the TACB.

The record of this hearing will be used by the TACB in determining whether to issue a permit to construct the proposed facility pursuant to the Act, §3.27, and Regulation VI of the TACB.

Information regarding this application and copies of the TACB's rules and regulations are available at the regional office of this agency located at 1304 South Vine Avenue, Tyler, Texas 75701, the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723, and the Office of the County Clerk for Smith County, located at 100 South Broadway, Tyler, Texas 75701

The examiner has set the hearing to begin at 6 p.m. on April 17, 1984, in the Smith County Courthouse located at 100 South Broadway, Tyler. Prospective parties to the hearing will be the TACB staff and the company. Any other persons desiring to be made a party must specifically apply in writing for party status to Examiner Jose E. Camacho, TACB, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the previous address by 5 p.m. on March 20, 1984. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the date set out as follows. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing, but who does not desire to be a party, may call the legal division of the TACB at (512) 451-5711, ext 358, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

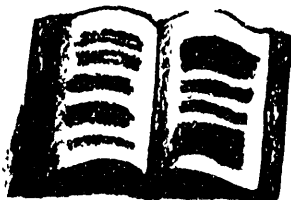
Pursuant to 31 TAC §103.46 of the procedural rules of the TACB, the examiner has scheduled a prehearing conference on April 3, 1984, at 6 p.m. in the Smith County Courthouse, Tyler. All persons wishing to be admitted as parties must attend this conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. At this conference a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony and copies of written and documentary evidence pursuant to 31 TAC §103.46(2).

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin at (512) 451-5711, ext 358, a day or two prior to the hearing date to confirm the setting, since continuances are granted from time to time.

Issued in Austin, Texas, on February 17, 1984

TRD-842200      Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed February 22, 1984  
For further information, please call (512) 451-5711,  
ext 354



## Office of the Attorney General Amendment to Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, notice is given by the Office of the Attorney General of amendments to the consultant proposal request published in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5142).

**Work Schedule.** The successful bidder will be expected to begin work April 9, 1984, and to be completed no later than September 7, 1984.

**Personnel Specifications.** Bidders are to identify the specific personnel to be dedicated to the project and specific number of hours to be devoted by each.

**Closing Date.** Closing for all responses to this request shall be at noon on March 5, 1984.

**Contact Person.** Persons desiring additional information or a copy of the request for proposal with amendments should contact Sandy Moreno, Office of the Attorney General, 210 Barton Springs Road, P.O. Box 12548, Austin, Texas 78711, (512) 475-0990.

Issued in Austin, Texas, on February 24, 1984

TRD-842254      Jim Mattox  
Attorney General

Filed: February 23, 1984  
For further information, please call (512) 475-0990.

## Automated Information Systems Advisory Council and State Purchasing and General Services Commission Working Committee Report on Study of Computer Procurement

The Automated Information Systems Advisory Council and the State Purchasing and General Services Commission jointly established a Policy Oversight Committee in August 1983 to respond to requests by the governor, the lieutenant governor, and the speaker of the House of Representatives for a study of computer procurement. A Working Committee was formed to explore the matter and to develop suggestions.

The report of the Working Committee has been completed and is now available for public comment. A copy can be obtained from Bill Killion, Director, Centralized Services, State Purchasing and General Services Commission, P.O. Box 13047, Austin, Texas 78711.

Comments received by March 31, 1984, will be considered by the Policy Oversight Committee in its decision process. Comments should be addressed to Darrel E. Hurt, Chairman, Policy Oversight Committee, Automated In-

formation Systems Advisory Council, P.O. Box 13564,  
Austin, Texas 78711

Issued in Austin, Texas, on February 21, 1984

TRD-842264 Charles K. Winston, Jr.  
Executive Director  
Automated Information Systems  
Advisory Council

Filed: February 23, 1984

For further information, please call (512) 475-2362

## Banking Department of Texas Application To Acquire Control of A State Bank

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On January 24, 1984, the banking commissioner received an application to acquire control of the Sabinal Bank, Sabinal, by Harry M. Carlton of Houston; Robert A. Clary, Jr., of Sabinal; W. Patrick Dodson of Uvalde; June W. Hawkes and Thomas G. Hollmig of Sabinal; Carl Muecke of Knippa, and C. E. Willingham of Sabinal.

On February 22, 1984, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 22, 1984

TRD-842257 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed: February 23, 1984

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

## Texas Department of Community Affairs

### Extension of Deadline and Revision of Request for Proposal Description

In the December 23, 1983, issue of the *Texas Register* (8 *TexReg* 5437), the Texas Department of Community Affairs (TDCA) published a request for program proposals to operate demonstration projects from selected service delivery areas in Texas. These projects will be funded under Title V of the Job Training Partnership Act (JTPA). The deadline for the submission of proposals, as set out in that notice, has been extended to 5 p.m. on Friday, April 13, 1984. Proposals will be considered on time and acceptable if received at the TDCA by Friday,

April 13, 1984, and are acceptable after this date only if postmarked no later than April 11, 1984.

In addition to the extended deadline, the TDCA has found it necessary to modify the original request for proposal (RFP) instructions by deleting those services and program activities related to training (i.e., on-the-job training, classroom training) and support services. Other changes, including new budget forms, will be contained in the revised instruction package available at the TDCA offices on or after March 2, 1984.

