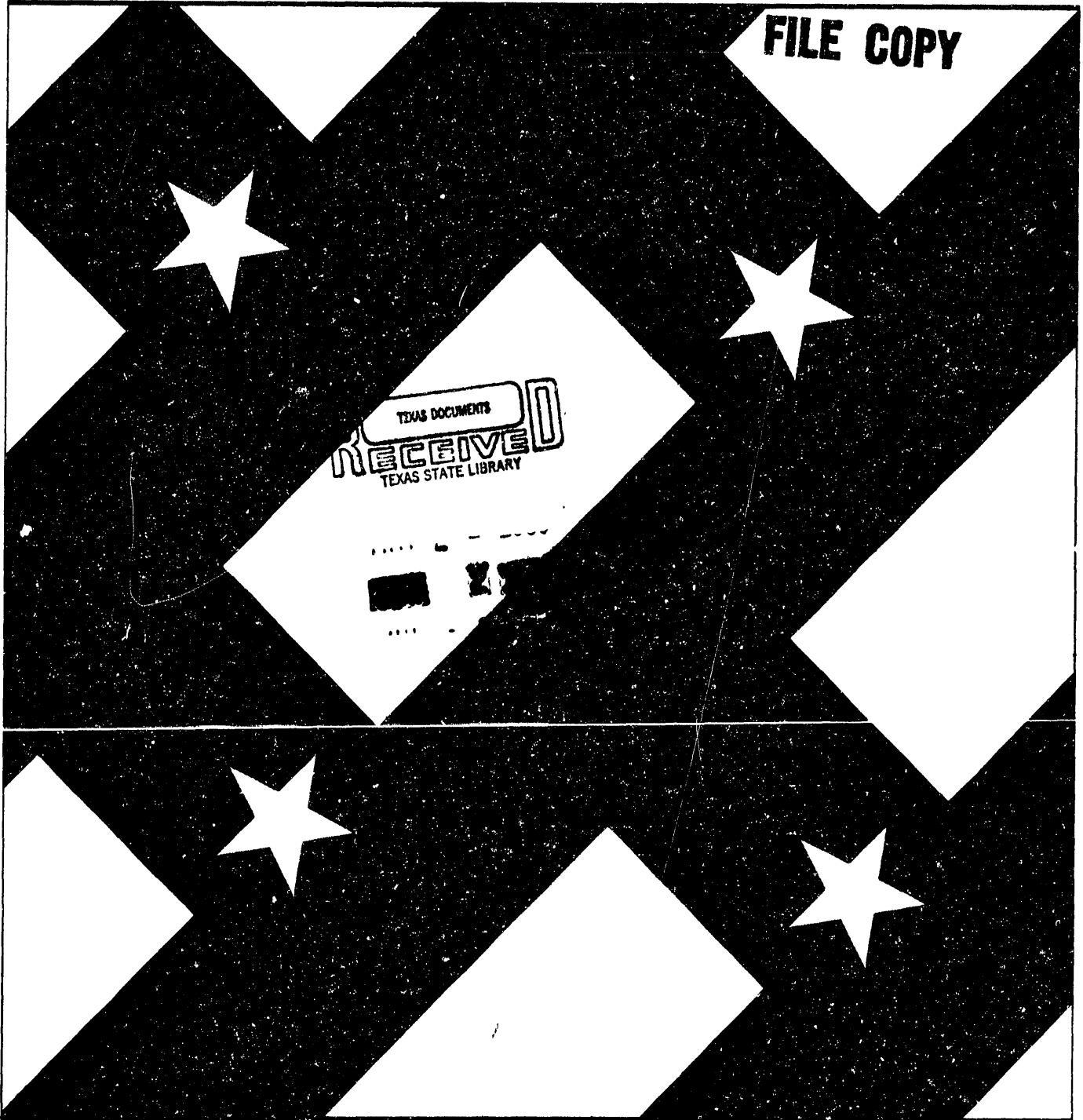


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Texas Register

Volume 11, Number 41, May 30, 1986

Pages 2491-2534



Highlights

The Texas Department of Labor and Standards adopts an amendment concerning the manufactured housing division.
Effective date - May 21 page 2497

The Texas Department of Community Affairs pro-

poses an amendment concerning Texas Community Development Program. Earliest possible date of adoption - June 30 page 2498

The Texas Education Agency proposes amendments concerning standards for an approved course in driver education. Proposed date of adoption - July 12 page 2499

**Office of
the Secretary
of State**

Texas Register

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- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "11 TexReg 2 Issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "Issue date 11 TexReg 3."

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

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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Emergency

Rules

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

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

**TITLE 16. ECONOMIC
REGULATION
Part IV. Texas Department
of Labor and Standards
Chapter 69. Manufactured
Housing Division
General Requirements
★ 16 TAC §69.125**

The Texas Department of Labor and Standards adopts on an emergency basis an amendment to §69.125. The amendment concerns the educational requirements of a manufactured housing retailer pursuant to the provisions of Senate Bill 1267, 69th Legislature, 1985. The amendment also offers clarification of the educational provision in Senate Bill 1267.

The amendment is adopted on an emergency basis to protect the welfare of the manufactured housing consumer in Texas.

The amendment is adopted on emergency basis under Texas Civil Statutes, Article 5221f, which provide the commissioner with the authority to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provisions of this Act.

§69.125. *Registration Requirements.*

(a)-(i) (No change.)

(j) Education requirements.

(1) Effective September 1, 1986, all applicants for registration as retailers shall attend and complete 40 hours of educational instruction as required by the Texas Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, and the rules and regulations of the department. The registration will not be issued until the owner, partner, corporate officer, or other person who will personally have the day-to-day management responsibility for the retail sales location or brokers office attends and completes this educational requirement. This section shall not apply to the renewal of registration.

(2) If the applicant has complied with all other registration requirements, and the 40 hours of instruction are not available, the department shall issue a temporary retailer registration. A temporary retailer registration shall be effective for a period of 90 days, or until the 40 hours of instruction are scheduled, whichever shall come first. Failure to attend shall result in cancellation of the temporary registration.

Issued in Austin, Texas, on May 15, 1986.

TRD-8604953

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Effective date: May 21, 1986
Expiration date: September 18, 1986
For further information, please call
(512) 463-3127.

★ ★ ★

Proposed Rules

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

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

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

★ 10 TAC §9.3

The Texas Department of Community Affairs proposes an amendment to §9.3, concerning the allocation of Community Development Block Grant (CDBG) nonentitlement area funds to eligible units of general local government under the economic development project fund. The amendment adds §9.3(a)(5) to codify the TDCA's policy of not providing funding for economic development projects in which the business to be assisted is undergoing reorganization or bankruptcy.

Douglas C. Brown, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Kelly Myrick, director of the local government assistance division, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to help ensure that CDBG funding provided to for-profit business is necessary or appropriate to carry out economic development projects. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Douglas C. Brown, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, within 30 days after the date of this publication.

The amendment is proposed under Texas Civil Statutes, Article 4413(201) §4A, which provide the Texas Department of Community Affairs with the authority to allocate Community Development Block Grant nonentitlement area funds to eligible counties and municipalities in accor-

dance with rules and regulations adopted by the TDCA.

§9.3. Economic Development Project Fund.

(a) General provisions. This fund covers projects which will result in either an increase in new, permanent employment within a community or retention of existing permanent employment.

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

(5) **The TDCA will not consider any application for funding in which the business to be assisted thereunder has filed under the Federal Bankruptcy Code, Chapter 7 or Chapter 11, and the matter is in the process of being adjudicated or in which such business has been adjudicated bankrupt.**

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

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

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

TRD-8605022

Douglas C. Brown
General Counsel
Texas Department of
Community Affairs

Earliest possible date of adoption:
June 30, 1986

For further information, please call
(512) 834-6080.

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TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 69. Manufactured Housing Division

General Requirements

★ 16 TAC §69.125

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

The Texas Department of Labor and Standards proposes an amendment to §69.125,

concerning the education requirements for retail registrants. Pursuant to the provisions of Senate Bill 1267, 69th Legislature, 1985, retail registrants must take 40 hours of educational classes to be issued a retail certificate of registration by the department.

John P. Steel, director, Manufactured Housing Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Steele also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a better educated class of manufactured housing retailers. The anticipated economic cost to individuals who are required to comply with the proposed section will be \$450 per person to travel to Austin to take the classes.

Comments on the proposal may be submitted to Orlando S. Mata, Legal Division, P.O. Box 12157, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 5221f, which provide the Texas Department of Labor and Standards with the authority to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provisions of this Act.

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 May 15, 1986.

TRD-8604952

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption:
June 30, 1986

For further information, please call
(512) 463-3127.

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**TITLE 19. EDUCATION
Part II. Texas Education
Agency**

**Chapter 77. Comprehensive
Instruction**

**Subchapter W. Driver Education
Standards for an Approved Course
in Driver Education for Texas
Schools**

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

The Texas Education Agency proposes amendments to §77.471-77.477, 77.479, and 77.480, concerning standards for an approved course in driver education. These amendments clarify who is eligible to train driver education teaching assistants; increase from 5:1 to 6:1 the ratio of teaching assistants to driver education supervising teachers; eliminate provisions for a commissioner's waiver which were effective for the 1985-1986 school year only; eliminate language in the sections allowing driver education to be scheduled on the quarter system; increase from six to eight hours the amount of time a driver education teacher may work in one day; and change the student age eligibility for taking driver education.

Lynn M. Moak, deputy commissioner, Research and Information, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections. There will be some savings at the district level as a result of changing the ratio of teaching assistants to supervising teachers. These savings will offset the cost of increasing the number of hours required in behind-the-wheel instruction which the State Board of Education enacted in November. There is no anticipated economic cost to commercial driving schools, which must work out how the sections affect them with the Texas Department of Public Safety.

Mr. Moak and Dr. Beverly Bardsley, director, Policy Development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the possibility for misinterpretation of the sections will be reduced and school districts will have more flexibility in assigning driver education teachers. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 483-9882. All requests for a public hearing on proposed sections submitted in ac-

cordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

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

§77.471. Administration and Supervision. To be an approved course, driver education must be a part of the regular curriculum. The superintendent, chief school official, or education service center director is responsible for certifying that the course meets the standards for an approved course in driver education for Texas schools and that all driver education personnel meet state requirements. The superintendent, chief school official, or education service center director is also responsible for providing each driver education instructor and administrator with a copy of the standards [for an approved course in driver education for Texas schools and these sections]. Instructors must also be provided with a state-approved curriculum guide appropriate for their phase of instruction.

§77.472. Teacher Certification.

(a) A driver education endorsement [designation] may be added as an additional specialization area on any current Texas teacher's certificate issued by the Central [Texas] Education Agency. A teacher must complete a driver education program at a college or university that has been approved for this specific area of specialization.

(b) (No change.)

(c) A fully certified teacher of driver education may be designated by the Central [Texas] Education Agency as a supervising teacher of driver education by completing six additional semester hours of university instruction that includes the administration of driver education programs that include classroom and in-car instruction, techniques of simulation, and multicar driving range instruction, [a review of driver education and instruction in advanced techniques of teaching] supervision, and administration in traffic safety education. The instruction for supervising teachers must be given by a university approved to train driver education supervising teachers. Certificates of completion of training will be provided by the Central [Texas] Education Agency.

§77.473. Teaching Assistants.

(a) Teaching assistants may be employed in the driver education program under the direction of a supervising driver education teacher with duties, training, and qualifications as follows.

(1) Teaching assistants may be approved to assist certified teachers in the classroom phase of driver education and to conduct behind-the-wheel, multicar range, and

simulator training. Training qualifications required for this level of performance may be met by successfully completing one of the two following plans:

(A) complete a program of study in driver education developed by the Central [Texas] Education Agency and the Texas Department of Public Safety;

(B) complete in an approved university the six semester hours of driver and traffic safety education required for driver education teacher certification, plus three additional hours in techniques of teaching in-car instruction and simulation [advanced techniques of traffic safety].

(2) (No change.)

(b) Teaching assistants may be trained by approved universities as described in subsection (a)(1)(B) of this section or by colleges, school districts, or education service centers [other institutions] as described in subsection (a)(1)(A) of this section. When the training is conducted by colleges, school districts, or education service centers [institutions other than a college or university], the program must be approved by the Central [Texas] Education Agency. Applications are available from the Central [Texas] Education Agency and must be submitted 30 days prior to the training program. Certificates of completion of training will be provided by the Central [Texas] Education Agency.

(c) (No change.)

(d) Programs that employ teaching assistants must maintain a ratio of no more than six [five] teaching assistants for each supervising teacher. Teaching assistants must receive each month a minimum of one hour of supervision and evaluation while they are giving actual instruction.

§77.474. Course Requirements.

(a) (No change.)

[(b) School districts that have already set up their driver education programs for a minimum of 80 hours, including six hours of behind-the-wheel instruction and six hours of observation, may request authorization from the commissioner of education to continue such program for the 1985-1986 school year only if the district can show that changing to the seven-hour requirement would cause a hardship.]

(b)[(c)] Schools may use multimedia systems, simulators, and multicar driving ranges for instruction in the driver education program. All simulators, including the filmed instructional programs, and all plans for multicar driving ranges must meet state specifications. Specifications for simulators and driving ranges have been developed by the Texas Department of Public Safety and the Central Education Agency and are available from the agency.

(c)[(d)] Course content, minimum instruction requirements, and administrative guidelines for each phase must conform to the state-approved curriculum guide appropriate for each phase of instruction: *Driver Education Classroom and In-Car Instruc-*

tion; Driver Education Simulation and In-Car Instruction; Driver Education Multicar Driving Range Instruction.

(d)(e) Four periods of at least 55 minutes of instruction in a simulator may be substituted for one clock hour of in-car instruction. Two periods of at least 55 minutes of multicar driving range instruction may be substituted for one clock hour of in-car instruction relating to elementary or city driving lessons. However, a minimum of four [three] clock hours must be devoted to behind-the-wheel [spent in actual in-car] instruction.

(e)(f) Learning systems that have programs correlated with the course content of *Curriculum Guide for Driver Educators* may be used in class instruction.

(f)(g) Class instruction courses conducted through the medium of television must be approved by the Central Education Agency [conform to the *Guide for Educational Television in Driver Education for Texas Schools* (Texas Education Agency, 1964, and subsequent revisions)].

(h) Multiphase driver education programs that include at least the minimum required simulator and in-car instruction may be taught with less than 32 clock hours of class instruction under the following provisions.

(1) All students must be scheduled for class, simulator, or in-car instruction each school day over a period of time consisting of no fewer than 57 class meeting days.

(2) Class periods must be at least 55 minutes in length exclusive of passing time.

(3) Students must achieve the competencies described in each lesson of *Driver Education Classroom and In-Car Instruction*.

(4) School districts must evaluate students relative to the competencies noted in paragraph (3) of this subsection and maintain records to show that students achieved them at passing levels comparable to other areas in the curriculum.]

§77.475. Scheduling.

(a) Driver education programs may be scheduled with the classroom phase presented in block form or concurrently with the laboratory phases. Under the block form program, a student may apply to the Texas Department of Public Safety for an instruction permit after completion of the required classroom instruction. Under the concurrent program, a student may apply to the Texas Department of Public Safety for an instruction permit after completion of three 55-minute periods of classroom instruction devoted to the [following] lessons in *Driver Education Classroom and In-Car Instruction that cover driving laws and procedures*.

(1) Unit IV—pages 65-66, 77-84; two 55-minute periods.

(2) Unit V—pages 85-89; one 55-minute period.]

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

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

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

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

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

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

(d)(e) (No change.)

§77.477. Driver Education Course Records.

(a) (No change.)

(b) A record of instruction in minutes and hours is required for each driver educa-

tion student. The record shall be maintained by the school district or education service center and shall be made available to officials of the Central [Texas] Education Agency or the Texas Department of Public Safety.

(c) Fiscal transactions for driver education must be handled through the district's regular accounting procedures as required in the financial accounting manual, Central [Texas] Education Agency publication *Bulletin 679* [BUX 921 01].

(d) The Texas Department of Public Safety and the Central [Texas] Education Agency will accept driver education instruction given students in other states. Students who receive part of their instruction in other states may complete their instruction in Texas. Driver education instruction received in other states must be certified in writing by the designated head school official at the school where the instruction was given.

§77.479. Control of Standards.

(a) The endorsement of a driver education teacher to teach driver education is subject to [probation,] suspension or revocation on any one of the following bases:

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

(5) For permitting an unlicensed student to practice behind-the-wheel driving lessons on a public roadway; for securing or aiding in securing illegal notarizations of applications for the operator's license; or for any other violation of a law or the standards as related to the driver education program which, in the opinion of the commissioner of education, warrants [probation,] suspension or revocation.