A bidders conference is scheduled for Monday, March 12, 1984, from 1-3 p.m. in Room 304T of the Texas Employment Commission (TEC) office, 1117 Trinity Street, Austin. The staff of the Governor's Planning Office, the TDCA, and the TLC will be available to comment on and answer questions about the revised RFP for participant services.

For further information, contact Dr. Christopher T. King, Texas Department of Community Affairs, Training and Employment Development Division, 2015 IH 35 South, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 270.

Issued in Austin, Texas, on February 24, 1984

TRD-842371 Douglas C. Brown  
General Counsel  
Texas Department of Community  
Affairs

Filed February 27, 1984

For further information, please call (512) 443-4100,  
ext. 343/270

## Comptroller of Public Accounts Decision 11,083

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

**Summary of Decision.** The taxpayer, a defense contractor, sold military hardware to the U.S. government. It was delivered to the U.S. government in Texas. After testing the hardware, the government shipped it to foreign governments. The taxpayer contended that including the receipts from hardware sales that were destined for foreign governments in Texas receipts for franchise tax apportionment purposes violated the Import-Export Clause of the U.S. Constitution, since the inclusion amounted either to an indirect tax on exports or a transit fee. The comptroller ruled that the sales were includible as Texas receipts because the taxpayer had a contract with the government pursuant to which it delivered the hardware in Texas, where it remained for a matter of months before being shipped to foreign governments. Under the statute, receipts from such sales are allocated to Texas for fran-

chise tax purposes, and this does not represent a tax on exports or a transit fee.

Issued in Austin, Texas, on February 24, 1984.

TRD-842280 Bob Bullock  
Comptroller of Public Accounts

Filed February 24, 1984

For further information, please call (512) 475-1938.

## Decision 14,292

For copies of the following opinion, contact **Bob Bullock**, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

**Summary of Decision.** The taxpayer, a repairman of oil field pipes, contested an assessment of sales tax on its purchases on the grounds that the seller's failure to collect the tax due extinguished the taxpayer's tax liability. The comptroller disagreed, pointing out that the Texas Tax Code, §151.515, gives him clear authority to proceed against the seller or buyer for any unpaid sales tax, and also pointing out that while the legislature utilizes sellers as the collectors of the tax and does hold them responsible therefor, that the tax is intended to fall upon consumers and users.

Issued in Austin, Texas, on February 24, 1984.

TRD-842281 Bob Bullock  
Comptroller of Public Accounts

Filed February 24, 1984

For further information, please call (512) 475-1938.

## Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer <sup>(1)</sup> Agricul- tural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 03/05/84-03/11/84	18.75%	18.75%
Monthly Rate— Article 1.04(c) <sup>(1)</sup> 03/01/84-03/31/84	18.44%	18.44%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Quarterly Rate— Article 1.11 <sup>(3)</sup> 04/01/84-06/30/84	18.27%	N/A

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer <sup>(3)</sup> Agricul- tural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Lender Credit Card Quarterly Rate— Article 15.02(d) <sup>(3)</sup> 04/01/84-06/30/84	18.27%	N/A
Standard Annual Rate— Article 1.04(a)(2) <sup>(2)</sup> 04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Annual Rate— Article 1.11 <sup>(3)</sup> 04/01/84-06/30/84	18.27%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/84-06/30/84	18.00%	N/A
Judgment Rate— Article 1.05, §2 03/01/84-03/31/84	10.00%	10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on February 27, 1984

TRD-842376 Sam Kelly  
Consumer Credit Commissioner

Filed February 27, 1984

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

## Texas Education Agency Change in Public Hearing

The State Board of Education will hold a public hearing on the following proposed standards for teacher education: 19 TAC Chapter 137, Subchapter K, "1984 Standards for Approval of Institutions Offering Undergraduate Teacher Education Programs for Certification"; 19 TAC Chapter 137, Subchapter L, "1984 Standards for Approval of Institutions Offering Graduate Professional Education Programs for Certification"; 19 TAC Chapter 137, Subchapter M, "1984 Program Requirements for Preparation of School Personnel for Provisional Certificates and Endorsements"; and 19 TAC Chapter 141, Subchapter T, "1984 Requirements for Provisional Certificates and Specialized Assignments or Programs."

The hearing will be held at 8.30 a.m. on Thursday, March 8, 1984, in the Joe Kelly Butler board room, Texas Education Agency North Building, 1200 East Anderson Lane, Austin.

The time of the hearing has been changed from 10 a.m. to 8:30 a.m. because of the number of persons interested in testifying.

Persons who wish to testify must notify Grace Grimes, Deputy Commissioner for Professional Development and Support, Texas Education Agency, (512) 475-8691, by 5 p.m. on Friday, March 2, 1984. Additional information concerning the hearing or the proposed standards is available from Grace Grimes, Deputy Commissioner for Professional Development and Support, Texas Education Agency, 201 East 11th Street, Austin.

The board reserves the right to limit the time of persons testifying.

Issued in Austin, Texas, on February 24, 1984

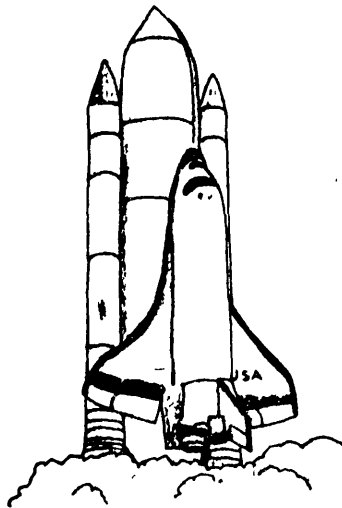
TRD-842349      Raymon L. Bynum  
                         Commissioner of Education

Filed February 24, 1984  
For further information, please call (512) 475-7077.