(b) The period of an [probation or] suspension shall be for no less than one summer or one semester [regular quarter] of a school year. A teaching assistant's permit to teach driver education is subject to [probation,] suspension or revocation under the same conditions described for driver education teachers.

(c) When the endorsement of a driver education teacher or permit of a teaching assistant is [probated,] suspended or revoked, or when other action is taken, the Central [Texas] Education Agency shall notify the Texas Department of Public Safety in writing, giving the full name of the teacher, his or her certificate number, the action taken, and the date of expiration of any [probation or] suspension. The Texas Department of Public Safety shall transmit this information to the appropriate Driver License and Safety Education Service field representative.

(d) A school district is subject to loss of its authorization to conduct an approved driver education course if its administration fails to provide supervision to prevent violations of the laws or the standards as related to the driver education program. In addition, any district that conducts a driver education course not meeting the standards may be subject to loss of state funds for the students instructed.

(e) Evidence of a violation of the standards which would establish the course as inadequate or provide for [probation,] suspension or revocation of the instructor's driver education endorsement may be determined by information coming directly to the Central [Texas] Education Agency. In addition, the Texas Department of Public Safety will render the following assistance in the control of standards:

(1) (No change.)

(2) If, after acceptance of an application, the department receives conclusive evidence that the course was inadequate, the license will not be issued. In such cases, the department will notify the student, the Central [Texas] Education Agency, and the chief administrator of the organization initiating the application. If the violation is evidenced after the license has been issued, the license will be canceled. No refund of the driver license fee will be made in this case. When school officials discover a license has been erroneously issued and the license is subject to cancellation as indicated in this paragraph, an authorized person from the school will submit to the Texas Department of Public Safety, upon request, a completed Form DL-42 for each student enrolled in the course.

(3) Applications will not be rejected and licenses will not be denied for violations of standards which do not establish the course as inadequate. The Texas Department of Public Safety, however, will assist the Central [Texas] Education Agency and the schools in maintaining the standards by consulting with school officials as requested or as may be deemed appropriate concerning other violations.

(4) When a representative of the Texas Department of Public Safety obtains conclusive evidence that a certified driver education instructor or state-approved teaching assistant may be subject to [probation,] suspension, or revocation as prescribed in this section, the representative shall report the evidence in writing through proper channels to the director of the Texas Department of Public Safety. The representative shall include the names of sources of information and attach any document or copy thereof that might aid the Central [Texas] Education Agency in enforcing the standards. The director of the Texas Department of Public Safety shall notify the commissioner of education. The Central [Texas] Education Agency will then investigate the report. When a report from the Texas Department of Public Safety concerning the standards results in a hearing before the commissioner, a representative from the Texas Department of Public Safety may be requested to be present.

§77.480. Procedures for Student Certification.

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

(d) The Texas Department of Public Safety trooper will accept a Form DL-41A upon certification by a driver education instructor that the program has been completed

according to the provisions of these sections; that the person has achieved the competencies described in *Driver Education Classroom and In-Car Instruction*; and that the driver education instructor so certifying is properly certified or approved. The school official will make a copy of the teacher's certificate for driver education available to authorized Texas Department of Public Safety representatives when requested.

(e)-(i) (No change.)

(j) The Texas Department of Public Safety will accept Form DL-41A certificates marked "innovative program" only when the program has been approved in advance by the Central [Texas] Education Agency and the Texas Department of Public Safety. When an innovative program has been approved, the affected Texas Department of Public Safety personnel will be notified.

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 May 21, 1986.

TRD-8605025 W. N. Kirby
Commissioner of Education

Proposed date of adoption: July 12, 1986
For further information, please call
(512) 463-9212.

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Personnel

★ 19 TAC §77.491

The Texas Education Agency proposes the repeal of §77.491, concerning the program of training for teaching assistants in driver education. The repeal removes a detailed description of the training program for teaching assistants from the driver education sections. Programs for teaching assistants must be approved by the agency.

Lynn M. Moak, deputy commissioner, Research and Information, has determined that for the first five-year period the proposed repeal 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 repeal.

Mr. Moak and Dr. Beverly Bardsley, director, Policy Development, also have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal is that the driver education sections will no longer contain provisions with an unnecessary level of detail. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512)

463-9682. Requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedures and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

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

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 May 21, 1986.

TRD-8605026 W. N. Kirby
Commissioner of Education

Proposed date of adoption: July 12, 1986
For further information, please call
(512) 463-9212.

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**Chapter 101. Assessment
Assessment of Minimum Skills**

★ 19 TAC §101.6, §101.8

The Texas Education Agency proposes the repeal of §101.6 and §101.8, concerning confidentiality of individual results on the Texas educational assessment of minimum skills test and mastery of minimum exit level competencies. The repeal deletes two sections which no longer reflect current law.

Lynn M. Moak, deputy commissioner, Research and Information, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Moak and Dr. Beverly Bardsley, director for policy development, also have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be that the assessment sections will more accurately reflect current law. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

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

of a proposed change has been published in the *Texas Register*.

The repeals are proposed under the Texas Education Code, Chapter 21, Subchapter Q, which directs the State Board of Education to adopt criterion referenced assessment instruments to assess specified minimum basic skills for pupils at the first, third, fifth, seventh, ninth, and twelfth grade levels and to adopt an exit level assessment instrument for pupils at the 12th grade level.

§101.6. *Confidentiality of Individual Results.*

§101.8. *Mastery of Minimum Exit Level Competencies.*

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 May 22, 1986.

TRD-8605021 W. N. Kirby
Commissioner of Education

Proposed date of adoption:

July 12, 1986

For further information, please call
(512) 463-9212

★ ★ ★

★ 19 TAC §§101.1-101.4, 101.7

The Texas Education Agency proposes amendments to §§101.1-101.4 and §101.7, concerning assessment. The amendments provide that student performance data aggregated by campus and district shall be reported to the school district board of trustees within 45 calendar days after receipt of the results for each grade level tested. The amendments also provide that a student dismissed from special education during his or her ninth, tenth, or eleventh grade year and whose individual educational plan did not include all skills tested on either the exit level mathematics or English language arts test may be exempted from taking the exit level test(s) which measure those skills not included in the student's individual educational plan at the discretion of the admission, review, and dismissal committee. The amendments also provide that students in grades one and three who have been identified as limited English proficient and whose native language is Spanish will be administered either the Texas educational assessment of minimum skills (TEAMS) test or the Spanish version of the TEAMS test. Limited English proficient students at grades one and three whose native language is not Spanish may receive a one-time exemption from the TEAMS test and will participate in the assessment during subsequent administrations. Students in grades five, seven, and nine who have been identified as limited English proficient may receive a one-time exemption from the TEAMS test if the language proficiency assessment committee

has determined that the student has not demonstrated sufficient proficiency in the English language. The amendments also set student passing standards at the level of first testing for the individual.

Lynn M. Moak, deputy commissioner, Research and Information, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for local government or small businesses as a result of enforcing or administering the sections. The cost of maintaining information on the standards under which each 11th grade student took the exit level TEAMS test should be about 1.0% (approximately \$50,000) of the contract for the exit test, which is \$5 million per year. In the 1985-1986 school year only, an additional \$500,000 from the state compensatory education funds must be used to develop Spanish language tests for grades one and three.

Mr. Moak and Dr. Beverly Bardsley, director for policy development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the permission of increasingly difficult standards to be set without penalizing students who fail and must retake the test. The sections also ensure more sensitive treatment of special education students and students with limited English proficiency. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

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

The amendments are proposed under the Texas Education Code, Chapter 21, Subchapter Q, which directs the State Board of Education to adopt criterion referenced assessment instruments to assess specified minimum basic skills for pupils at the first, third, fifth, seventh, ninth, and twelfth grade levels and to adopt an exit level assessment instrument for pupils at the 12th grade level.

§101.1. *General Provisions.*

(a) (No change.)

(b) Each year the commissioner of education shall designate two weeks in February when the assessment instruments will be administered for grades three, five, seven, nine, and two weeks in April when the assessment instrument [instruments] for grade one will be administered in all school districts in the state.

(c) Each year the commissioner of education shall designate two days in October and two days in May when the exit level assessment instrument [instruments] for mathematics and English language arts will be [respectively] administered in all school districts in the state.

(d) (No change.)

(e) Each school district shall assist in the administration of the criterion-referenced tests to its students [and] in accordance with procedures established by the commissioner of education and shall assist with field tests and other activities necessary to implement the requirements of the Texas Education Code, Chapter 21, Subchapter Q.

(f) The superintendent or chief administrative officer in each school district shall be responsible for coordinating all local test activities, including:

(1) scheduling testing dates and times on all affected campuses (except for the exit level assessment instrument [instruments] which will be administered only on the dates designated by the commissioner of education);

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

(g) The superintendent or chief administrative officer of each school district shall certify in writing to the commissioner of education that:

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

(3) all security provisions of the program have been maintained (see §101.4 of this title (relating to Security and Confidentiality[, and Reporting])).

§101.2. *Exit Level Requirements.*

(a) The superintendent or chief administrative officer in each school district shall be responsible for:

(1) informing each [all] eighth grade student [students] who is [are] expected to be eligible to take the exit level assessment instrument [instruments] and his or her [their] parent or guardian of the objectives to be measured on the exit level assessment instrument [instruments] and notifying each eighth through twelfth grade student new to the district and his or her parent or guardian of the objectives to be measured on the exit level test;

(2) notifying each student [all students] eligible to take the exit level assessment instrument and the parent or guardian of each student [all students] eligible to take the exit level assessment instrument of the dates, times, and places that the instrument [instruments] will be administered, and, further, emphasizing the importance of taking the test on the scheduled dates; and

(3) (No change.)

(b) (No change.)

(c) Handicapped students must pass the section(s) of the exit-level test for which they are eligible as specified by the admission, review, and dismissal committee in their individual educational [education] plan to receive a high school diploma.

(d) Students who are enrolled in the 11th grade during the 1985-1986 school year

will take the exit level test for the first time in October of 1985 and will not receive a diploma unless they have passed both sections of the exit level test by the end of their 12th grade year. The following conditions for receiving a diploma will apply.

(1) Students who were juniors on or after September 1, 1985, must pass the exit level test unless they graduate prior to May 1987.

(2) Although increasingly difficult passing standards may be established for the exit level test, no student will be required to demonstrate performance at a standard higher than the passing standard that was in effect at the time that student first took the test.

(3) The exit level test will be given only in October and May. Individuals who have satisfied all other graduation requirements but have not passed both sections of the exit level test must retake the section or sections not passed at a subsequent regular administration and demonstrate mastery in order to receive a high school diploma.

(e) All 11th and 12th grade students who fail to demonstrate mastery of basic skills shall retake the assessment instrument each time the assessment instrument is administered until adequate mastery of such skills is demonstrated. Students who have been denied diplomas under the provisions of subsections b[(a)] and c[(b)] of this section may retake the assessment instrument each time the assessment instrument is administered.

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

§101.3. Exemptions.

(a) The term "handicapped student," for purposes of this section, means a student who has been evaluated and determined by an admission, review, and dismissal committee to have a physical, mental, or other impairment which entitles the student to receive special education and related services.

(b) (No change.)

(c) A student who is dismissed from special education during his/her ninth, tenth, or eleventh grade year, but whose individual educational plan did not include all skills tested on either the exit level mathematics or English language arts test, may be exempted from taking the exit level test(s) which measures those skills not included in the student's individual educational plan at the discretion of the admission, review, and dismissal committee. The admission, review, and dismissal committee must address the student's exemptions from the exit level test at the time of the meeting to dismiss the student from special education services.

(d)[(c)] Modifications of regular classroom procedures which are provided for handicapped students by the local district as specified in the student's individual educational plan shall be provided during the assessment process. Such modifications may include the following:

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

[(3) provision for additional time for handicapped students whose handicapping condition makes this advisable; and]

(3)[(4)] provision for the individual administration of the assessment instrument to handicapped students whose handicapping condition makes this advisable.

(e)[(d)] Modifications of regular classroom procedures which would render the test invalid, such as use of slide rules and calculators or special reading assistance, shall not be provided.

(f)[(e)] The eligibility of each handicapped student to take all or a portion of the basic skills assessment instrument and/or the exit level assessment instrument shall be addressed in the student's individual educational plan.

(f) Students who were served in special education in their ninth or 10th grade years may be exempted from taking the exit level test at the discretion of the admission, review, and dismissal [ARD] committee if they meet the criteria in subsection (b) of this section.]

(g) Students in grade one and grade three who have been identified as limited English proficient by the language proficiency assessment committee and whose native language is Spanish will be administered either the Texas educational assessment of minimum skills test or the Spanish version of the Texas educational assessment of minimum skills test. The language proficiency assessment committee will determine whether the student shall be tested in English or in Spanish.

(h) Limited English proficient students at grades one or three whose native language is not Spanish may receive a one-time exemption from the Texas educational assessment of minimum skills test and will participate in the assessment during subsequent administrations.

(i) Students at grades five, seven, and nine who have been identified as limited English proficient by the limited proficiency assessment committee may receive a one-time exemption from the Texas educational assessment of minimum skills test if the language proficiency assessment committee has determined that the student has not demonstrated sufficient proficiency in the English language to participate in the assessment.

(j) A student may take a Spanish language version of the Texas educational assessment of minimum skills one time only (applicable to grade one or grade three) or may receive an exemption from the English language version of the Texas educational assessment of minimum skills one time only.

(k)[(g)] Districts shall make every reasonable effort to ensure that all nonexempt students are tested.

(l)[(h)] The superintendent or chief administrative officer in each school district shall report to the commissioner of education the number of exempt and nonexempt students who were not tested and shall certify that the exemptions were granted in ac-

cordance with the Texas Education Code, §21.555, and this section.

§101.4. Security and Confidentiality, and Reporting.

(a) The superintendent or chief administrative officer of each school district shall certify in writing to the commissioner of education that assessment instruments and test items have been kept secure and that:

(1) no unauthorized person inspected or viewed any part of the basic skills assessment instrument [examination];

(2) no person in any way copied or reproduced any part of the basic skills assessment instrument [examination] or student responses to it;

(3) no person revealed any of the contents of the assessment instrument [examination]; and

(4) only the examinee or test administrator was allowed to view or mark [on] any of the student responses [answer documents].

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

§ 1.5 [§101.7]. Reporting of Results.

(a) Student performance data aggregated by campus and district, with appropriate interpretations, shall be reported to the school district board of trustees within 45 calendar days after receipt of the results for each grade level tested [no later than the first regularly scheduled school district board of trustees meeting after June 1].

(b) School districts shall [should] notify each student [students] and his or her parent or guardian [parents] of test results, observing confidentiality requirements in Texas Education Code, §21.556(b)[§16.176(e)].

(c) The Texas educational assessment of minimum [Basic] skills results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another school district.

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 May 22, 1986.

TRD-8605020

W. N. Kirby
Commissioner of Education

Proposed date of adoption: July 12, 1986
For further information, please call
(512) 463-9212.



Chapter 141. Teacher Certification

Subchapter J. Requirements for Issuance of Texas Certificate Based on Certificates and College Credentials from Other States

★ 19 TAC §§141.181-141.183

The Texas Education Agency proposes the repeal of §§141.181-141.183, concerning requirements for the issuance of Texas certificates based on certificates and college credentials from other states. The sections have had only minor revisions over the past 15 years and will be replaced by new §§141.181-141.186, which will establish a testing requirement to ensure that certified personnel from other states meet acceptable competency standards and will simplify requirements and streamline administrative procedures for issuing credentials.

Lynn M. Moak, deputy commissioner, Research and Information, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Moak and Dr. Beverly Bardsley, director for policy development, also have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be that new sections may be adopted which will facilitate the evaluation and processing of applications for certification in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

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

The repeals are proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teaching certificates.

§141.181. *General Provisions.*

§141.182. *Texas Certificates Which May Be Issued Based on Certificates from Other States.*

§141.183. *Graduates of Institutions in Other States Without Certificates.*

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 May 20, 1986.

TRD-8605023

W. N. Kirby
Commissioner of Education

Proposed date of adoption:

July 12, 1986

For further information, please call
(512) 463-9212.

★ ★ ★

★ 19 TAC §§141.181-141.186

The Texas Education Agency proposes new §§141.181-141.186, concerning requirements for issuance of Texas certificates based on certificates and college credentials from other states.

The new sections allow issuance of a Texas certificate based on valid out-of-state certificates and successful completion of the appropriate examination for the certification of educators in Texas (ExCET). The establishment of a testing requirement ensures that certified personnel from other states meet acceptable competency standards.

The sections also simplify requirements and streamline administrative procedures for issuing credentials. They also establish a one-year nonrenewable certificate to be issued to persons holding a valid standard certificate from another state, allowing agency staff to discontinue the time-consuming course-by-course review of transcripts. Instead, staff will identify areas of specialization shown on the certificate and determine which, if any, are equivalent to approved specializations in Texas. Applicants will then have one year to achieve satisfactory scores on the prescribed ExCET test.

Course work or examinations on the Texas and federal constitutions is no longer required, reflecting the repeal of the statutory requirement for such work. The agency will continue, at the request of local districts, to evaluate transcripts for out-of-state individuals whose initial assignment in a Texas public school is in an area not shown on the out-of-state certificate. Transcripts of persons seeking a Texas certificate for an area not shown on the out-of-state certificate or not the initial assignment area will be evaluated by a Texas senior college or university.

The new sections also eliminate the requirement that applicants from other states must hold a base teaching certificate as a condition for Texas certification.

Lynn M. Moak, deputy commissioner, Research and Information, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state and local government as a result of enforcing or ad-

ministering the sections. At the Texas Education Agency, the implementation of the sections is expected to reduce by 50% the processing time required to respond to requests for evaluation and research of out-of-state credentials. Currently, 10.8 full time employees (FTEs) at an average salary of \$19,050 are employed in this function. In fiscal year 1987 there would be no cost savings because the FTEs freed up by the sections would be used to clear out the backlog of requests already received. In subsequent years a savings of \$119,183 per year would be realized. Public colleges and universities may experience some loss in tuition since Texas history/government courses would no longer be required. Also, some deficiency plans may be shorter. There will be fiscal implications for local government as well, if a local school district chooses to absorb the cost of the ExCET testing. The cost for one test is \$35; for two tests, \$57; for three tests, \$69; and for four tests, \$81.

Mr. Moak and Dr. Beverly Bardsley, director, Policy Development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be improved quality assurance through the testing requirement and the recruitment of additional teachers to come to Texas, addressing the current teacher shortage. The anticipated economic cost to individuals who are required to comply with the proposed sections will be \$35 if the local school district chooses not to absorb the cost of the ExCET testing. Private colleges and universities may experience the same effects experienced by public colleges and universities as a result of enforcing the sections.

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

The new sections are proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teaching certificates.

§141.181. *Texas Certificates Based on Current Valid Out-of-State Certificate.*

(a) In accordance with law, the commissioner of education will issue a Texas certificate to an out-of-state applicant if the degree and certificate presented are considered standard and valid by the issuing state department of education and other requirements in this subchapter are met.

(b) The out-of-state certificate must meet the following requirements.

(1) The certificate must be current in the issuing state at the time application is made for a Texas certificate.

(2) The certificate must be a standard certificate issued by the other state and equivalent to the certificates issued by the Central Education Agency. The specific area of certification shown on the out-of-state certificate must be equivalent to an area approved by the Texas State Board of Education. These standard certificates may not be: temporary permits or substandard certificates; credentials issued by a city or a school district; or documents such as approval letters or entitlement cards from a teacher training institution, state department of education, city, or school district.

(c) All applicants must pass the appropriate examination for the certification of educators in Texas (ExCET), in accordance with §141.182 of this title (relating to Required Examinations for Certification of Educators in Texas).

(d) If all the requirements specified are met except the appropriate examination for the certification of educators in Texas (ExCET), the applicant may be issued a nonrenewable certificate valid for 12 months. The appropriate Texas certificate may be issued once all requirements, including testing requirements, have been met.

(e) Upon request of an employing local school district, the Central Education Agency will evaluate credentials for an area not listed on the out-of-state certificate if it is the applicant's initial assignment area in a Texas public school. A permit must also be activated. The Texas certificate will be issued directly by the Central Education Agency upon completion of the deficiencies outlined, including passing the appropriate ExCET tests. The applicant must contact an approved Texas teacher preparation institution for evaluation of areas which do not appear on the out-of-state certificate or are not initial assignment areas. The Texas certificate(s) will be issued upon recommendation by the institution.

(f) The applicant who holds a valid, standard out-of-state special subject certificate may be issued the equivalent Texas certificate in that special subject area. The appropriate professional development and the special subject area ExCET tests must be passed within 12 months of the issuance of the nonrenewable certificate.

(g) The applicant who holds a valid, standard out-of-state professional special service certificate may be issued the equivalent Texas certificate in that professional special service area provided the preparation program upon which the out-of-state certificate is based requires the individual to hold basic teacher certification. The appropriate professional special services ExCET test must be passed within 12 months of the issuance of the nonrenewable certificate.

§141.182. Required Examinations for Certification of Educators in Texas.

(a) Applicants seeking a Texas certificate based on certification from other states must pass the appropriate examinations in accordance with §141.421 of this title (relating to Testing Requirements).

(b) If the applicant is issued a nonrenewable certificate, the appropriate test requirement(s) must be satisfied prior to expiration of the certificate.

(1) If the ExCET test requirement is not fulfilled within the 12-month validity period, the individual is not eligible for any type of certificate until such time as the appropriate ExCET tests are passed.

(2) Upon presentation of written evidence documenting extreme hardship conditions, the commissioner of education may grant an extension of the nonrenewable certificate for a period not to exceed 12 months.

(c) The applicant shall not be required to complete the content specialization ExCET test in a certification area for which no Texas certificate is sought.

§141.183. Certificate Issuance Procedures.

Applicants will submit materials and follow procedures as specified by the commissioner of education.

§141.184. States That Issue Certificates Only to Individuals under Contract.

The applicant whose teacher education program was completed in a state which does not issue a certificate until the individual is under contract must submit a letter from that state's department of education verifying the applicant's completion of all degree and standard certification requirements. The letter may be used for employment purposes. A nonrenewable certificate, valid for 12 months, will be issued in accordance with §141.181 of this title (relating to Texas Certificates Based on Current Valid Out-of-State Certificate). After the applicant has been issued a standard certificate by another state and upon completion of testing requirements, the appropriate Texas certificate may be issued.

§141.185. Procedure for Previously Evaluated Applicants. An applicant pursuing Texas certification based on an out-of-state credential and a deficiency plan prepared by the central education agency prior to the effective date of this section may:

(1) complete certification requirements as stipulated elsewhere in this subchapter; or

(2) submit a written request to the commissioner of education for authorization to complete all coursework specified on the deficiency plan. After completion of the coursework, a Texas certificate will be issued upon receipt of an application and evidence that the applicant has passed the Texas examination for current administrators and teachers (TECAT).

§141.186. Applicants with Expired Out-of-State Certificates; Degreed Noncertified Applicants.

(a) Degreed individuals with expired certificates from another state must have their credentials evaluated through an approved Texas teacher training institution and be recommended for a Texas teaching certificate.

(b) Degreed but noncertified individuals from another state must have their credentials evaluated through an approved Texas teacher training institution and be recommended for a Texas teaching certificate.

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 May 20, 1986.

TRD-8605024

W. N. Kirby

Commissioner of Education

Proposed date of adoption: July 12, 1986

For further information, please call
(512) 463-9212.

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TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 403. Other Agencies and the Public

Subchapter L. Tax-Sheltered Annuity Program for Department Employees

★ 25 TAC §§403.322-403.326, 403.328, 403.330-403.334

The Texas Department of Mental Health and Mental Retardation proposes amendments to §§403.322-403.326, 403.328, and 403.330-403.334, concerning the tax-sheltered annuity program for department employees.

The amendments enact House Bill 1824, 69th Legislature, 1985, which amends Texas Civil Statutes, Article 6228a-5, to permit tax-sheltered annuity solicitation by any agent, broker, or company designated by the employee.

The sections formerly restricted solicitation to a limited number of designated companies.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Dillard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the establishment of sections that are consistent with state law. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§403.322. Application. The provisions of this subchapter apply to:

(1) (No change.)

(2) those companies and their representatives who undertake [authorized by the Texas Department of Mental Health and Mental Retardation] to sell tax-sheltered annuities [to department employees insofar as such companies and their representatives undertake to sell such annuities] to employees of the department; and

(3) those companies and their representatives interested in selling [applying for authorization to sell] tax-sheltered annuities to employees of the department.

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

Contract—The agreement between [the department and] an insurance company and an employee who is participating in the department's TSA program [authorized under this subchapter to participate in the department TSA program].

TSA application—The application for the purchase of annuity benefits submitted by an employee to an insurance company [authorized under this subchapter to participate in the department TSA program] on forms supplied by the company.

§403.324. Appointment of a Tax-Sheltered Annuity Committee; Terms of Members; Replacement of Members Unable to Serve; Duties of the Committee; Facility Responsibility.

(a) A tax-sheltered annuity committee shall be appointed by the commissioner from among the employees of the department. The committee shall consist of five [nine] members. The commissioner shall name the chairperson of the committee.

(b) Each member shall serve a term not to exceed three years or until a successor is appointed. Each August 31 the terms of one or two [three] members of the committee shall expire.

(c) (No change.)

(d) The tax-sheltered annuity committee shall:

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

(3) review the annuity products currently being offered by companies participating in the department TSA program; and

(4) review the annuity products currently being offered by companies desiring to participate in the department TSA program and recommend for participation in the department TSA program those companies whose products meet the criteria set out in §403.332 of this title (relating to Company and Company Representatives.)

(e) The chairperson shall designate members of the committee to monitor the selection and performance of the insurance agents assigned to the program, handle inquiries from facility staff concerning the program, monitor compliance with federal requirements and department rules, prepare annual reports on participation in the program, and respond to inquiries [analyze bids submitted] by companies desiring to participate in the program.

(f) (No change.)

§403.325. Employee Participation: General Information Concerning the Tax-Sheltered Annuity Program of the Department.

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

(c) TSA agreements will provide that an employee's salary will be reduced in equal monthly installments. Withholding tax will be based upon the employee's gross compensation after the salary reduction. Deductions for social security and retirement contributions will be calculated on the amount of gross compensation before the salary reduction and, therefore, are not affected by the purchase of a tax-sheltered annuity. [Sufficient monthly salary must remain after the salary reduction to meet social security, retirement, and income tax withholding obligations.] The employee must [also] insure that sufficient monthly salary remains for [other] existing or anticipated payroll deductions [since there is no medium through which such payments may be regularly made except through payroll deductions].

(d) The Internal Revenue Code of 1954, as amended, governs the amount of an employee's monthly compensation that may be deferred in a TSA program. The maximum amount of an employee's monthly compensation that may be deferred is determined by the preparation of the exclusion allowance worksheet. Participation in the State Deferred Compensation Program reduces the monthly amount for exclusion allowance purposes under a TSA program [by the amount of the Deferred Compensation Program salary reduction]. If an employee is participating in the department TSA program and the State Deferred Compensation Plan I, the combined maximum amount that may be deferred is 25% of gross compensation but not more than \$7,500 annually.

(e) Ownership of TSA purchases is retained by the employee; however, the employee cannot offer his TSA account as security for a loan except to his TSA company,

and he cannot transfer or assign the account to a third party.

(f) (No change.)

§403.326. Employment Participation: Enrollment.

(a) (No change.)

(b) Enrollment is accomplished by the following:

(1) (No change.)

(2) Presentation of a disclosure form to the employee by the representative.

(3) [(2)] Completion of a TSA application on a form furnished by the company representative.

(4) [(3)] Completion of a TSA agreement by the employee.

(5) [(4)] Signature of the designated official of the department facility by which the employee is employed on the TSA agreement prior to the first day of the month in which the agreement is to become effective.

(c) An employee may enter into no more than one TSA agreement amount to become effective in the same calendar year, but he may also change companies.

(d) An employee may designate that his contribution be used to purchase fixed annuities, [or] variable annuities, or company mutual funds [both], but an employee may not designate that such purchases will be made from more than one company at a time.

§403.328. Employee Participation: Amendment. A TSA agreement may be amended at any time to increase or decrease the amount of salary reduction and to make a corresponding increase or decrease in the amount of contributions to an annuity plan; provided, however, that an employee may enter into no more than one TSA agreement, whether an original agreement or an amendment to an existing agreement, to become effective in the same calendar year, notwithstanding a second TSA agreement without change in amount may be made to change companies.

§403.330. Employee Participation: Cancellation.

(a) An employee may [cancel his TSA agreement] at any time submit [by submitting] a written request on the department form "Cancellation of Tax-Sheltered Annuity," (Form P-28), which is referred to as Exhibit C, to cancel the [such] agreement, effective as of the first day of any month following the date of the request. (See §403.334 of this title (relating to Exhibits).) In the event of such cancellation, a new TSA agreement may not be made to take effect prior to the first day of the next calendar year following the effective date of the cancellation.

(b) Termination of employment with the department will [automatically] cancel the TSA agreement effective upon the last date of employment for payroll purposes. Upon such termination the employee may either withdraw the value of the employee's

account, contract for annuity payments, or make such other arrangements [for a paid-up annuity] as are permitted by the terms of the contract [or contract for annuity payments].

§403.331. Employee Participation: Withdrawal.

(a) An employee may withdraw all or a portion of the accumulated value of his individual account [or deposits] at any time in accordance with the provisions of the contract.

(b) (No change.)

(c) An employee may withdraw and rollover his TSA accumulations to another company using TDMHMR Form P-29, "Annuity Contract—Surrender and Transfer of Funds." See Exhibit D, which is referred to in §403.334 of this title (relating to Exhibits).

§403.332. Company and Company Representatives.

(a) Only an insurance company which is approved by the department for participation in the TSA program may contract with an employee for the purchase of annuities.]

(a)(b) A company which desires to participate in the tax-sheltered annuity program of the department must submit a statement containing the certifications, agreements, and information outlined [proposal in response to the specifications that have been established by this department and that are contained] in Exhibit D, which is referred to in §403.334 of this title (relating to Exhibits). Such statement [proposal] must be signed by the president, [or] general counsel, or executive vice president of the company and presented to the commissioner of the [Requests for specifications of proposal should be directed to the] Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711. [Proposals received by February 28 of each year will be considered by the department tax-sheltered annuity committee for participation in the department TSA program. Companies recommended by the TSA committee and approved by the commissioner or his designee for participation in the department TSA program will be notified of their selection on or before May 1.

(c) To be approved for participation in the TSA program of the department, a company must offer both fixed and variable annuity products and must have an agency force sufficient to be able to provide comprehensive and continuing service to employees enrolled in the TSA program at each facility of the department.]

(b)(d) The commissioner or his designee shall approve each company representative before that representative may solicit in the TSA program at a facility of the department.] Each company shall carefully select qualified representatives to solicit in connection with the department's TSA program. The department reserves the right in its sole discretion to stop solicitation by any representative and to request the company to appoint a new

representative for that facility [institution.

(e) The general counsel or president of each approved company offering the annuity must sign a statement to the department stating:

(1) that the policy or policies issued to employees, based on an agreement between the employee and employer for the employer to purchase annuities for the employee, are authorized under Internal Revenue Code of 1954, §403(b), as amended, and Texas Civil Statutes, Article 6228-5, as amended; and

(2) that the company is licensed to do business in the State of Texas.]

(c)(f) No life insurance or premium waiver disability feature shall be a part of the contract with the employee.

(d)(g) The company or its representative shall deliver or mail all annuity certificates and statements directly to the employee.

(e)(h) Each department facility will provide a designated area where company representatives may hold brief interviews with employees during working hours. Company representatives will not be allowed to visit an employee in his work area except by prior appointment with the employee and with the approval of the employee's supervisor.

(f)(i) The company representative shall fully advise an employee on the advantages and disadvantages of a tax-sheltered annuity program.

(g)(j) The company representative shall calculate, on an exclusion allowance worksheet furnished by the department, the annual exclusion allowance permitted under the Internal Revenue Code of 1954, as amended, for each employee who contracts for the purchase of tax-sheltered annuities. A completed exclusion allowance worksheet will be attached to each application submitted. The company representative shall also advise TSA program participants that enrollment in the state's [a] deferred compensation program will reduce the amount of income that may be excluded and that such enrollment will require that a revised exclusion allowance worksheet be filed with the personnel office.

(h)(k) TSA agreement forms and exclusion allowance worksheets will be furnished by the department and will be available at the personnel office of each department facility. Application forms shall be furnished by the company. Each company representative is responsible for submission of the completed forms to the personnel officer of the department facility at which the employee is employed. The personnel officer of each department facility shall verify the employee data upon which the TSA calculations are based and the accuracy of the calculation [to the extent that such data is available in the personnel record].

(i)(l) None of the information of employee data provided to the company or its representatives shall be given to unautho-

rized personnel, and such information and solicitation privileges shall not be used for any purpose other than the administration of the TSA program of the department.

§403.333. Distribution.

(a) The provisions of this subchapter will be distributed to the members of the Texas Board of Mental Health and Mental Retardation; director of operations; [assistant commissioners,] deputy commissioners; directors and section chiefs of central office; and superintendents/directors of all department facilities.