### Correction of Error

Adopted rules submitted by the Texas Education Agency contained an error as published in the February 21, 1984, issue of the *Texas Register* (9 TexReg 1097).

Sections 141.433 and 141.434 should be under the undesignated head "Basic Skills Tests Required for Admission to Teacher Education Programs."



### Texas Department of Health Cease and Desist and Emergency Impoundment Order

Notice is hereby given that Well Analysis Company, Inc., Suite 122, Box 5100, Tyler, Texas 75712, having been found in the possession of and using radioactive material without having been granted a license by the Texas Department of Health to possess and use radioactive material, was ordered to cease and desist all operations involving the use of radioactive material except for transfer to persons authorized to possess the radioactive material. The company was also ordered to safely impound in place all radioactive material in its possession. This issued order follows:

In accordance with *Texas Regulations for the Control of Radiation* Part 13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

#### THE TEXAS DEPARTMENT OF HEALTH THE TEXAS RADIATION CONTROL AGENCY

ORDER TO: Well Analysis Company, Inc.  
Well Analysis Company, Inc.  
R. L. Heine  
Suite 122, Box 5100  
Agent for Service  
Tyler, Texas 75712  
1106 Pebble Beach Court  
Mansfield, Texas 76063

#### CEASE AND DESIST ORDER AND EMERGENCY ORDER IMPOUNDING SOURCES OF RADIATION

Whereas, Texas Civil Statutes, Article 4590i, §13, states that it is unlawful for any person to use, manufacture, produce, transport, receive, acquire, own, possess, process, or dispose of any source of radiation unless licensed, registered, or exempted by the agency in accordance with the provisions of this Act, and

Whereas, an inspection performed on February 2, 1984, by an agency representative, Robert Lobaugh, at the Well Analysis Company, Inc. (the company) facility, located in Tyler, found that the company is in possession of and using radioactive material, and

Whereas, the company has not been granted a license by the agency to possess and use radioactive material;

Now therefore, premises considered, and pursuant to Texas Civil Statutes, Article 4590f, §13, it is hereby ORDERED that

Well Analysis Company, Incorporated shall CEASE and DESIST from using, transporting, or in any other manner handling radioactive materials, except for transfer to persons that have a valid radioactive material license authorizing possession and/or use of the radioactive material.

AND

Whereas, the company possesses and has used radioactive material, in violation of Texas Civil Statutes, Article 4590f, §13 and §6(a)(3), and

Whereas, the company's facilities have not been evaluated and approved as adequate by the agency for the safe handling, storage, shielding, and containment of radioactive material, and

Whereas, persons whose safety knowledge, practices and procedures have not been established by review and evaluation by the agency are using radioactive material for the company in the conduct of tracer operations in oil and/or gas wells and



Whereas, the company's continued storage, handling, transport, and use of radioactive material, by persons whose safety knowledge and practices have not been evaluated, threatens to create conditions that could adversely effect the public health and safety and the environment; and

Now, therefore, the agency finds that an emergency exists requiring immediate action to protect the public health and safety and the environment, and, pursuant to Texas Civil Statutes, Article 4590f, §11(c) and §14, it is hereby ORDERED that

Well Analysis Company, Incorporated safety IMPOUND in place all radioactive materials in its possession and provide the agency with an inventory of such radioactive materials to be received by the agency not later than seven days after receipt of this ORDER

DONE, this the 6th day of February, 1984

The order was signed by Richard A. Ratliff, P. E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health.

Issued in Austin, Texas, on February 23, 1984

TRD-842317      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: February 24, 1984

For further information, please call (512) 835-7000

## Public Hearing

A hearing will be held to consider Application 1637 of the City of Hawkins to operate a proposed Type III municipal solid waste disposal site to be located approximately one mile west of the city limits of Hawkins, 1.6 miles northwest of the intersection of U.S. Highway 80 and FM Road 14, approximately 700 feet north of U.S. Highway 80 and on the east side of a public road, in Wood County.

The hearing will be held on Tuesday, April 3, 1984, at 9:30 a.m. in the city hall, Hawkins.

Issued in Austin, Texas, on February 23, 1984

TRD 842318      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed February 24, 1984

For further information, please call (512) 458-7271.

## Texas Health Facilities Commission

### Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this

publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order, CN indicates certificate of need, PFR indicates petition for reissuance, 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 any of the above-stated applications, 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 any of these applications 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.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-099

NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center of Temple, an existing 108-bed nursing facility with 84 ICF and 24 skilled beds located in Temple.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-100

NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—San Antonio (North), an existing 109-bed ICF nursing facility located in San Antonio.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-101

NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—San Antonio (Northwest), an existing 164-bed ICF nursing facility located in San Antonio.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-102  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center of San Antonio—Pecan Valley, an existing 233-bed nursing facility with 55 ICF and 178 skilled beds located in San Antonio.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-103  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—San Antonio (South), an existing 90-bed ICF nursing facility located in San Antonio.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-104  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—San Antonio (Vance Jackson), an existing 130-bed ICF nursing facility located in San Antonio.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-105  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—San Antonio (Windcrest), an existing 208-bed ICF nursing facility located in San Antonio.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-106  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center of Dallas, an existing 210-bed nursing facility with 160 ICF and 50 skilled beds located in Dallas.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-107  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center of Odessa, an existing 114-bed ICF nursing facility located in Odessa.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-108  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—Ennis, an existing 155-bed nursing facility with 34 ICF and 59 skilled beds located in Ennis

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-109  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center of El Paso, an existing 235-bed nursing facility with 178 ICF and 57 skilled beds located in El Paso

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-110  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—Karnes City, an existing 60-bed ICF nursing facility located in Karnes City.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-111  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—Hondo, an existing 75-bed ICF nursing facility located in Hondo.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-112  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center of North Richland Hills, an existing 114-bed nursing facility with 60 ICF and 54 skilled beds located in Fort Worth.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-113  
NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center (Northwest), an existing 108-bed nursing facility with 58 ICF and 50 skilled beds located in Fort Worth

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-114

NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center of San Antonio (Babcock), an existing 233-bed nursing facility with 178 ICF and 55 skilled beds located in San Antonio.

Manor Healthcare Corporation,  
Silver Spring, Maryland  
AN84-0215-115

NIEH—Request for a declaratory ruling that a certificate of need is not required for Manor Healthcare Corporation to acquire 100% of the shares of Four Seasons Nursing Centers, Inc., which owns Four Seasons Nursing Center—Austin (St. Johns), an existing 233-bed licensed nursing facility with 179 ICF and 54 skilled operating beds located in Austin.

Victoria Nursing Center, Victoria  
AN83-0621-642A(021084)

CN/AMD—Request for an amendment of Certificate of Need AN83-0621-642, which authorized the certificate holder to construct, equip, and operate a 120-bed intermediate care nursing home facility to be located on a four-acre site located in the 6400 block of Hallettsville Highway, Victoria. The certificate holder requests an amendment to allow a change in the location of the project to a five-acre site located slightly west of the corporate limits of the City of Victoria, on Medical Drive in Victoria County. The total project cost will decrease from \$3,364,720 to \$3,344,420.

Charter Medical Corporation, doing business as  
Leggett Memorial Hospital, Inc., Cleveland  
AH82-0630-072A(020384)

CN/AMD—Request for an amendment of Certificate of Need AH82-0630-072, which authorized the certificate holder to construct a construction and renovation project to accommodate 42 additional beds and relocation and expansion of the laboratory, radiology (one additional radiographic/fluoroscopic unit), emergency room (two major trauma rooms), surgical suite (one additional operating room), labor and delivery suite, and other support departments. The certificate holder requests an increase in the new construction authorized from 37,325 square feet to 41,530 square feet, an increase in the existing space to be renovated from 6,065 square feet to 7,485 square feet; a decrease in the amount of existing space to be demolished from 10,200 square feet to 9,120 square feet, and an extension of the completion deadline from June 21, 1985, to December 1, 1985.

Beverly Enterprises, doing business as Southeast  
Nursing Center, San Antonio  
AN82-1117-193A(020684)

CN/AMD—Correction of notice published in the February 17, 1984, issue of the *Texas Register*. Request for an extension of the completion deadline

from December 14, 1983, to March 14, 1984, in Certificate of Need AN82-1117-193, which authorized the certificate holder to provide skilled nursing services through the reclassification of 34 intermediate beds to skilled.

Presbyterian Village North Health Services, Inc.,  
Dallas  
AN82-1223-287A(021784)

CN/AMD—Request for an extension of the completion deadline from March 31, 1984, to April 1, 1985, in Certificate of Need AN82-1223-287, which authorized the certificate holder to construct a three-story 25,000 square foot addition containing 45 skilled beds.

DFW Imaging, Ltd., a to be formed Texas limited  
partnership, Grand Prairie  
AO84-0213-091

NIE—Request for a declaratory ruling that a certificate of need is not required for DFW Imaging, Ltd., to acquire by purchase a whole body nuclear magnetic resonance computed tomographic scanner. The proposed equipment will be located in a medical office building located at 655 Great Southwest Parkway, Grand Prairie, which is located immediately across the street from DFW Medical Center. The proposed equipment will be utilized on an outpatient basis only.

Issued in Austin, Texas, on February 27, 1984

TRD-842373

Judith A. Monaco  
Assistant General Counsel  
Texas Health Facilities  
Commission

Filed: February 27, 1984

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

## Texas Department of Public Safety Consultant Proposal Request

**General Project Description.** The Texas Department of Public Safety, in accordance with the provisions of Texas Civil Statutes, Article 6252 11c, solicits to contract with a private consultant to develop, produce, and duplicate driving-while-intoxicated (DWI) media programs and spots to be used in mobile safety education display units, by Safety Education Service personnel at citizens' group presentations, and by Texas television stations. These programs and spots will be utilized statewide to educate the public and gain voluntary compliance with safety practices and motor vehicle laws.

**Objectives.** In accordance with the goal and commitments of the Texas Department of Public Safety, these driving-while-intoxicated media programs will serve to promote safe driving behavior by providing accurate, informative, and persuasive material to the general public regarding the benefits of refraining from driving while intoxicated with supplemental traffic safety information.

Primary objectives will be to obtain public support for driving-while-intoxicated laws, reach key segments of the

driving public to increase awareness of the risks of driving while intoxicated and the benefits of refraining from driving while intoxicated, and increase awareness of the driving-while-intoxicated problem by the general driving public.

**Background.** Driving while intoxicated has long been a major contributing factor to motor vehicle traffic accidents, injuries, and deaths. In fact, the National Safety Council has estimated that 50% of all traffic accidents involve drinking drivers.