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

§403.334. Exhibits.

(a) The following exhibits [are] referred to in this subchapter are herein adopted by reference and are available from the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711:

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

(4) Exhibit D—Form 29, Annuity Contract—Surrender and Transfer of Funds. [Specifications of Proposal, as amended: see §403.332 of this title (relating to Company and Company Representatives).]

(5) Exhibit E—Procedure for Insurance Company 403(b) IRS Code Solicitation.

(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 May 22, 1986.

TRD-8605062

R. Coke Mills
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption:
June 30, 1986

For further information, please call
(512) 465-4670.

★ ★ ★

★ 25 TAC §403.336

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §403.336, concerning the effective date of Subchapter L, relating to the tax-sheltered annuity program for department employees. The repeal deletes unnecessary language.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the proposed repeal 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 repeal.

Ms. Dillard also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be

the deletion of an unnecessary section. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12688, Austin, Texas 78711, within 30 days of publication in the *Texas Register*.

The repeal is proposed under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers

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 May 22, 1986.

TRD-8605061 R Coke Mills
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption:
June 30, 1986

For further information, please call
(512) 465-4670.

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Chapter 405. Client (Patient) Care

Subchapter S. Admissions, Transfers, Furloughs, and Discharges— Mental Health Facilities

★ 25 TAC §§405.451-405.453, 405.460, 405.469

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes amendments to §§405.451-405.453, 405.460, and 405.469, concerning admissions, discharges, and transfers at TDMHMR mental health facilities.

Subsection (e) of §405.451, relating to voluntary admissions, is amended to require the screening facility to provide a property and financial statement to the facility of referral, when possible.

Subsection (b) of §405.452, relating to emergency detention admissions, is amended to delete the effective date of the Texas Alcohol and Drug Abuse Service Act, which took effect September 1, 1985.

Subsection (b) of §405.453, relating to admissions of persons court-ordered to inpatient mental health services, and subsection (c) of §405.460, relating to discharges of persons court-ordered to inpatient and outpatient mental health services, alcoholism and drug dependence treatment, are amended to clarify the distinction between time intervals for the probable cause hearing versus the final hearing for alcoholism commitment.

Subsection (d)(3) of §405.469, relating to transfers between mental health facilities and other mental health facilities, private mental hospitals, or hospitals operated by the United States, is amended to show that the order approving the transfer of an involuntary client to an agency of the United States must be by the county judge of the committing court, not the judge of the county of residence of the client.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Dillard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the establishment of sections that are consistent with state law. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12688, Austin, Texas 78711, within 30 days of publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§405.451. Admissions: Voluntary.

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

(e) Screening of applicants for inpatient services will be accomplished by a qualified provider in accord with Chapter 405, Subchapter DD of this title (relating to Continuity of Care: Procedures for Preadmission Screening, Community Support Plan Development, and Client Program Coordination). **If it is determined that an applicant should be admitted to a mental health facility, the provider responsible for the screening will, if possible, obtain a department Form B-6 (property and financial statement) completed for and signed by the applicant and will forward the completed Form B-6 to the mental health facility for distribution to the claims office.**

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

§405.452. Admissions: Emergency Detention.

(a) (No change.)

(b) Emergency detention of a person for alcoholism shall be in accord with the Texas Alcohol and Drug Abuse Services Act [effective January 1, 1986].

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

(c) (No change.)

§405.453. Admissions: Persons Court-Ordered to Inpatient Mental Health Services.

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

(g) Persons accepted under an order of protective custody [(except alcoholics)]

must be provided a probable cause hearing within 72 hours of the time detention begins pursuant to the order for protective custody. [Alcoholics must have a hearing not less than 5 days and no more than 14 days from the filing of the petition.] If the 72-hour period ends on a Saturday, Sunday, or legal holiday, it shall be held on the next business day. The hearing may be postponed an additional 24 hours if an extreme emergency is declared by the presiding judge or magistrate based on extremely hazardous weather conditions that threaten the safety of the person or other essential parties to the hearing. At the hearing, the client and the client's attorney shall have an opportunity to appear and present evidence to challenge the allegation that the client presents a substantial risk of serious harm to self or others or continued deterioration of ability to function independently due to severe and abnormal mental, emotional, or physical distress, coupled with an inability to decide on treatment independently.

(h)-(i) (No change.)

§405.460. Discharges: Persons Court-Ordered to Inpatient and Outpatient Mental Health Services, Alcoholism, and Drug-Dependence Treatment.

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

(c) Persons court-ordered for alcoholism treatment must be discharged in accord with the following provisions.

(1) **The head of the facility shall discharge the client if the commitment hearing was not held in the period 5-14 days after the petition filing date.**

(2)[(1)] The head of the facility shall discharge the client on expiration of the court order.

(3)[(2)] The head of the facility may discharge the client prior to the expiration of the court order if the client no longer meets the criteria for court-ordered treatment.

(4)[(3)] A discharge under this subsection terminates the court orders. Any person discharged under this subsection may not again be compelled to submit to involuntary treatment except pursuant to a new order entered in accord with the Texas Alcohol and Drug Abuse Services Act.

(5)[(4)] Upon discharging a person under this section, the head of the facility shall file a certificate of discharge with the court that entered the order.

(d) (No change.)

§405.469. Transfers: Between Mental Health Facilities and Other Mental Health Facilities, Private Mental Hospitals, or Hospitals Operated by the United States.

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

(d) The requirements of Texas Civil Statutes, Article 5547-77, regarding the transfer of an involuntary client to an agency of the United States, will be observed in making such a transfer. These requirements include:

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

(3) order approving the transfer by the county judge of the committing court [county of residence of the involuntary client].

(e)-(k) (No change.)

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

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

TRD-8605089

R. Coke Mills
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption:
June 30, 1986

For further information, please call
(512) 465-4670.

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Chapter 407. Internal Facilities Management Standard Operating Procedures

★25 TAC §§407.2-407.4

The Texas Department of Mental Health and Mental Retardation proposes amendments to §§407.2-407.4, concerning standard operating procedures.

Section 407.2 is changed to provide a procedure by which earnings from the investment of trust funds are to be allocated to individual client trust fund accounts, not the patient benefit fund. Facilities are cautioned to avoid certain conflict of interest situations in §407.3(b).

In subsection (f) of §407.3, language reiterates that earnings from the investment of trust funds are to be allocated to individual trust fund accounts.

The amendment to §407.4, concerning the use and control of benefit funds, adds provisions and restrictions for the expenditure of benefit funds to cover administrative errors.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Dillard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the enactment of equitable

procedures that both enable and limit the use of benefit funds to cover administrative error, and that require allocation of interest earned in client funds to clients. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers

§407.2. Trust Funds and Personal Effects.

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

(d) Earnings from the investment of trust funds are to be allocated [deposited] to individual client trust fund accounts [the patients benefit fund] in the following manner.

(1) For each state fiscal quarter, the interest collected from the investment of client trust funds (including constructive receipt) will be allocated to clients on the basis of the average balance in the account of each client. The average balance will be determined by averaging the monthly balances for the three months of the quarter. The monthly balance should be that of the last day of the month. The allocation process should include all clients who had a balance on the last day of the quarter.

(2) As the interest for a quarter is collected, it should be accumulated in a special trust fund account to be distributed to the individual client trust fund accounts at the end of the quarter.

(3) Investment should be planned so that some interest will be collected each month or quarter and so that there will be an equitable allocation of interest to all clients and also an equitable allocation over several fiscal quarters.

(e) (No change.)

§407.3. Deposit and Investment of Funds.

(a) (No change.)

(b) It is desirable, if practical, that the funds of the department be deposited in more than one bank in the immediate area, without preference to any one bank. Conflict of interest situations resulting from relationships between facility employees with any degree of control over bank accounts or investments and employees or officers of a financial institution shall be avoided.

(c)-(e) (No change.)

(f) Earnings from investment of clients' trust funds shall be allocated to individual trust fund accounts [deposited to the patient benefit funds]. Earnings on invested funds

other than trust funds shall be added to the funds from which earnings are derived.

(g) (No change.)

§407.4. Benefit Fund: Use and Control.

(a) (No change.)

(b) The source of benefit funds are:

(1) (No change.)

(2) interest earned from investment of [individual trust funds and] benefit funds;

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

(c)-(h) (No change.)

(i) The actual expense of maintaining benefit funds may include expenditures to cover administrative errors which arise in the administration or disbursement of benefit funds and trust funds, provided the following restrictions are met.

(1) The amount of benefit funds expended to cover any single loss shall not exceed \$250.

(2) In each instance of loss, prior approval for the use of benefit funds to cover the administrative error must be obtained from the superintendent or director of the facility.

(3) The circumstances surrounding each administrative error must be fully documented.

(4) For auditing purposes, the expenditure, if approved and made, must be charged to cash shortage.

(5) Benefit funds shall not be used to cover losses which result from the gross negligence of any employee or employees.

(6) The facility in which the administrative error occurred shall take such action as is necessary to correct the error and/or prevent its recurrence, including, but not limited to, the counseling of employees on correct procedure for the administration and disbursement of benefit funds and trust funds.

(7) Employees responsible for administrative errors in the administration or disbursement of benefit funds and trust funds may be subject to disciplinary action under section 3.112-4 (concerning dismissal for cause) of the personnel manual.

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 May 22, 1986.

TRD-8605089

R. Coke Mills
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption:
June 30, 1986

For further information, please call
(512) 465-4670.

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Adopted Rules

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

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 22. EXAMINING BOARD

Part XX. Texas Board of Private Investigators and Private Security Agencies Chapter 428. Guard Dog Company

★ 22 TAC §428.1, §428.2

The Texas Board of Private Investigators and Private Security Agencies adopts new §428.1 and §428.2, without changes to the proposed text published in the March 21, 1986, issue of the *Texas Register* (11 TexReg 1433)

The new sections insure that licensees who have guard dogs will provide adequate shelter, cleanliness, feeding, sanitary conditions, health care, and identification for guard dogs; and require that those licensees cooperate with the board when an investigation is made.

All guard dog companies will be subject to the new sections requiring humane treatment of guard dogs so that those licensees found to be in violation of the sections will be subject to disciplinary action by the board.

All comments received were in favor of the new sections. Letters were highly complimentary of the action taken to adopt the new sections and stressed the importance of the agency's function in the enforcement of humane treatment for animals. Hundreds responded orally and in writing in favor of the new sections.

The new sections are adopted 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.

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 May 20, 1986

TRD-8604985

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

Effective date: June 12, 1986
Proposal publication date: March 21, 1986
For further information, please call
(512) 463-5545.

★ ★ ★

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 27. State Fire Marshal Subchapter D. Storage and Sale of Fireworks

★ 28 TAC §§27.401-27.407

The State Board of Insurance adopts the repeal of §§27.401-27.407, without changes to the proposed text published in the April 4, 1986, issue of the *Texas Register* (11 TexReg 1641). The repeals concern the storage and sale of fireworks, granting of permits, minimum requirements for retail stands, and transportation on highways.

The repeals and simultaneous adoption of new §§27.401-27.430 allow the implementation of House Bill 1955 69th Legislature, 1985, effective January 2, 1986. The old §§27.401-27.407 were repealed on an emergency basis in the December 27, 1985, issue of the *Texas Register* (11 TexReg 4972).

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Insurance Code, Article 5.43-4, §5 and §16, which authorizes the State Board of Insurance to adopt rules it considers necessary for the administration of the article and for the protection, safety, and preservation of life and property.

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 May 22, 1986

TRD-8605044

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 13, 1986
Proposal publication date: April 4, 1986
For further information, please call
(512) 463-6327

★ 28 TAC §§27.401-27.430

The State Board of Insurance adopts new §§27.401-27.430. New §§27.408-27.410, 27.413-27.415, 27.417, 27.423, 27.425, 27.426, and 27.428 are adopted with changes to the proposed text published in the December 27, 1985, issue of the *Texas Register* (10 TexReg 4998). New §§27.401-27.407, 27.411, 27.412, 27.416, 27.418-27.422, 27.424, 27.427, 27.429, and 27.430 are adopted without changes and will not be republished.

The new sections implement the requirements of House Bill 1955, 69th Legislature, 1985, concerning regulation of the sale, distribution, and use of certain fireworks, in the interest of preserving life and property. The new sections are adopted with the simultaneous repeal of old §§27.401-27.407 and §27.501-27.506, used in the administration of Texas Civil Statutes, Article 9205, now repealed. The new sections establish fees, registration requirements, license and permit application procedures, renewal procedures, manufacture and bulk storage requirements, retail site requirements for design, construction and storage, and public display safety requirements.

The new sections comply with House Bill 1955, which requires the State Board of Insurance to set license and permit fees, and adopt necessary rules to be administered through the state fire marshal, for the protection, safety, and preservation of life and property, including rules regulating: persons engaged in manufacturing, selling, storing, possessing, or transporting fireworks in this state; the conduct of public fireworks displays; the safe storage of Class C and Class B fireworks; and the examination of pyrotechnic operators.

Comments reflected general agreement and support for the sections, with several addressed to matters of clarification and correction.

Concerning definitions in §27.408, a commenter suggested: that the words "fireworks or" be deleted from the defined terms "common fireworks, Class C;" and "special fireworks, Class B;" to remove inherent ambiguities; that the term "Highway" be redefined as "the paved surface, or where unpaved, the edge of a graded or maintained public street, public alley, or public road;" that regarding the terms "mixing building" and "process building"

the words "a manufacturer's" be substituted for the word "any" thereby limiting application of both definitions to manufacturers; and, that regarding a retail fireworks site the word "structure" be substituted for "location" thereby distinguishing actual place of sale from an entire leasehold site. The board agrees with the suggested changes.

As to §27.414(c)(7), establishing the retail permit fee, a commenter suggested reducing the fee from \$15 to \$10 for the reasons: that the retail permit fee cost, until January 2, 1986, was \$10; that the cost of issuing retail permits will be dramatically reduced due to changes made by the new law; that under the previous format, all retail permits were issued by the state fire marshal pursuant to application submitted in Austin, Texas; that under the new format, blank permits will be sold to manufacturers, distributors, or jobbers in books of 20; that these individuals will then perform the paperwork functions by filling out the permits, providing the permittee with required documents, collecting their reimbursement for the fee already remitted to the State, and sending duplicate copies to the state fire marshal; that although the state fire marshal may still issue individual permits, it is estimated that the new system will reduce the workload related to retail permits by at least 85%; and, that while the industry is not requesting a reduction in the old fee, a 50% increase in the fee at a time when a significant amount of the overload involved with the services has been reduced, is warranted. The board concurs with the suggestion and will subject the contentions of cost savings to continuous evaluation by the state fire marshal.

Regarding §27.417(e) a commenter suggested that the word "highway" be substituted for "roadway" which is not defined. The board agrees.

Concerning §27.423(a)(4) a commenter suggested that two new sentences be inserted after the first sentence to read: "An office used for the operation of a storage facility is exempt from the distance requirements of this section. For the purposes of this section, the term 'inhabited building' shall not include sites at which retail or wholesale sales of Class C fireworks are made." The next sentence to read, "The distance requirements from inhabited buildings for storage facilities constructed prior to January 2, 1986, shall not be greater than those requirements in existence as of January 1, 1986. Those facilities will otherwise be subject to the provisions of this section." The reasons propounded were: that some storage facilities are built to contain or be in direct proximity to office facilities used for operation oversight and management; that these offices are an integral part of the operation; that many facilities exist to serve retail or wholesale sales outlets located in direct proximity to or in the same facility as the storage facility; that the

state fire marshal construction requirements of design and security are already assured; that effort and capital investment have been expended by existing companies to meet pre-January 1986 requirements which could be lost without such definition and clarification; that storage facility regulation has undergone significant change in these new sections; that it is unfair to penalize those, who complied with previous distance requirements, for proximity or distance changes over which they have no control; and, that future construction compliance is still assured. The board agrees that the suggestion has validity, and modifies §27.423(a)(4) in different language to provide for exemption after notifying the state fire marshal when future uncontrollable events change separation distances and to prohibit enlargement or expansion of storage facilities beyond their January 1, 1986, capacities conforming to preexisting distance rules. A commenter also suggested adding seven detailed subparagraphs to §27.423(a)(4) dealing with minimum safety operational standards such as prohibition against warehouse windows, stoves and exposed flames, blocked aisles and exit doors, combustibles within 10 feet, and smoking. The board generally concurs and has restructured §27.423(a)(3) and (4) to include all suggestions except that of allowing local authorities to approve other means of heating storage facilities.