In Texas, 1,066 persons were killed in motor vehicle traffic accidents involving DWI drivers in 1982. Driving while intoxicated was involved in 24% of all statewide fatal accidents. It is possible that many injured or deceased drivers who were driving while intoxicated were not reported as DWI because chemical tests were not performed on all drivers in fatal accidents.

It is obvious that the driving public needs to be encouraged to voluntarily refrain from driving while intoxicated. To meet this need, the Texas Department of Public Safety, in addition to utilizing the mass media, employs 30 safety education troopers whose primary duties are public safety education. These troopers provide personal programs to civic clubs, industry, schools, governmental agencies, and other citizen groups. In addition, these troopers utilize six mobile safety education display units at state, county, and various fairs or other places where gatherings are conducted for educational programs.

**General Project Approach.** The contractor selected shall furnish all necessary qualified and creative personnel, facilities, materials, supplies, equipment, and services to perform the proposed statement of work. The contractor shall develop a project plan and set objectives to determine the progress of that plan. In conjunction with the Texas Department of Public Safety, the contractor will create audiovisual presentations, particularly for Texas audiences, in accordance with the statement of work.

**Statement of Work.** The contractor shall develop and produce

(1) a minimum of two different media programs duplicated for use by each of the 30 safety education troopers and in each of the six mobile safety education display units. These media programs shall be sound/slide synchronized format, a maximum of 12 and not less than 11 minutes in duration. The audio for use by the 30 safety education troopers shall be duplicated on standard play tapes. The audio for use in the mobile safety education display units shall be duplicated on continuous loop or play tapes, designed for extended, continuous play of the programs. The slides shall be 35 millimeter format.

One of the media programs should be designed to target general adult audiences, and one of the media programs should be designed to target teenage audiences.

The material covered by these media programs shall primarily be driving-while-intoxicated related, although general traffic safety material may be utilized to augment the programs.

(2) a minimum of eight driving-while-intoxicated television public service announcements, duplicated for use by 75 Texas television stations. These media spots shall

be duplicated on ¼-inch broadcast quality cassette tapes. The media spots shall be the following lengths: one 60-second, two 30-second, two 20-second, and three 10-second.

All information contained on the media programs and spots shall be factual. The contractor is expected to furnish references for all statistical data and information contained within these materials.

When designing the programs and materials, a people-oriented approach should be used to emphasize safe driving techniques. The materials designed should be targeted to audiences throughout the year. The contractor will be allowed to subcontract services of artists, writers, designers, film producers, photographers, etc., for the specific purpose of supporting this project. The Texas Department of Public Safety shall reserve the right to approve all subcontractors in advance of subcontracts.

The contractor shall furnish to the Texas Department of Public Safety proposed media program and television spot scripts within 45 days after the start of the contract period. The project will be completed and all program materials delivered to the Texas Department of Public Safety within 90 days after the Texas Department of Public Safety has approved the scripts.

The Texas Department of Public Safety has final approval authority of any scripts, slides, and tapes.

The following conditions are applicable in responding to this request for proposal:

(1) **Due date.** Proposals are due at the address given below by 5 p.m. on March 30, 1984. It is the responsibility of the proposed contractor to have the proposal in the Texas Department of Public Safety office at that time. Proposals received late for any reason will not be considered.

(2) **Proposal address.** Questions about the solicitation and proposals in response to it should be submitted to Inspector Robert W. Hulen, Inspection and Planning Division, Texas Department of Public Safety, 5805 North Lamar Boulevard, P. O. Box 4087, Austin, Texas 78773, (512) 465-2136.

(3) **Type of contract.** A fixed price contract will be awarded to the successful contractor.

(4) **Contract period.** The contract period will be from April 16-September 30, 1984. It is anticipated the research and development will commence immediately upon awarding of the contract, and all tasks must be completed by September 30, 1984.

(5) **Number of copies.** The proposed contractor must furnish a minimum of four copies of his proposal.

(6) **Personnel and staffing.** The proposal shall include names, resumes, and headquarters of key personnel who will be assigned to this contract. Company qualifications and prior experience with closely related projects should be included, but limited to a maximum of six pages. Cost information shall be submitted in a detailed budget breakdown by the cost categories specifically identified in the statement of work.

(7) **Cost information.** shall be submitted in a detailed budget breakdown by the cost categories specifically identified in the statement of work.

If the proposer selected has not been used as a contractor by this office, a preaward audit may be performed.

The project will be from April 1-September 30, 1984.

In addition to cost benefits, proposals will be evaluated by the Texas Department of Public Safety and selection will be based principally on the following criteria.

(1) Proposer's demonstration of technical competence:

(a) comprehension of the nature of the problem and recognition of critical issues involved;

(b) soundness of methodologies proposed to carry out the proposed tasks of the statement of work;

(c) if the work plan identifies potential problems and how they will be addressed,

(d) demonstrated ability to work effectively with public safety agencies, private sector organizations, industry, and/or business,

(e) demonstrated ability to work in sound/slide programs and television spots,

(f) realistic work plan capable of being accomplished in a quality manner

(g) adequacy of management plan for the project; and

(h) demonstrated desire to impact traffic safety problems.

(2) Proposer's indication of sufficient resources:

(a) experience and background of principal representative and other professionals proposed for accomplishment of the work;

(b) provision within proposer's organization for internal coordination and quality control of the project; and

(c) availability of resources, personnel, and talent.

(3) Proposer's responsiveness to contract requirements.