Concerning §27.425(a)(2), a commenter suggested its entire deletion for the reasons: that it is unnecessarily broad and inclusive by conferring upon the State Board of Insurance all the powers and duties of the United States Department of Transportation; that such overbreadth confers on the State Board of Insurance a much greater responsibility and authority with regard to transportation than was contemplated by the legislature; that the 600 pages of Title 49, Code of Federal Regulations, adopted by reference is a massive expansion of regulatory authority into an area regulated in some form by Department of Public Safety (D.P.S.); Bureau of Alcohol, Tobacco and Firearms (A.T.F.); Department of Transportation (D.O.T.); Interstate Commerce Commission (I.C.C.); and local authorities; that the state fire marshal has sufficient enforcement scope without adding this major area; and, that deletion will not give the state fire marshal standing to enforce the relevant parts of Title 49, which were adopted by D.O.T. without notice or hearing afforded to the persons now sought to be included. The board does not agree for the reasons: that the State Board of Insurance has regulated the transportation of fireworks on the highways of this state, through the Commissioner of Insurance, acting as state fire marshal, as early as 1961 under Texas Civil Statutes, Article 9205, recently repealed and its predecessor article; that Texas Insurance Code, Article 5.43-4 sets out among the powers and duties of

the board the adopting of rules to regulate those transporting fireworks in this state; and, that both the federal and state administrative due process procedures provide for notice in the *Federal Register* or the *Texas Register* to those seeking a full and complete hearing. However, the board does agree to restrict application of §27.425(a) to intrastate transportation of Class B fireworks only.

A commenter further suggested that the right hand column heading of the Mortar Separation Distances table of §27.426(c)(2) be changed to read, "Storage of Hazardous Materials" rather than the erroneous heading of "Clear Landing Area." The board concurs in the correction.

Two last suggestions concerned inserting the word "existing" in front of the word "facilities" in §27.428 so as to clarify those facilities to which the delayed effective date applies, and substituting "three" for "one" in §27.428(2) to extend to three years the time in which to bring bulk storage facilities into compliance. The board agrees as to both and finds that the additional time is reasonable in view of the renovation or movement required by the new sections and article.

The following changes were made but not in response to comments: §27.410(e) is modified to also require a revised license document when there is a change of business location or residence; §27.413(c)(8) is modified to clarify insurance and bond requirements; §27.414(f) late fee schedule for renewal of a pyrotechnic operator license expired from 1-90 days is corrected to reflect \$10 rather than \$15; §27.415(b)(3) is modified to reflect the correct reference for the legal selling periods of fireworks as Article 5.43-4, §8(a); and §27.428 is corrected to cite §27.411(e)(1) relating to Requirements, Pyrotechnics Operator License, rather than §27.412(e)(1).

All comments were made on behalf of the Texas Pyrotechnics Association and submitted by the law firm of Gullahorn and Associates.

The new sections are adopted pursuant to the Insurance Code, Article 5.43-4, §5 and §16, which authorizes the State Board of Insurance to adopt, and through the state fire marshal, administer rules concerning the conduct of public fireworks displays and the manufacture, selling, storing, possessing, or transporting of fireworks in this state that the board considers necessary for the protection, safety, and preservation of life and property.

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

Acceptor building—A building which is exposed to embers and debris emitted from a donor building.

Agricultural, industrial, or wildlife control permits—Permits authorizing the

holder to use Class B fireworks for specified purposes in these business activities.

Bare wiring—Any electric cable or cord, any part of which has the insulating cover broken or removed, exposing bare wire.

Barricade—A natural or artificial barrier that will effectively screen a magazine, building, railway, or highway from the effects of an explosion in a magazine or building containing explosives. It shall be of such height that a straight line from the top of any side wall of a building or magazine containing explosives to the eave line of any magazine, or building, or to a point 12 feet above the center of a railway or highway, will pass through such natural or artificial barrier.

Barricade, artificial—An artificial mound or revetted wall of earth of a minimum thickness of one foot.

Barricade, natural—Natural features of ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine or building containing explosives when the trees are bare of leaves.

Barricade, screen type—Any of several barriers for containing embers and debris from fires and deflagrations in process buildings that could cause fires and explosions in other buildings. Screen type barricades shall be constructed of metal roofing, ¼ inch or ½ inch mesh screen or equivalent material. A screen type barricade extends from the floor level of the donor building to such height that a straight line from the top of any side wall of the donor building to the eave line of the acceptor building will go through the screen at a point not less than five feet from the top of the screen. The top five feet of the screen are inclined at an angle of between 30 and 45 degrees, toward the donor building.

Board—The State Board of Insurance.

Breakaway construction—A general term which applies to the principle of purposely providing a weak wall so that the explosive effects can be directed and minimized. The term "weak wall" as used in these sections refers to a weak wall and roof, or weak roof. The term "weak wall" is used in a relative sense as compared to the construction of the entire building. The design strength of a weak wall will vary as to the building construction, as well as to the type and quantity of explosive or pyrotechnic materials in the building. The materials used for "weak wall" construction are usually light gage metal, plywood, hardboard, or equivalent lightweight material, and the material is purposely selected to minimize the danger from flying missiles. Method of attachment of the weak wall shall be such as to aid the relief of blast pressure and fireball.

Bulk storage, Class C fireworks—The storage of 500 or more cases of Class C fireworks.

Business—The manufacturing, importing, distributing, jobbing, retailing of permissible fireworks, acting as a pyrotechnic

operator, the conducting of multiple public fireworks displays, using fireworks for agricultural, wildlife or industrial purposes.

Buyer—Any person or group of persons offering an agreed upon sum of money or other considerations to a sales person for fireworks.

C.F.R.—The Code of Federal Regulations, a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government. The Code is divided into 50 titles. The titles are divided into chapters, which are further subdivided into parts.

Common fireworks, Class C—A small fireworks device, designed primarily to produce visible and/or audible effects by combustion, that complies with the construction and chemical composition requirements of 16 C.F.R. Part 1507 (1984), and the labeling requirements of the United States Consumer Product Safety Commission, and that is classified as a Class C explosive by the D.O.T.

Distributor—A person or entity that sells fireworks to jobbers, retailers, or other distributors for resale to others.

Donor building—A process building from which embers and burning debris is emitted during a fire.

D.O.T.—The United States Department of Transportation.

Fireworks—Any composition or device designed to produce a visible or audible effect by combustion, explosion, deflagration, or detonation, and that is defined as "special fireworks" by 49 C.F.R., §173.88(d), (1983), or as "common fireworks" by 49 C.F.R., §173.100(r), (1983). Exceptions to this definition are found in the Insurance Code, Article 5.43-4, §4.

Fireworks plant—All lands, and buildings thereon, used for or in connection with the manufacture or processing of fireworks. It includes storage facilities used in connection with plant operation.

Fire prevention officer—The chief of a fire department, a fire marshal, the county fire marshal, the sheriff, a constable, any other local enforcement officer primarily responsible for fire prevention, or, if there is no local fire authority, the state fire marshal.

Firm—A person, partnership, corporation, or association.

Generator—Any device driven by an engine and powered by gasoline or other fuels to generate electricity for use in a retail fireworks stand.

Highway—The paved surface, or where unpaved, the edge of a graded or maintained public street, public alley, or public road.

Illegal fireworks—A fireworks device manufactured, imported, distributed, possessed, transported, offered for sale, or sold in violation of the Insurance Code, Article 5.43-4 or these sections.

Importer—A person who imports fireworks from a foreign country or from another

state for sale to distributors or jobbers in this state.

Jobber—A person who purchases fireworks for resale to retailers only.

License—The license issued by the state fire marshal to a person or a fireworks firm authorizing same to engage in the business.

Licensed firm—A person, partnership, corporation, or association holding a current license.

Magazine—Any building or structure, other than a manufacturing building, used for storage of Class B fireworks.

Manufacturer—A person, firm, corporation, or association that engages in the making of fireworks.

Manufacturing—The preparation of fireworks mixes and the charging and construction of all unfinished fireworks, except pyrotechnic display items made on site by qualified personnel for immediate use when such operation is otherwise lawful.

Master electric switch—A manually operated device designed to interrupt the flow of electricity.

Mixing building—A manufacturer's building used for mixing and blending pyrotechnic composition, excluding wet sparkler mixes.

Nonprocess building—Office buildings, warehouses, and other fireworks plant buildings where no explosive compositions are processed or stored. A finished firework is not considered an explosive composition.

Open flame—Any flame that is exposed to direct contact.

Permissible fireworks—Those Class C fireworks specified in the Insurance Code, Article 5.43-4, §2.

Person—An individual or entity, including an owner, manager, officer, employee, occupant, sole proprietorship, partnership, or corporation.

Process building—A manufacturer's mixing building or any building in which pyrotechnic or explosive composition is pressed or otherwise prepared for finishing and assembling.

Public display—The igniting of Class B fireworks for public or private amusement.

Public display license—A license issued for the purpose of conducting multiple public displays at a single approved location.

Public display permit—A permit authorizing the holder to conduct a public fireworks display using Class B fireworks, on a single occasion, at a designated location and during a designated time period.

Pyrotechnic operator—An individual who, by experience, training and passing any required examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising public displays of Class B fireworks.

Retail fireworks site—The structure from which Class C fireworks are sold and in which Class C fireworks are held pending retail sale.

Retail stand—A permanent or portable structure utilized exclusively for the sale of fireworks to the general public at a retail fireworks site.

Retailer—A person who purchases fireworks for resale to the general public only.

Safety container—A container especially designed, tested and approved for the storage of flammable liquids.

Sale—The sale or offering for sale of any merchandise, equipment, or service, at wholesale or retail, to the public or to any person, for an agreed sum of money or other considerations.

Selling opening—An open area including the counter, through which fireworks are viewed, and sold at retail.

Special fireworks, Class B—A large fireworks device designed primarily to produce visible and/or audible effects by combustion, deflagration, or detonation and that is classified as a Class B explosive by the D.O.T.

State fire marshal—The chief law enforcement officer of the state charged with the responsibility of fire prevention.

Storage facility—Any building, structure, or facility in which finished Class C fireworks are stored, but in which no manufacturing is performed.

Supervisor—A person 16 years or older who is responsible for the retail fireworks site during operating hours.

Walk door—An opening through which retail stand attendants can freely move and which can be secured to keep the public from the interior of the stand.

§27.409. General Requirements, Licenses, and Permits.

(a) Each firm or person engaged in the manufacture, transportation, storage, wholesale or retail sales of fireworks, public displays utilizing Class B fireworks, and pyrotechnic operators shall have an applicable license or permit issued by the state fire marshal.

- (1) Licenses by type:
 - (A) distributor;
 - (B) importer;
 - (C) jobber;
 - (D) manufacturer;
 - (E) public display; and
 - (F) pyrotechnic operator.

- (2) Permits by type:
 - (A) retailer;
 - (B) public display;
 - (C) agricultural;
 - (D) industrial; and
 - (E) wildlife control.

(b) Each license or permit shall indicate the act or acts authorized.

(c) All required licenses and permits shall be made available for inspection at the facility for which it was issued.

(d) License and permit holders shall take every reasonable precaution to protect their license or permit documents from loss, theft, defacement, destruction, or unauthorized duplication or use. Unauthorized use

or duplication shall be reported immediately to the state fire marshal.

(e) All holders of licenses or permits who bulk store fireworks shall have storage and other facilities which conform to these sections.

(f) Each licensee or permittee shall notify the state fire marshal of every location where storage or manufacturing facilities are maintained in Texas.

(g) A specific business location shall be maintained by each licensee or permittee which shall be indicated on the license or permit document.

(h) A person engaging in the business using or storing Class B fireworks should obtain a federal license or permit if required by Title XI, Regulation of Explosives of the Crime Control Act, 18 United States Code, Chapter 40.

(i) Licensees and permittees shall have adequate storage facilities which comply with appropriate provisions of §27.422 and §27.423 of this title (relating to Storage of Black Powders and Class B Fireworks at Other Than Display Sites; Bulk Storage of Class C Fireworks).

(j) Licensees and permittees shall comply with the applicable transportation requirements of §27.425 of this title (relating to Distribution and Transportation).

§27.410. Requirements, Licensees.

(a) Licensees shall keep a record of all fireworks sales.

(b) The change of a nonincorporated firm's ownership invalidates the current license. A change of ownership must be reported to the state fire marshal within 14 days of such change.

(c) Any change of corporate officers must be reported in writing to the state fire marshal at the time of license renewal. This change does not require a revised license document.

(d) A duplicate license document must be obtained from the state fire marshal to replace a lost or destroyed document. The licensee must submit written notification of the loss or destruction without delay.

(e) The change of a licensee's name, business location, residence, or mailing address requires a revised license document. Documents requiring changes must be surrendered to the state fire marshal within 30 days after the change, with written notification of the necessary change.

§27.413. Applications for Licenses and Permits.

(a) Applications for a license or permit to engage in the business, other than retail permits, shall be on forms provided by the state fire marshal, and shall be accompanied by the appropriate fee and documentation as may be required.

(b) Applications must be signed by the sole proprietor, by each partner of a partnership, or by an officer of a corporation or association. Foreign and out of state corporations shall be accompanied with evi-

dence of its authority to conduct business in this state granted by the Texas Secretary of State, and where applicable, the applicant shall evidence compliance with the Assumed Business or Professional Name Act, Texas Business and Commerce Code Annotated, §36.01.

(c) Applications for a public display license or permit shall include the following information:

(1) the name, address, and telephone number of the person or organization sponsoring the display;

(2) a copy of the site inspection report from the fire prevention officer;

(3) the exact location for the display;

(4) the name and license number of the pyrotechnic operator who is to supervise the display;

(5) the size and number of fireworks to be discharged, the number of set pieces and other items;

(6) the manner and place of storage of such fireworks prior to and during the display;

(7) a diagram of the grounds on which the display is to be held indicating:

(A) point from which fireworks will be discharged;

(B) distance from exposure to discharge point;

(C) distance from spectators to discharge point;

(D) method of spectator restraint;

(8) proof of \$300,000 insurance coverage or \$100,000 surety bond by either a copy of the public liability insurance policy or an executed state fire marshal surety bond form adopted by the State Board of Insurance;

(9) the name and license number of the manufacturer or distributor who is to supply the fireworks; and

(10) applications for a display permit shall include the date, time, and the alternate date and time of the display.

(d) A completed application for a public display license or permit shall be received by the state fire marshal at least 14 days before the display is to be conducted. Such application is deemed to be timely filed when its envelope bears a legible postmark on or before 14 days prior to the date of the desired display.

(e) All public displays shall be in compliance with requirements of §27.426 of this title (relating to Preparing and Conducting Public Displays).

§27.414. Fees.

(a) Fees required by the Insurance Code, Article 5.43-4, and these sections, shall be paid by cash, money order, or check. Money orders and checks shall be made payable to "The State Board of Insurance."

(b) Fees shall be paid at the Office of the State Fire Marshal in Austin or mailed to an address specified by the state fire marshal. Retail permits may also be obtained through participating licensed firms. See

§27.415 of this title (relating to Retail Permits).

(c) Fees shall be as follows:

- (1) manufacturer license:
 - (A) initial fee—\$550;
 - (B) renewal fee (prior to expiration)—\$550;
- (2) distributor license:
 - (A) initial fee—\$850;
 - (B) renewal fee (prior to expiration)—\$850;
- (3) jobber license:
 - (A) initial fee—\$550;
 - (B) renewal fee (prior to expiration)—\$550;

- (4) importer license:
 - (A) initial fee—\$150;
 - (B) renewal fee (prior to expiration)—\$150;
- (5) pyrotechnic operator license:
 - (A) initial fee—\$15;
 - (B) renewal fee (prior to expiration)—\$10;
- (6) public display license:
 - (A) initial fee—\$200;
 - (B) renewal fee (prior to expiration)—\$200;
- (7) retail permit—\$10;
- (8) public display permit—\$25;

(9) agricultural, industrial, and wild-life control permits—\$10.

(d) A renewal application for a license deposited with the United States Postal Service is deemed to be timely filed, when its envelope bears a legible postmark on or before the expiration date of the license being renewed. Any renewal application postmarked after the expiration date must be accompanied by the renewal fee and the appropriate late fee.

(e) Holders of licenses which have been expired for less than two years, cannot be issued new licenses.

(f) Late fees are as follows:

Expired 1 day to 90 days

	1 Renewal Fee	+	Late Fee ($\frac{1}{2}$ Initial Fee)	= Total Fee
Manufacturer	\$550.00		\$275.00	\$ 825.00
Distributor	850.00		425.00	1,275.00
Jobber	550.00		275.00	825.00
Importer	150.00		75.00	225.00
Pyrotechnic Operator	10.00		7.50	17.50
Public Display License	200.00		100.00	300.00

Expired 91 days to 2 years

	1 Renewal Fee	+	Late Fee (Initial Fee)	= Total Fee
Manufacturer	\$550.00		\$550.00	\$1,100.00
Distributor	850.00		850.00	1,700.00
Jobber	550.00		550.00	1,100.00
Importer	150.00		150.00	300.00
Pyrotechnic Operator	10.00		15.00	25.00
Public Display License	200.00		200.00	400.00

§27.415. *Retail Permits.*

(a) A retail permit shall be required for each retail stand or other retail sales location.