(a) demonstrated familiarity with similar types of work previously accomplished, for whom and with what results;

(b) adequacy of study design concept to produce desired quality of results, and

(c) effectiveness of proposed method of coordinating the work efforts and communicating the progress, problems, and needs to the Texas Department of Public Safety program manager.

Additional information may be obtained from the program manager, Inspector Robert W. Hulen, Inspection and Planning Division, (512) 465-2136

Issued in Austin, Texas, on February 22, 1984

TRD-842294 James B. Adams  
Director  
Texas Department of Public  
Safety

Filed, February 24, 1984

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

## Public Utility Commission of Texas Consultant Proposal Request

The Public Utility Commission of Texas (PUC) invites interested parties to submit proposals to provide con-

sulting services, under the provisions of Texas Civil Statutes, Article 6252-11c.

**Description of Services.** The contractor will conduct a needs assessment, determine the type(s) of training which will improve the ability of staff attorneys to serve as team leaders in the preparation and presentation of cases before the commission, and conduct up to one week of in-house training designed to meet the needs previously identified.

**Closing date.** The closing date for offers/proposals is April 2, 1984. Proposals must be submitted no later than noon on April 2, 1984. Address the envelope to Purchaser, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757. Mark envelopes with "BID OPENING: 4-2-84, Bid No. SV-4-0091."

**Procedure for Selecting Contractor.** The PUC has utilized a consultant for similar training and may give preference to that consultant, in the interest of continuity and cost savings. The PUC will select the contractor by evaluating the credentials of bidders, the merits of the training plan contained in the proposals, and the costs outlined in the proposals.

**Cost.** The cost of these services is not expected to exceed \$11,000.

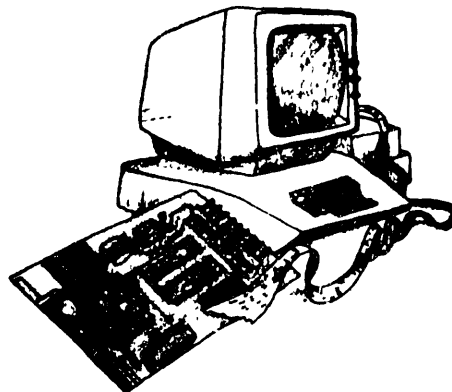
**Contact Person.** Any person interested in providing the described services may obtain further information by calling Judith Rappold, Training Officer, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0169

Issued in Austin, Texas, on February 21, 1984

TRD-842202 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of  
Texas

Filed February 22, 1984

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



## Texas Savings and Loan Department Application for Change of Control of an Association

Texas Civil Statutes, Article 852a, §11.20, requires any person who intends to acquire control of a state-chartered

savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On February 22, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of Kleberg County Savings Association, Kingsville, by Richard P. Sieb and Robert L. Cannon of Dallas.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on February 22, 1984.

TRD 842209      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: February 22, 1984  
For further information, please call (512) 475-7991.

### **Application for Change of Name and Hearing Thereon**

An application has been filed with the savings and loan commissioner of Texas by Central Plains Savings Association, Tulia, Swisher County, for change of name to Interwest Savings Association, #304, whose agent/attorney is Larry E. Temple, 1510 United Bank Tower, Austin, Texas 78701.

A hearing on this application is set for 10 a.m. on March 5, 1984, in the offices of the Savings and Loan Department, 1004 Lavaca, Austin. This application is filed and hearing is held pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a, §§2.12, 2.13, and 11.11.

The applicant association asserts that no other association authorized to do business in this state has the name sought, nor is the proposed name so similar to any other as to be calculated to deceive.

Anyone desiring to protest this application may do so by writing the commissioner at P.O. Box 1089, Austin, Texas 78767, and by appearing at the scheduled hearing on March 5, 1984.

If no protest is registered prior to or at the time the application is called, hearing may be dispensed with; if protest is registered, and existing when called, hearing on the application will be continued to a later date at the same location for the purpose of receiving testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in opposition to the application.

Issued in Austin, Texas, on February 8, 1984

TRD-842351      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed February 24, 1984  
For further information, please call (512) 475-7991.

### **Application for Charter and Hearing Thereon**

An amended application has been filed with the savings and loan commissioner of Texas. The application has been amended from Citizens Savings Association, 301 South Main, Monahans, Ward County, to CityBanc Savings Association, 501 South Alford, Crane, Crane County

A hearing on the application will be held at 11 a.m. on March 5, 1984, in the offices of the Savings and Loan Department of Texas, 1004 Lavaca Street, Austin, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the application. The hearing may be continued from day to day at the same location if not concluded on the day it commences.

The particular sections of the statute involved are §§2.01-2.09 and 11.11. The particular rules involved are 7 TAC §§51.1-51.13. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicants for charter assert that the prerequisites, where applicable, set forth in the Act, §§2.02-2.06, have been met; the character responsibility and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted and that the proposed association will have qualified full-time management; there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and the operation proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested and advisable that persons who plan to oppose this application notify the commissioner of their intentions, in writing, at P.O. Box 1089, Austin, Texas 78767.

Issued in Austin, Texas, on February 21, 1984

TRD-842350      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: February 24, 1984  
For further information, please call (512) 475-7991.

### **Application To Establish a Savings Agency and Hearing Thereon**

An application has been made to the savings and loan commissioner of Texas by Elgin Savings and Loan Association, Elgin, Docket 300, for approval to establish

and operate a savings agency of the association at 1108 Main Street, Bastrop, Bastrop County.