(b) Retail permits may be obtained at any time of the year from any participating manufacturer, distributor, or jobber holding a valid license to do business in Texas or from the state fire marshal, and shall be signed by the applicant prior to said permit becoming effective.

(1) A retail permittee shall purchase Class C fireworks only from a distributor or jobber licensed in this state.

(2) Bulk storage of Class C fireworks by a retail permittee shall be in compliance with §27.423 of this title (relating to Bulk Storage of Class C Fireworks).

(3) Class C fireworks shall be sold to the general public only at legally permit-

ted retail fireworks sites and during the legal selling periods defined in the Insurance Code, Article 5.43-4, §8(a)(1) and (2).

(4) A copy of the Insurance Code, Article 5.43-4, and the fireworks rules shall be provided to the purchaser of a retail permit by the participating licensee at the time the permit is issued. Copies of the Insurance Code, Article 5.43-4, and the fireworks rules shall be made available through the State Fire Marshal's Office.

(c) Any licensee purchasing books of permits for sale to retail operators shall properly account for all permits received.

(1) The licensee who issues retail permits shall return books containing duplicate copies of each issued permit to the State Fire Marshal's Office within a week from the time the last permit in each book has been issued.

(2) The returned copies in each book are considered the official record of retail permits sold.

(3) A licensee may exchange any unissued retail permit which has not been voided or otherwise rendered unusable for a new permit at the end of each year following expiration.

§27.417. *Retail Sales General Requirements.*

(a) A supervisor, 16 years of age or older, shall be on duty during all phases of operation. It shall be the responsibility of the supervisor to comply with the fireworks rules.

(b) Bulk storage of Class C fireworks by retailer shall comply with §27.423 of this title (relating to Bulk Storage of Class C Fireworks).

(c) Heat-sealing of packages within retail sites is prohibited.

(d) Each retail site determined to have fire danger external of the sales area shall be provided with equipment or facilities that are capable of extinguishing small exterior fires that would threaten the retail stand.

(e) An unobstructed pathway to walk doors shall be maintained within the retail stand during selling operation.

(f) The display, offer for sale or sales of fireworks from tents, air supported structures, and motor vehicles is prohibited.

(g) Smoking shall not be permitted in the fireworks retail stands. The presence of lighted cigars, cigarettes, or pipes within 10 feet of the stand is prohibited. "Fireworks" and "no smoking" signs in letters not less than four inches high shall be conspicuously posted.

(h) The consumption of alcoholic beverages in retail stands is prohibited.

(i) The display or offer for sale or sales of fireworks within establishments that sell alcoholic beverages for consumption on the premises is prohibited.

(j) A retail permit shall be required for each retail stand offering fireworks for sale during selling season.

(k) The display or offer for sale or sales of fireworks from single or multifamily residential structures is prohibited.

(l) All retail sites must furnish parking off the highway.

(m) An area of at least 10 feet in width on all sides of a fireworks site shall be kept free of high grass and of trash.

(n) Fireworks shall not be displayed or stored behind glass through which direct sunlight will shine on the fireworks.

§27.423. *Bulk Storage of Class C Fireworks.*

(a) General provisions.

(1) These provisions apply to licensees and retail storage of more than 500 cases of Class C fireworks.

(2) Storage facilities containing Class C fireworks shall be of solid construction using sound engineering principals.

(3) Electrical installation, if used, shall be in compliance with the National Electric Code, 1984. An outside electrical master switch shall be provided at each storage facility location when electrical power is installed.

(4) Storage facilities containing Class C fireworks shall comply with the following.

(A) Storage facilities shall be separated from inhabited buildings, passenger railways, and from the pavement or main traveled surface of any highway by a minimum distance of 50 feet and be in compliance with Table 1 in §27.424 of this title (relating to Distance Tables). Storage facilities

in existence prior to January 1, 1986, and then conforming to existing warehouse distance separation rules for jobbers and distributors are exempt from compliance with Table 1, provided such facilities are not enlarged or expanded beyond their January 1, 1986, capacities. An office used for the operation of a storage facility or a retail/wholesale site established in conjunction with a storage facility is exempt from the distance requirements after notifying the state fire marshal. Subsequent construction by adjacent property owners or public authorities shall not subject licensee to a distance regulation violation under this section, provided existing storage facilities are not enlarged or expanded after the subsequent construction.

(B) Storage facilities shall not contain windows, and any other openings shall be situated so that the rays of the sun shall not come in contact with or shine through glass directly upon fireworks stored in the facility. Skylights which diffuse sun rays are permitted.

(C) No stoves, exposed flames, or electric heaters shall be used in any part of storage facility except in a boiler room, machine shop, office building, pump house, or lavatory. Heating of storage facilities shall be by means of steam, indirect hot air radiation, or hot water.

(D) Exit doors other than overhead or sliding doors shall open outward, shall be unlocked during operating hours and be clearly marked. Aisles and exit doors shall be kept free of any obstruction.

(E) At least one approved Class A fire extinguisher shall be provided for each 1,000 square feet of floor space in a storage facility.

(F) The land surrounding storage facilities shall be kept clear of brush, dried grass, leaves, and similar combustibles for a distance of at least 10 feet.

(G) Smoking shall not be permitted in storage facilities. There shall be signs conspicuously posted with the words "fireworks—no smoking" in letters not less than four inches high.

(5) Storage buildings shall have fencing in compliance with §27.421(a)(1) of this title (relating to Manufacturing Operations) or one of the following:

(A) personnel on the premises 24 hours per day and lighted at night;

(B) security alarm system.

(6) Bulk storage of Class I flammable liquids (such as gasoline) and flammable compressed gases shall comply with provisions of §27.421(a)(7) of this title (relating to Manufacturing Operations).

(b) Operation of storage facilities.

(1) Storage facilities shall be in the charge of a competent person at all times during operating hours who shall be least 18 years of age, who shall be held responsible for the enforcement of all safety precautions.

(2) Doors shall be kept locked, except during hours of operation.

§27.425. *Distribution and Transportation.*

(a) With regard to Class B fireworks only, 49 Code of Federal Regulations, Parts 171, 172, 173, 177, and 178, November 1, 1984, edition, governing the transportation of hazardous materials, are adopted by reference as rules governing the safe distribution and transportation of fireworks as hazardous materials in Texas. These rules are subject to the following explanations and exceptions.

(1) When the term "interstate" or "foreign commerce" is used in the federal regulations, it will, for the purpose of such adoption include all modes of transportation in Texas.

(2) When the term "department" is used in the text of the federal regulations as being the Department of Transportation, it shall for the purpose of such adoption mean the State Board of Insurance.

(3) The reporting of hazardous material incidents as required by federal regulations has not been adopted and, therefore, is not required.

(b) A copy of 49 Code of Federal Regulations shall be kept available for inspection in the Office of the State Fire Marshal.

§27.426. *Preparing and Conducting Public Displays.*

(a) Storage. Storage of public displays may be stored temporarily for a period not to exceed 30 days prior to display date in a locked area, in regular Class B shipping cartons, not accessible by the general public and in a location approved by the local fire prevention officer.

(b) Sobriety. Pyrotechnic operators or assistants shall not be under the influence or consume alcoholic beverages/or controlled substances during the public display.

(c) Display criteria.

(1) The area selected for the discharge of aerial shells shall be located so that the trajectory of the shells will not come within 25 feet of any overhead object.

(2) Mortars shall be separated from spectator viewing and parking areas; from health care, church, asylum, school, and penal facilities; from storage of hazardous materials, and from residential occupancies by the minimum distances specified in the following table:

Mortar Separation Distances

Mortar	Spectator Viewing Areas Parking Areas 1 & 2-Family Dwellings	Health Care & Penal Facilities	Storage of Hazardous Materials
2 in.	100 ft.	600 ft.	600 ft.
3 in.	125 ft.	600 ft.	600 ft.
4 in.	125 ft.	600 ft.	600 ft.
5 in.	150 ft.	600 ft.	600 ft.
6 in.	200 ft.	600 ft.	600 ft.

(3) Fireworks shall not be discharged within 100 feet of any tent or canvas shelter.

(4) The potential landing area shall be a large, clear, open area acceptable to the authority having jurisdiction.

(5) Spectators, vehicles, or any readily combustible materials shall not be located within the potential landing area during the display.

(6) If, at any time, steady winds of 25 mph or other conditions prevail, which in the opinion of either the authority having jurisdiction or the licensed pyrotechnic operator poses a danger, the public display shall be postponed until conditions improve to an acceptable level.

(7) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safe for the particular type of fireworks.

(d) Pyrotechnic equipment and installation. Reusable mortars shall be made of steel tubing or equivalent (cast iron and other fragmenting types of metal are prohibited) having a smooth bore and a steel bottom plate equal in thickness, to the tube welded continuously around its perimeter except as follows.

(1) Wooden base plugs in good condition may be substituted for welded steel bottom plate where such plugs have a minimum thickness of 1/2 inch per inch of bore diameter and securely fastened. Wooden base plugs shall be discarded and replaced when split, shrunken, charred to less than minimum required thickness, or otherwise damaged. Screw type caps for plugs are prohibited.

(2) Mortars limited solely for the firing of single break shells and finale batteries may be made of spiral or convolute wound chipboard or kraft paper tubes. Tubes for two inch shells shall have a wall thickness of not less than 1/4 inch. Tubes for three inch shells shall have a wall thickness of not less than 3/8 inch. Tubes for four, five, and six inch shells shall have a wall thickness of not less than 1/2 inch. All tubes shall have a base plug in good condition the thickness of which shall be not be less than

1/2 the inside diameter of the tube. The base plug shall be securely fastened to the tube.

(3) For single break shells three inch and four inch mortar tubes may be made of 26 gauge or heavier galvanized iron rivetted along their seams, beginning at a point within one inch of each end and spaced not more than three inches between rivets and having a two inch wooden base plug.

(4) The minimum inside length of reusable mortars shall be not less than five times their inside diameter for mortars up to seven inches inside diameter and not less than four times their inside diameter for mortars having an inside diameter greater than seven inches.

(5) Any damaged mortars (split or bulged tube, base, seam, or with loose rivets, bolts, or wooden base plug) shall not be used for firing.

(6) Not less than 50% of the mortar tube length shall be below the normal surface of the ground. Sand or earth filled bags shall not be required unless the tubes do not conform to construction provisions of this subsection. When required, such bags shall be laid against the firing side of the mortars. The upper surface of the bags shall be level with the mortar tube muzzles. Such bags shall also be placed similarly at both ends of each line of mortars.

(e) Special setting of mortars. On locations where it is impossible to bury mortars in suitable clean earth or where the authority having jurisdiction and the licensed pyrotechnic operator in charge agree that public safety will be increased, mortars may be set for firing in approved sand or dirt filled steel drums or troughs and shall comply with the following.

(1) The depth of the drum or trough shall permit burial in sand of each mortar to within 50% of the length of the mortar.

(2) The containers shall be set and the mortars secured at the angle determined as safe for firing. Batteries may consist of as many approved units as required for the display, but each unit shall be set, braced, and secured, as determined by the wind direction and velocity predicted for the firing time.

(3) Finale batteries shall be set braced and secured as determined by the wind direction and velocity predicted for the firing time.

(f) Ready boxes.

(1) Before any firing begins, the entire complement of shells for any proposed or permitted public display shall be brought to the firing site and stored in ready boxes at a point not less than 25 feet distant upwind (with relations to the firing time) from the nearest mortar. These ready boxes shall be constructed and may be of wood, rubber, steel, or fiberboard cartons.

(2) A flame retardant tarp or a wood, rubber or steel cover shall protect all ready boxes from the time they are placed in position until they are emptied, except that the cover may be lifted when shells are taken from or returned to the boxes.

(3) The use of compartmentation, to avoid the mixing of shell sizes, is recommended in large displays. Individual boxes should be used for each different shell size.

(g) Loading mortars.

(1) Mortars shall be cleared of paper or other burning material after being fired, if necessary. No shell hang firing shall be cleared from mortars for at least 30 minutes after being lighted.

(2) Finale batteries shall not be reloaded with finale chains, but may be reloaded with individual shells.

(h) Firing mortars.

(1) All firing shall be done upon order or signal of the licensed pyrotechnic operator directing the public display. No safety cap shall be removed from any shell match until immediately before mortar is fired. Used igniters shall not be discarded in the area between the mortars and the ready boxes.

(2) Electric firing, if utilized, shall comply with the following requirements.

(A) Connecting any electric firing circuit to any power supply, whether battery or other, is prohibited until all special effects fireworks, pyrotechnics, and explosives in the sequence are connected to firing leads and are cleared for actual firing. Circuitry

may be tested with a galvanometer equipped with a silver chloride battery.

(B) Power sources for firing fireworks, and pyrotechnics shall be restricted to batteries or individually isolated, ungrounded generators used for firing purposes only. Commercial or house power circuits may be used for this purpose in conjunction with an appropriate transformer.

(C) Short circuiting shunts shall be maintained on all electrically fired pyrotechnic items during preparatory operations including loading, setting, and adjustment.

(D) Firing boxes shall be designed to prevent firing unless the switch is manually operated.

(E) Each explosive charge set in or on water, either salt or fresh, shall be fired by an individual two wire circuit.

(i) Public display safety precautions.

(1) A display must be conducted in accordance with all local regulations, and conditions prescribed by the fire prevention officer at the time of the site inspection.

(2) During the display, at least one approved Class A type 2½ gallon fire extinguisher, or charged garden hose connected to a water line or equivalent means of fire protection shall be provided.

(3) Fireworks articles or items shall not be permitted to cross over or burst directly above the spectator area during such display and it shall be in full view of the pyrotechnic operator at the time of the burst.

(4) Vehicular traffic control shall be provided in all cases where the authority having jurisdiction determines that there is a potential hazard to motor vehicles and people traveling on public highways or roadways.

§27.428. Existing Facilities and Conditions. Existing facilities and conditions outlined below which do not comply with the Insurance Code, Article 5.43-4 and these sections shall come into compliance within the following time periods after the effective date of these sections:

- (1) manufacturing facilities-five years;
- (2) bulk storage facilities-three years;

and

(3) individuals applying for a pyrotechnic operator license before September 1, 1986, may be issued a license if they otherwise qualify and have passed the required examination, but do not comply with the supervisory requirement of §27.411(e)(1) of this title (relating to Expiration, License, and Permit).

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 May 23, 1986

TRD-8605047

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 30, 1986
Proposal publication date: December 27, 1986
For further information, please call
(512) 483-8327.

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Subchapter E. Basic Design, Construction, and Safety Features of Retail Fireworks Stands

★ 28 TAC §§27.501-27.506

The State Board of Insurance adopts the repeal of §§27.501-27.506, without changes to the proposed text published in the April 4, 1986, issue of the *Texas Register* (11 TexReg 1641). The repeals concern the basic design, construction, and safety features of retail fireworks stands.

The repeals and simultaneous adoption of new §§27.401-27.430 allow the implementation of House Bill 1955, 69th Legislature, 1985, effective January 2, 1986. The old §§27.501-27.506 were repealed on an emergency basis in the December 27, 1985, issue of the *Texas Register* (11 TexReg 4972).

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Insurance Code, Article 5.43-4, §5 and §16, which authorizes the State Board of Insurance to adopt rules it considers necessary for the administration of the article and for the protection, safety, and preservation of life and property.

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 May 22, 1986

TRD-8605043

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 13, 1986
Proposal publication date: April 4, 1986
For further information, please call
(512) 483-8327

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TITLE 31. NATURAL RESOURCES AND CONSERVATION Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife Subchapter P. Alligators

★ 31 TAC §§65.352, 65.353, 65.355, 65.356, 65.360

The Texas Parks and Wildlife Commission adopts amendments to §§65.352, 65.353, 65.355, 65.356, and 65.360, without changes to the proposed text published in the March

28, 1986, issue of the *Texas Register* (11 TexReg 1558). These amendments incorporate changes necessary to streamline administration of the statewide alligator program. The amendments are consistent with federal requirements to qualify alligators and alligator parts from Texas for international export under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Alligators in Texas are not endangered but their similarity in appearance to endangered crocodilian species requires controls on take and commerce to minimize illegal marketing.

The amendments are necessary to improve administration and enforcement of a statewide alligator management program that provides a sustained-yield harvest consistent with conservation of the species as a natural resource.