A hearing on this application is scheduled for 10 a.m. on March 5, 1984, in the offices of the Savings and Loan Department, 1004 Lavaca, Austin, pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a, §§2 13, 10 03, and 11 11

The applicant association asserts that the character, responsibility, and general fitness of the proposed agent are such as to command confidence and warrant belief that the business of the association to be conducted by such agent will be honestly and efficiently handled; that the proposed operation will not unduly harm any other association operating in the vicinity of the proposed location, and that the procedure to be followed in regard to the safeguarding of funds belonging to the applying association is adequate

A party desiring to protest this application may do so by writing the commissioner at P O Box 1089, Austin, Texas 78767, and by appearing at 10 a.m. on March 5, 1984, in the department's offices and voicing protest when the application is called. If no protest is registered prior to or at the time the application is called, the hearing may be dispensed with; if protest is registered and existing when called, the hearing on the application will be continued to a later date at the same location to receive testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in protest to the application.

Issued in Austin, Texas, on February 7, 1984

TRD 842355      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed February 24, 1984

For further information, please call (512) 475-7991.

## **Application To Merge and Hearing Thereon**

An application has been made to the savings and loan commissioner of Texas by First Federal Savings and Loan Association of Austin and American Fidelity Savings Association of Tyler for approval to merge, pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §10 03. A plan of merger and related documents have been filed with the commissioner.

A hearing on this application has been set for 9 a.m. on March 22, 1984, pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a, §§2 13, 10 03, and 11 11.

The applicants assert that the plan of merger is equitable to the members of the associations and the plan does not impair the usefulness and success of other properly conducted associations.

A party desiring to present testimony or evidence in opposition to this application may do so by appearing at the scheduled hearing. Parties desiring to oppose the ap-

plication should notify the commissioner at least 10 days prior to the date of hearing at P O. Box 1089, Austin. If no appearance in opposition is made at the time this application comes on for hearing, the hearing may be dispensed with by the commissioner.

Issued in Austin, Texas, on February 24, 1984

TRD-842354      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: February 24, 1984

For further information, please call (512) 475-7991.

## **Branch Office Applications and Hearings**

Notice is given to all (approved) savings and loan associations operating in Texas that the following applications to establish and operate branch offices have been filed with the savings and loan commissioner of Texas. These applications have been filed pursuant to the authority and jurisdiction granted by Texas Civil Statutes, Article 852a, and are scheduled for hearing Monday, March 5, 1984, at 10 a.m., in the offices of the Savings and Loan Department, 1004 Lavaca, Austin. The particular sections of the statute involved are §2 13 and §11 11. The particular rules involved are 7 TAC §§51.1-51 13, 53 3, and 53.4. Such rules are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices.

The applicant associations each assert that operation of the proposed branch office will not unduly harm any other association operating in the vicinity, that there is a public need for the proposed branch office, that the volume of business in the community in which the proposed branch office will operate is such as to yield a profit to the association in a reasonable time, and certain other assertions per 7 TAC §53 3 and §53 4.

Anyone desiring to protest any one or more of the following applications may do so by writing the commissioner at P O Box 1089, Austin, Texas 78767, and by appearing at the scheduled hearing. A protest should include the docket number of the application. A copy of the protest should be mailed to the agent or attorney for the applicant association listed as follows. Persons who intend to protest the application, please file the written protest at least 10 days before the scheduled hearing. If no protest is registered prior to or at the time the application is called, the hearing on the application may be dispensed with. If protest is registered and existing when the application is called, the hearing on the application will be continued to a later date at the same location to accumulate a record of pertinent information and data in support of the application and in opposition to the application from which record the commissioner shall determine whether to grant or deny the application.

Docket Number and Application	Applicant's Agent/Attorney
269-83, Alamo Savings Association (San Antonio) for 110 Broadway, San Antonio, Bexar County,	Dick Stahl, President, Alamo Savings Association, P O Box 17527, San Antonio, Texas 78217
293, Liberty Savings Association (Houston) for southeast corner of Windchase and Westheimer, Houston, Harris County,	John I Huff, Liberty Savings Association, P.O. Box 8345, Houston, Texas 78288
294, Uvalde Savings and Loan Association for IH 10 East at Boerne Stage Road, San Antonio, Bexar County,	Hudson Brower, Falcon Financial Corporation, 6243 IH 10, Suite 1070, San Antonio, Texas 78201
301, Elgin Savings and Loan Association, for 143 North Main Street, La Grange, Fayette County, Texas,	Stephen L. Fluckinger, Jones, Day, Reavis, and Pogue, 717 North Harwood, 3000 Diamond Shamrock Tower, Dallas, Texas 75201
303, Alliance Savings and Loan Association (Houston) for northeast corner of FM Road 1960 and Pinehurst, Harris County,	Larry F Temple, 1510 United Bank Tower, Austin, Texas 78701
306, First State Savings Association (San Antonio) for 311 South Shoreline, Corpus Christi, Nueces County,	John Jobes, President, First State Savings Association, P O Box 28357, San Antonio, Texas 78228
308, Independent American Savings Association (Grand Prairie) for 5148 North Jupiter, Garland, Dallas County	Jack Selman, Sneed, Vine, Wilkerson, Selman, and Perry, P O Box 1409, Austin, Texas 78767

Issued in Austin, Texas, on February 8, 1984

TRD-842353      Russell R. Oliver  
General Counsel  
Texas Savings and Loan  
Department

Filed February 24, 1984  
For further information, please call (512) 475-7991

ney is L. Alvis Vandygriff of Phillips, King & Smith, 1005 Congress Avenue, Suite 595, Austin, Texas 78701

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2-13 and §11-11. The particular rules involved are 7 FAC §§51-2-51-13, 53-3, 53-4, 57-1, and 57-2. Such rules are on file with the secretary of state, *Texas Register*, or may be seen at the department's offices.

A hearing on this application is scheduled for 9 a.m. on March 6, 1984, in the hearing room of the Savings and Loan Department, 1004 Lavaca, Austin.

Each applicant association asserts that operation of its proposed relocated office will not unduly harm any other association operating in the vicinity, that there is a public need for the proposed relocated office, that the volume of business in the community in which its proposed relocated office will operate is such as to yield a profit to the association in a reasonable time, and certain other assertions in accordance with 7 FAC §§53-3 and 53-4.

Anyone desiring to protest this application may do so by writing the commissioner at P.O. Box 1089, Austin, Texas 78767, and by appearing at the scheduled hearing and voicing protest when the application is called. A protest should include the docket number of the application, and a copy should be sent to the agent or attorney previously listed. Persons who intend to protest the application should file the written protest at least 10 days before the scheduled hearing.

If no protest is registered prior to or at the time the application is called, the hearing may be dispensed with. If opposition is registered and existing when called, the hearing on the application will be continued to a later date, at the same location, to receive testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in opposition to the application.

This is a continuation of the hearing of November 7, 1983, at which time the parties appeared and stated their positions.

Issued in Austin, Texas, on February 22, 1984

TRD 842238      Russell R. Oliver  
General Counsel  
Texas Savings and Loan  
Department

Filed February 23, 1984  
For further information please call (512) 475-7991

### Office Relocation Application and Hearing

Notice is hereby given to all savings and loan associations operating in Texas that an application to relocate an office has been filed with the savings and loan commissioner of Texas, as follows: Docket 215-83, Richardson Savings & Loan Association, branch relocation from 9100 North Central Expressway, Dallas, to 2420 North 10th Street, McAllen, Hidalgo County. The applicant's agent/attor-

### Office Relocations and Hearings

Notice is given to all (approved) savings and loan associations operating in Texas that the following applications to relocate an office have been filed with the savings and loan commissioner of Texas. These applications have been filed pursuant to the authority and jurisdiction granted by Texas Civil Statutes, Article 852a, §2-13 and §11-11, and are scheduled for hearing at 10 a.m. March 5, 1984, in the offices of the Savings and Loan Department, 1004



Lavaca, Austin. The particular rules involved are 7 TAC §§51.2-51.12, 53.3, 53.4, 57.1, and 57.2, which are published in the department's book titled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code and are on file with the *Texas Register*, Office of the Secretary of State, or may be seen at the department's offices

Each applicant association asserts that operation of the proposed relocated office will not unduly harm any other association operating in the vicinity; that there is a public need for the proposed relocated office, that the volume of business in the community in which the proposed relocated office will operate is such as to yield a profit to the association in a reasonable time, and certain other assertions per 7 TAC §53.3 and §53.4

Anyone desiring to protest an application may do so by filing a protest, in writing, with the commissioner at P O Box 1089, Austin, Texas 78767, and by appearing at the scheduled hearing. A protest should include the docket number of the application. A copy of the protest should be mailed to the agent or attorney for the applicant association listed. Persons who intend to protest the application should file the written protest at least 10 days before the scheduled hearing. If no protest is registered prior to or at the time the application is called, the hearing on the application may be dispensed with. If protest is registered and existing when the application is called, the hearing on the application will be continued to a later date at the same location to accumulate a record of pertinent information and data in support of the application and in opposition to the application from which record the commissioner shall determine whether to grant or deny the application.

**Docket Number  
and Application**

**Applicant's  
Agent/Attorney**

287, First City Savings Association (Eules) to move a branch office from 600 Eighth Avenue, Fort Worth, Tarrant County, to 412 South Industrial Boulevard, Euless, Tarrant County;

Philip Stewart, Winstead, McGuire, Sechrest, and Minnick, 1700 Mercantile Dallas Building, Dallas, Texas 75201

288, First City Savings Association (Euless) to move their home office from 412 South Industrial Boulevard, Euless, Tarrant County, to 5615 High Point, Suite 100, Irving, Dallas County;

Philip Stewart, Winstead, McGuire, Sechrest, and Minnick, 1700 Mercantile Dallas Building, Dallas, Texas 75201

299, First South Savings Association (Port Neches) to move a branch office from One 1800 Bering Drive, Houston, Harris County, to 2550 Gray Falls, Houston, Harris County;

E. Ashley Smith, Phillips, King, and Smith, One 1800 Bering Drive, Suite 1010, Houston, Texas 77057

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

TRD-842352

Russell R Oliver  
General Counsel  
Texas Savings and Loan  
Department

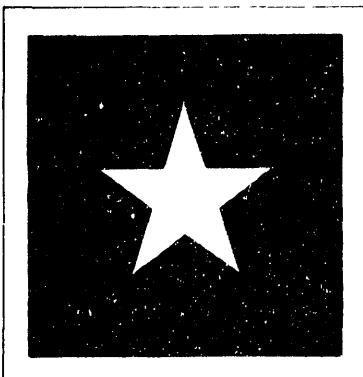
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