The amendments provide a definition, "accompany another person," to eliminate confusion concerning use of that phrase in regulatory provisions as required by Parks and Wildlife Code, Chapter 65; prohibit release of legal alligators by persons having a valid hide tag, discourage hunters from culling (hunters who attempt to find a larger alligator after catching a smaller alligator which when released may die and lead to mortality beyond the established harvest quota), eliminate special skinning patterns each year that had not produced enforcement advantages but had created awkward circumstances for field personnel during contacts with hunters who technically were violators when they possessed legal alligators that were accidentally skinned wrong; provide for timely procurement of hide tags by alligator farmers for alligators that have died unexpectedly; and establish specifically that nuisance control hunters may take alligators by means specified by designated Parks and Wildlife Department personnel, thereby providing necessary flexibility for effective and timely resolution of alligators that are nuisances.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 65, which provide the Texas Parks and Wildlife Commission with the authority to adopt regulations for the taking, possession, propagation, transportation, exportation, importation, sale, and offering for sale of alligators or parts of alligators as considered necessary to manage the species.

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 May 21, 1986

TRD-8604959

Boyd M. Johnson
General Counsel
Texas Parks and
Wildlife Department

Effective date: June 11, 1986
Proposal publication date: March 28, 1986
For further information, please call
(512) 479-4772.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services Chapter 47. Primary Home Care

★ 40 TAC §47.3905

The Texas Department of Human Services adopts new §47.3905, without changes to the proposed text published in the February 18, 1986, issue of the *Texas Register* (11 TexReg 898).

The new section is justified because it facilitates collection of outstanding audit exceptions from contractors whose contracts have terminated.

The new section allows the department to place vendor holds on payments to PHC providers when the provider fails to comply with the terms of the contract or when the provider or the department terminates the contract.

The vendor hold is released after resolving a close-out audit and other outstanding audit exceptions and/or after completely resolving any contract compliance issues.

One organization, the Visiting Nurse Association of Dallas, commented against the new section. This association strongly objects to the provision allowing the department to withhold vendor payments for failure to comply with the terms of the contract. The association contends that the section is too broad and vague and does not limit the reasons the department may withhold vendor payments.

The department does not intend for this section to be too broad and vague, but it is difficult to specify every reason a provider's vendor payment may be withheld. The department intends to place holds on vendor payments only on the evidence of significant contract irregularity or in the event of a contract termination.

The association also disagreed with automatically withholding vendor payments when a contract is terminated. The association contends that the section does not include the conditions that make an automatic hold necessary. Also, because of the length of time required to resolve audit exceptions, payments could be on hold for years.

This provision is similar to the department's existing rules for long-term care facilities. The basis of the section is to pro-

tect the department's ability to enforce payment of audit exceptions or other audits found due after a contract has expired. In an effort to avoid lengthy vendor payment holds, the department gives high priority to all close-out audits for terminated contracts; and accepts an irrevocable letter of credit in a format approved by the department. This letter allows the release of all or a part of vendor payments on hold.

The association stated that PHC providers, especially nonprofit providers, do not have capital reserves necessary to withstand withholdings for services that may have already been delivered. As stated earlier, the department accepts an irrevocable letter of credit.

The association believes that the unilateral imposition of this section to existing PHC contracts would represent an impairment of contract.

It is the department's position that this section does not represent an impairment to the contract because the current PHC contract states that vendor payments may be withheld because of an irregularity from any cause until the irregularity can be adjusted. After adoption of this section, an existing PHC contractor receives an amendment to the *Primary Home Care Handbook* which incorporates the vendor payment hold authority in contract termination cases.

The new section is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs of vendor payments on hold.

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 May 23, 1986

TRD-8605058

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: July 1, 1986
Proposal publication date: February 18, 1986
For further information, please call
(512) 450-3766.

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Part VI. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedures Special Services Operations

★ 40 TAC §181.41

The Texas Commission for the Deaf (TCD) adopts an amendment to §181.41, with changes to the proposed text published in the November 26, 1985, issue of the *Texas Register* (10 TexReg 4573).

The amendment ensures that §181.41 is consistent with a recent legislature amendment to the Texas Human Resources Code, §81.011. The amendment also clarifies a guideline for the state agencies, emergency response centers, and other entities to use telecommunication devices for the deaf units (TDD).

The amendment functions as the guideline to increase direct communication between deaf and hearing impaired consumers and state agencies, emergency response centers, and other entities and to show the responsibilities of such entities in regard to this program.

There was only one comment, that the commission removes TDDs placed in the state agencies under prior law that have not been utilized to communicate with a deaf or hearing impaired person in any six-month period after September 1, 1983, and reassign those TDDs to other state agencies or entities where the greatest number of deaf and hearing impaired persons will obtain maximum benefits by placement.

Ron P. Mansolo, program deputy director of Texas Commission for the Blind, did not state whether he was for or against the amendment but rather requested that any TDD unit currently placed with a Commission for the Blind office not be removed or relocated even if the daily logs indicate no use of TDD units. The new statutory requirement should give more time to state agencies to evaluate their field offices and ensure that all TDD units have been correctly listed in area telephone directories to encourage maximum usage. Although the percentage deaf, deaf-blind, and hearing impaired individuals on the caseloads of the state agencies may be relatively small in comparison to the total population they serve, and TDD usage may be infrequent at some field offices, it is essential to maintain this avenue of communication to ensure full access to agency services for these individuals in compliance with the Federal Rehabilitation Act of 1973, §502 and §504.

The commission is considering Mr. Mansolo's concerns and will present recommendations to the legislature for changing statutory requirements in 1987. However, the commission is not empowered to exempt the Commission for the Blind or any state agencies from the statutory requirement. Therefore, the commission is not providing any changes in wording that have been made.

The amendment is adopted under the Texas Human Resources Code, Chapter 81, §81.011, as amended, which authorizes the Texas Commission for the Deaf to promulgate rules of TDD program and to provide TDD units to state agencies, emergency response centers, and other entities.

§181.41. *Telecommunications Device for the Deaf (TDD) Program.*

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

(1) Contact person—Designated representative of the receiving agency, emergency response center, or entity.

(2) (No change.)

(3) Entity—Any agencies, organizations, or establishments other than state agencies and units of local government.

(4) Placement site—Office within the receiving agency or receiving emergency response center designated for initial placement of the TDD prior to September 1, 1983.

(5) Reassignment site—Office within the receiving agency, receiving emergency response center, or entity designated for reassignment of the TDD after September 1, 1983, in order to maximize its use.

(6) Receiving agency—State agency with whom the Texas Commission for the Deaf has placed a TDD or has agreed to reassign a TDD to maximize its use.

(7) Receiving emergency response center—An emergency center, such as a police station, fire station, or hospital with whom the Texas Commission for the Deaf has placed a TDD or has agreed to reassign a TDD to maximize its use.

(8) Receiving entity—An entity, such as an agency, organization, or establishment other than state agency and unit of local government with whom the TCD has agreed to reassign a TDD to maximize its use.

(9) TCD—Texas Commission for the Deaf.

(10) TDD—A generic term used in reference to telecommunication devices for the deaf and hearing-impaired, whereby telephone communication is made possible.

(b) Use of TDDs.

(1) The TCD will administer a program for the use of TDDs in selected state agencies and in emergency dispatch communication centers in selected units of local governments, including counties, municipalities, and other political subdivisions that administer emergency response systems. The program will cover the use of TDDs placed in selected state agencies and emergency response centers under prior law, but will not authorize further initial placements after September 1, 1985.

(2) The TCD will remove all TDDs placed in selected state agencies under prior law that have not been used to communicate with a deaf or hearing-impaired person in any six-month period after September 1, 1983. The TCD will reassign a TDD if it determines that reassignment is necessary to maximize its use. The TCD will determine appropriate placements for those TDDs removed from selected state agencies due to nonuse. The primary criteria for making these placements will be a determination of where the greatest number of deaf and hearing-impaired persons will receive maximum

benefits by the placement and will include placements in entities other than state agencies and units of local government.

(3) The TCD will notify, in writing, the commissioner or executive director, or head of each selected state agency of the intent to remove the TDDs from offices of the receiving agency.

(c) Placement or reassignments of TDDs.

(1) The Texas Commission for the Deaf will notify, in writing, the commissioner or executive director, or head of each selected state agency, receiving emergency response center, or entity of the intent and desire to coordinate the effort of placement or reassignment of the TDDs in offices of the receiving agency, receiving emergency response center, or receiving entity. The state agency, emergency response center, and entity will designate a contact person within their offices to coordinate with TCD. The Texas Commission for the Deaf will designate a time and place for meetings to discuss the placement or reassignment with the contact person of the receiving agency, emergency response center, or entity.

(2) The receiving agency, emergency response center, or entity will:

(A) select or designate a contact person to represent the agency, emergency response center, or entity who will:

(i) (No Change.)

(ii) provide information regarding the TDD program to appropriate personnel of the receiving agency, receiving emergency response center, or receiving entity;

(iii) recommend sites for placement or reassignment of the TDDs; and

(iv) inform TCD in writing of the recommended sites and number of the TDDs suggested to be placed or reassigned at each site.

(B) ensure cooperation of personnel during placement or reassignment training;

(C)-(D) (No change.)

(3) The Texas Commission for the Deaf will:

(A) reassign TDDs used in the program;

(B) be responsible for the repair, upkeep, and proper functioning of all TDDs listed on TCD inventory;

(C) meet with the designated contact person from the receiving agency, emergency response center, or entity to fully discuss the program, including information regarding numbers of TDDs available for placement or reassignment;

(D) assist the receiving agency, emergency response center, or entity in determining the areas of the state in which to place or reassign TDDs;

(E) notify each selected site of the date and time of placement or reassignment;

(F) train personnel at the placement or reassignment site in the proper use and care of the TDD;

(G) (No change.)

(H) publish a directory of agencies, emergency response centers, and entities participating in the TDD program, having phone numbers of placement or reassignment sites and services provided available for the user.

(4) A placed or reassigned TDD remains the sole property of the Texas Commission for the Deaf.

(d) Reporting system. The Texas Commission for the Deaf shall provide the receiving agency, emergency response center, or entity with forms and format for recording and reporting TDD calls on a monthly basis. These forms will be used to monitor utilization of each unit. If a placed, or reassigned unit in a certain location receives few TDD calls or is otherwise underutilized, TCD will decide whether to relocate the unit within the receiving agency, emergency response center, or entity or to remove the unit completely.

(e) Maintenance and repair. The receiving agency, emergency response center, or entity shall promptly notify TCD of any malfunctioning equipment and shall explain the malfunction. The Texas Commission for the Deaf will bear the responsibility for cost of repair to all TDD equipment used in the program. The commission has an inhouse repair shop and will provide loaner or replacement units to the agency, emergency response center, or entity if down-time is expected to be lengthy. The receiving agency, emergency response center, or entity will bear the responsibility for daily care in handling and safekeeping of the TDD and will furnish appropriate paper after the initial supply furnished by TCD has been exhausted.

(f) Postage and handling costs. The receiving agency, emergency response center, or entity will bear the responsibility for cost of postage and handling in the event shipment to TCD is required for repair or replacement. The Commission for the Deaf will bear the responsibility for returning the equipment and assume the cost of postage after repair.

(g) Publication of TDD phone numbers. The Texas Commission for the Deaf will publish the receiving agency, emergency response center, and entity phone numbers in a statewide TDD network directory. The directory will be updated at least annually. The Texas Commission for the Deaf will distribute to deaf and hearing-impaired persons and other interested individuals a listing of the receiving agency, emergency response center, and entity phone numbers.

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 May 21, 1986

TRD-8604984

Larry D Evans
Executive Director
Texas Commission for
the Deaf

Effective date: June 12, 1986
Proposal publication date: November 26, 1985
For further information, please call
(512) 469-9891.

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Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Texas Aeronautics Commission

Wednesday, June 4, 1986, 10 a.m. The Texas Aeronautics Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. Items on the agenda include a work session on budget matters; the aviation facilities development report; and the director's report.

Contact: Lydia Scarborough, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Filed: May 23, 1986, 8:40 a.m.
TRD-8605039

Wednesday, June 4, 1986, 11:30 p.m. The Texas Aeronautics Commission will meet in the Speciality Dining Room, Waller Creek, 500 IH 35 North, Austin. According to the agenda summary, the commission will have lunch. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the agenda schedules for 10 a.m., June 4, 1986.

Contact: Lydia Scarborough, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Filed: May 23, 1986, 8:41 a.m.
TRD-8605038

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Texas Department of Agriculture

Tuesday, June 3, 1986, 1 p.m. The Texas Department of Agriculture (TDA) will meet in Suite 301, 2800 Northeast Loop 410, San Antonio. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §103.001 by Chaparral Fruit Sales, Inc., as petitioned by Ruiz Produce Company.

Contact: Margo Wilton, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:09 p.m.
TRD-8605010

Tuesday, June 3, 1986, 2 p.m. The Texas Department of Agriculture will meet in Suite 301, 2800 Northeast Loop 410, San Antonio. According to the agenda, the department will review an alleged violation of Texas Agri-

culture Code §103.001 by W. W. Rodgers and Sons, Inc., as petitioned by Ruiz Produce Company.

Contact: Margo Wilton, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:10 p.m.
TRD-8605011

Tuesday, June 3, 1986, 3 p.m. The Texas Department of Agriculture will meet in Suite 301, 2800 Northeast Loop 410, San Antonio. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §103.001 by Chaparral Fruit Sales, Inc., as petitioned by Ruiz Produce Company.

Contact: Margo Wilton, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:10 p.m.
TRD-8605012

Thursday, June 5, 1986, 9 a.m. The Texas Department of Agriculture will meet on the Ninth Floor, 1700 North Congress Avenue, Austin. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §76.116(a)(1)(a) by Fla Strawn, Lynn Stout, and S&S Fertilizer, holders of a commercial applicator license.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:08 p.m.
TRD-8605001

Thursday, June 5, 1986, 1:30 p.m. The Texas Department of Agriculture will meet on the Ninth Floor, 1700 North Congress Avenue, Austin. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §76.116(a)(1) by Lynn Stout, holder of a commercial applicator license.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:08 p.m.
TRD-8605002

Thursday, June 5, 1986, 3 p.m. The Texas Department of Agriculture will meet on the Ninth Floor, 1700 North Congress Avenue,

Austin. According to the agenda, the board will review an alleged violation of the Texas Agriculture Code by Fla Strawn, Lynn Stout, and S & S Fertilizer, holder of a commercial applicator license.

Contact: Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 23, 1986, 2:55 p.m.
TRD-8605107

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Friday, June 6, 1986, 9 a.m. The Texas Department of Agriculture will meet on the Ninth Floor, 1700 North Congress Avenue, Austin. According to the agenda, the department will review an alleged violation of Texas Agriculture Code by Don Simpson, doing business as Brazos Flying Service, holder of a commercial applicator license.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:08 p.m.
TRD 8605003

Friday, June 6, 1986, 11 a.m. The Texas Department of Agriculture will meet on the Ninth Floor, 1700 North Congress Avenue, Austin. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §76.116(a)(1) by Jim Prator, doing business as Cen-Tex Spraying, holder of a commercial applicator license.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:08 p.m.
TRD-8605004

Monday, June 9, 1986, 10:30 a.m. The Texas Department of Agriculture will meet at the TDA District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §103.001 by South Texas Citrus Association, as petitioned by Shields Farms, Inc.

Contact: Margo Wilton, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:09 p.m.
TRD-8605009

Friday, June 6, 1986, 2:30 p.m. The Texas Department of Agriculture will meet on the Ninth Floor, 1700 North Congress Avenue, Austin. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §76.116 (a)(2) by Edmond E. Sury, holder of a private applicator license.

Contact: Deborah E. Brown, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:08 p.m.
TRD-8605005

Tuesday, June 10, 1986, 9 a.m. The Texas Department of Agriculture will meet at the TDS District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §103.001 by Chino's Produce Company, Inc., as petitioned by Black and White Vegetable Company, Inc.

Contact: Margo Wilton, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:09 p.m.
TRD-8605006

Tuesday, June 10, 1986, 9:30 a.m. The Texas Department of Agriculture will meet at the TDA District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §103.001, by Chino's Produce Company, Inc., as petitioned by Gerald E. Mann Produce

Contact: Margo Wilton, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:09 p.m.
TRD-8605007

Tuesday, June 10, 1986, 10 a.m. The Texas Department of Agriculture will meet at the TDA District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §103.001, by Chino's Produce Company, Inc., as petitioned by Plantation Produce Company

Contact: Margo Wilton, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:09 p.m.
TRD-8605008

Friday, July 11, 1986, 11 a.m. The Texas Department of Agriculture will meet at the TDA District Office, 2935 Westhollow Drive, Houston. According to the agenda, the department will review an alleged violation of Texas Agriculture Code §103.001 by Frankie Luprete Produce, as petitioned by Kalil Fruit and Vegetable Company, Inc.

Contact: Margo Wilton, P.O. Box 12847, Austin, Texas 78711 (512) 463-7583.

Filed: May 22, 1986, 2:10 p.m.
TRD-8605013

Anatomical Board of the State of Texas

Friday, June 13, 1986, 10:30 a.m. The Anatomical Board of the State of Texas will meet in the Caduceus Room, 652 Administration Building, University of Texas Medical Branch, Galveston. Items on the agenda include approval of minutes; report of the secretary/treasurer; review of cadaver procurement and use (1984-1985); interim cadaver procurement and use (1985-1986); report of the legislative progress and vote on the proposed amendments, appeals, and new rules; election of the vice chairman; invitation for the 1987 meeting; and conclusion of unfinished business.

Contact: Andrew F. Payer, Department of Anatomy, University of Texas Medical Branch, Galveston, Texas 77550, (713) 765-1146.

Filed: May 22, 1986, 10:41 a.m.
TRD-8604988

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Texas Commission on the Arts

Tuesday, June 10, 1986, 9:30 a.m. The Texas Commission on the Arts will meet in the Auditorium, United Bank Tower, 15th and Guadalupe Streets, Austin. According to the agenda summary, the commission will introduce guests; consider the consent agenda; items for individual consideration; and discuss informational items. The commission also will meet in executive session pursuant to Texas Civil Statutes, Article 6252m (s)(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, if necessary.

Contact: A Patrice Walker, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: May 23, 1986, 1:14 p.m.
TRD-8605090

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Texas Economic Development Commission

Friday, May 30, 1986, 7:30 a.m. and 9 a.m. The Board of the Texas Economic Development Commission will meet in Reunion Ballroom G, Hyatt Regency Hotel, 300 Reunion Boulevard, Dallas. According to the agenda summary, the board will consider opening remarks, introduction of commissioners and staff; a briefing on a Dallas metropolitan area; a briefing on the special section on Texas to be included in Forbes Magazine; the executive director's report, quarterly department reports; a briefing on TEXCEL; prior minutes; financial statements; a briefing and action on the marketing proposal; waivers or changes to the Texas Small In-

dustrial Development Corporation rules guideline and bond procedures; the policy statement for treatment of early and late payments to the rural loan fund; the unit resolution for the TSBIDC project (R&R Properties); and possible action on the Naples Industrial Foundation loan application.

Contact: Alexa Richter, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: May 22, 1986, 4:47 p.m.
TRD-8605037

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Texas Education Agency

The Examination for the Certification of Educators in Texas Advisory Committee of the Texas Education Agency (TEA) will meet at the Wyndham Hotel, 4140 Governor's Road, IH 35 at Ben White Boulevard, Austin. The committee will discuss items to be tested on the initial teacher certification tests to be administered in May 1987 and thereafter. Tests are being developed under a contract between National Evaluation Systems, Amherst, Massachusetts and the TEA. Objective selection and item specification review will be held in executive session in accordance with Attorney General Opinions H-484 (1974) and H-780 (1976). Days, times, and agendas follow.

Monday, June 9, 1986, 8 a.m. The committee will discuss the test items to be developed for the following certification tests: Spanish, Severely and Profoundly Handicapped, Dance, and Journalism.

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 22, 1986, 3:53 p.m.
TRD-8605032

Monday and Tuesday, June 9 and 10, 1986, 8 a.m. and 9 a.m. respectively. The committee will discuss the test items to be developed for the following certification tests: Business, Educational Diagnostician, Reading Specialist, Supervisor, and Mid-Management Administrator

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525

Filed: May 22, 1986, 3:54 p.m.
TRD-8605030

Tuesday, June 10, 1986, 8 a.m. The committee will discuss the test items to be developed for the following certification tests: French, Hearing Impaired, Speech Communications, and Theatre Arts.

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 22, 1986, 3:53 p.m.
TRD-8605031

Wednesday, June 11, 1986, 8 a.m. The committee will discuss the test items to be developed for the following certification tests: German, Emotionally Disturbed and Autistic, All-level Speech Communications and Theatre Arts, Learning Resources, and Reading.

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 22, 1986, 3:54 p.m.
TRD-8605029

Wednesday and Thursday, June 11 and 12, 1986, 8 a.m. and 9 a.m. respectively. The committee will discuss the test items to be developed for the following certification tests: Distributive Education, Counselor, Speech and Language Therapy, and Superintendent.

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 22, 1986, 3:54 p.m.
TRD 8605027

Thursday, June 12, 1986, 8 a.m. The committee will discuss the test items to be developed for the following certification tests: Latin, Visually Impaired, Computer Information Systems, Sociology, and Psychology.

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 22, 1986, 3:54 p.m.
TRD-8605028

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Texas Employment Commission

Tuesday, May 27, 1986, 8 a.m. The Texas Employment Commission (TEC) made an emergency addition to the agenda for the meeting held in Room 644, TEC Building, 101 East 15th Street, Austin. The addition concerned consideration of emergency roof repairs and other improvements to the TEC owned El Paso building. The emergency status was necessary because of the threat to the safety of the public and employees, and to business records.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: May 22, 1986, 11:14 a.m.
TRD-8604992

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Tuesday, June 3, 1986, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes; internal procedures of com-

mission appeals; higher level appeals in unemployment compensation cases on Commission Docket 22; and set the date of the next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: May 23, 1986, 1:39 p.m.
TRD-8605092

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Office of the Firemen's Pension Commission

Thursday, May 29, 1986, 10 a.m. The Administrative Division of the Office of the Firemen's Pension Commission met in emergency session in Suite 235, 3910 IH 35 South, Austin. According to the agenda, the board of trustees for the Senate Bill 411 Pension System as prescribed by Texas Civil Statutes, Article 6242e.3, discussed the pension plan. The emergency status was necessary because of the convention of the State Fire Marshalls Association.

Contact: Hal H. Hood, Suite 235, 3910 IH 35 South, Austin, Texas 78704, (512) 462-0222.

Filed: May 22, 1986, 10:58 a.m.
TRD-8604989

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Texas Department of Health

Saturday, May 31, 1986. Committees of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Austin. Times, rooms, committees, and agendas follow.

8 a.m. In Room G-108, the Legislative Committee will approve the minutes of April 12, 1986; approve the draft legislation on the Solid Waste Siting Act, Indoor Air Quality Act, the county regulation of certain services, life safety code long-term care facilities, matching births and deaths to age 55, respiratory care practitioners, and hospital licensing fees for construction plan reviews and surveys; the proposal for drafting legislation on the Law Midwifery Act, pharmacies in regional clinics, and penalties for abuse and neglect of residents in long-term care facilities.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: May 23, 1986, 4:16 p.m.
TRD-8605125

8 a.m. In Room T-709, the Alternate Care Committee will consider proposed new rules concerning licensure of home health agencies, licensure of speech pathologists and audiologists, licensure of respiratory therapists, and general anesthesia in licensed abortion facilities; and the adoption of final rules concerning licensure of dietitians.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: May 23, 1986, 4:18 p.m.
TRD-8605119

9 a.m. The Strategic Planning Committee will consider a presentation and discussion of the internal assessment of the agency.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:17 p.m.
TRD-8605122

9:30 a.m. In Room T-507, the Nursing Homes Committee will discuss the adoption of final rules concerning administrative penalties in nursing homes.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:17 p.m.
TRD-8605121

10 a.m. In Room T-604, the Environmental Health Committee will consider the environmental health update; the proposed repeal of existing bedding rules and proposed new bedding rules; the adoption of final rules concerning shellfish rules and regulations; the proposed rule amendments concerning fees for food manufacturers in Texas; and the petition to amend rules concerning the sale of raw milk.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:10 p.m.
TRD-8605132

Noon. In Room G-107, the Budget Committee will discuss the allocation of preventive health and health services and Maternal and Child Health Services Block Grant funds for fiscal year 1987 and the legislative appropriation request for the 1988-1989 biennium.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:18 p.m.
TRD-8605120

1:30 p.m. In Room T-610, the Texas Board of Health will approve the minutes of the last meeting; approve the commendatory resolution to the Department of Public Safety of the Dallas/Fort Worth International Airport relating to the air disaster on August 2, 1985; the adoption of final, new, amendments, proposed; and announcements and comments. The board also will meet in executive session.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:17 p.m.
TRD-8605123

Sunday, June 1, 1986, 7 a.m. The Public Relations Committee of the Texas Board of Health of the Texas Department of Health will meet in the Embassy Suites Atrium, 5901

11135 North, Austin. According to the agenda, the committee will discuss the committee's mission statement and workplan.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:11 p.m.
TRD-8605131

Sunday, June 1, 1986. Committees of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Austin. Times, rooms, committees, and agendas follow

7:30 a.m. In Room G-107, the Crippled Children's Services will discuss the final rules concerning the Crippled Children's Services Program, the application of Southwest Texas Methodist Hospital to serve as a Crippled Children's Services Pediatric Cardiology Diagnostic and Treatment Center; the by-laws for the Cardiovascular Advisory Committee of the Crippled Children's Services Program; and the procedures for approval of the hospitals utilized by the Crippled Children's Services Program.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:12 p.m.
TRD-8605130

8:30 a.m. In Room T-604, the Personnel Committee will discuss appointments to the Advisory Committee on Nursing Home Affairs, and the appointments to the Texas Emergency Medical Services Advisory Council.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:15 p.m.
TRD-8605127

8:30 a.m. In Room T-507, the Emergency and Disaster Committee will establish the goals and objectives of the committee.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:16 p.m.
TRD-8605126

9:30 a.m. In Room T-610, the Texas Board of Health will consider the commissioner's report; the aging to the Texas Department of Health Region 6 National Senior Dental Program Award; the smoking policies in hospitals; the sale of raw milk; adoption of final, proposed, and emergency rules; the application of Southwest Texas Methodist Hospital to serve as a Crippled Children's Services Pediatric Cardiology Diagnostic and Treatment Center; the by-laws for the Cardiovascular Advisory Committee of the Crippled Children's Services Program; the report from the Budget, Personnel, Environmental Health, Legislative, Public Relations,

Emergency and Disaster, Alternate Care, Crippled Children's Services, and Nursing Homes Committees; and set the next meeting date.

Contact: Gina Shaw, 1100 West 49th Street, Austin, Texas 78756 (512) 458-7484.

Filed: May 23, 1986, 4:16 p.m.
TRD-8605124

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Texas Commission on Human Rights

Saturday, May 31, 1986, 8:30 a.m. The Texas Commission on Human Rights will meet in the Caucus Room, Austin Airport Hilton Hotel, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the commission will approve the minutes; consider administrative reports; discuss revised 1986 budget projections; consider personnel matters; discuss preparation of the 1988-1989 biennium budget; hear subcommittee reports; consider the Gramm-Rudman-Hollings contract modification; consider the EEOC/TCHR contract management; discuss EEO compliance training; consider the status of the current training program; discuss negotiations with the Texas Association for Business; review of the EEO conference; hear a report on the governor's emergency funds; consider sponsorship of the 1987 IAOHEA annual conference; discuss the executive director's appointment to the Advisory Committee for Texas A&M University; consider commissioner issues; and unfinished business.

Contact: William M. Hale, Suite B, 7215 Cameron Road, Austin, Texas 78752, (512) 459-0944.

Filed: May 22, 1986, 4:30 p.m.
TRD-8605040

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State Board of Insurance

Thursday, May 22, 1986, 2 p.m. The State Board of Insurance met in emergency session in Room 414, State Insurance Building, 1110 San Jacinto Street Austin. According to the agenda, the board considered the fiscal year 1988-1989 budget requests including MW35; and adjustments for fiscal year 1986-1987. The emergency status was necessary because decisions needed to be made in order to proceed with the development of the budget document.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: May 22, 1986, 10:25 a.m.
TRD-8604986

The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

Monday, June 2, 1986, 9 a.m. The section will consider Docket 9245—whether Allied Fidelity Insurance Company, Carmel, Indiana, has complied with Commissioner's Order 86-0256, dated April 3, 1986.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: May 22, 1986, 4:30 p.m.
TRD-8605033

Monday, June 2, 1986, 1:30 p.m. The section will consider Docket 9246—whether Texas Fire and Casualty Company, Dallas, has complied with Commissioner's Order 86-0257, dated April 3, 1986

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: May 22, 1986, 4:30 p.m.
TRD-8605034

Tuesday, June 3, 1986, 1:30 p.m. The section will reopen a public hearing to consider Docket 9080—whether disciplinary action should be taken against Kyle Moye Sterling, Beaumont, who holds a Group I, Combination or Industrial Agent's license and solicitor for a local recording agent's license issued by the State Board of Insurance.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: May 23, 1986, 1:08 p.m.
TRD-8605098

Wednesday, June 4, 1986, 9 a.m. The section will consider Docket 9273—the matter of Commercial State Life Insurance Company's Policy Forms HCP-1, *et al.*

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: May 23, 1986, 1:14 p.m.
TRD-8605097

Thursday, June 5, 1986, 10 a.m. The section will consider Docket 9274—application of Reserve Life Insurance Company, Dallas, to acquire control of ISL Life Insurance Company, Dallas.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498

Filed: May 23, 1986, 1:14 p.m.
TRD-8605100

Friday, June 6, 1986, 9 a.m. The section will consider Docket 9278—application of Mann Group Investment Company, Waco, to acquire control of United Western Life Insurance Company, Dallas.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: May 23, 1986, 1:14 p.m.
TRD-8605096

Monday, June 9, 1986, 9 a.m. The section will consider Docket 9275—application of CDS Insurance Holding Company, Inc., Fort Worth, to acquire control of Ensign Life Insurance Company, Dallas.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: May 23, 1986, 1:14 p.m.
TRD-8605099

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Texas Department of Labor and Standards

Monday, June 2, 1986, 1:30 p.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider license and registration; and suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 23, 1986, 12:42 p.m.
TRD-8605087

Tuesday, June 3, 1986, 9 a.m. The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Licensing will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider license and registration; and suspension and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 23, 1986, 12:43 p.m.
TRD-8605086

Committees of the Texas Department of Labor and Standards will meet in Room 105, John H. Reagan Building, 105 West 15th Street, Austin. Days, times, committees, and agendas follow.

Wednesday, June 4, 1986, 9 a.m. The Labor, Licensing, and Enforcement Division will discuss public comments on rules submitted for adoption by the Department for Vehicle Storage Facilities.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 22, 1986, 2:39 p.m.
TRD-8605014

Wednesday, June 4, 1986, 11 a.m. The Vehicle Storage Facility Advisory Committee will discuss licensing activities; the legal update; rule changes; public comments; and select the location of the next meeting. The meeting was rescheduled from June 4, 1986, 3 p.m.

Contact: Monica G. Simien, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 23, 1986, 12:44 p.m.
TRD-8605089

Wednesday, June 4, 1986, 1 p.m. The Labor, Licensing, and Enforcement Division will discuss public comments on rules submitted for adoption by the Department for Professional Boxing.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 22, 1986, 2:39 p.m.
TRD-8605016

Wednesday, June 4, 1986, 1 p.m. The Boxing Advisory Board will consider opening remarks; old business including changes to boxing rules (Texas Championship Rules §61.6); the June 4, 1986, public hearing; boxer/promoter show contracts; kickboxing rules; new business including the rules meeting on July 11, 1986; the report from the Association of Boxing Commissioners meeting; and closing remarks.

Contact: Monica G. Simien, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 22, 1986, 2:39 p.m.
TRD-8605017

Wednesday, June 4, 1986, 3 p.m. The Vehicle Storage Facility Advisory Committee will consider opening remarks; licensing activities; the legal update; rule changes; public comments; and select the location of the next meeting.

Contact: Monica G. Simien, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 22, 1986, 2:39 p.m.
TRD-8605015

Thursday, June 5, 1986, 9 a.m. The Manufactured Housing Division made a revision to the agenda concerning consideration of public comments on whether any and all aluminum wiring will be banned from use in industrialized housing and building inspection official Max Garza, pursuant to Texas Civil Statutes, Article 5221f.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 23, 1986, 12:43 p.m.
TRD-8605088

Thursday, June 5, 1986, 1:30 p.m. The Texas Industrialized Building Code Council will review minutes of the last meeting; consider old business including red lining rules for drawing; the proposed seal for portable building; new business including the department update; adoption of the 1986 supplement to UBC; and public comments.

Contact: Jimmy Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7352.

Filed: May 22, 1986, 11:21 a.m.
TRD-8604993

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Texas State Board of Medical Examiners

Sunday, June 8, 1986. Committees of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta Street, Austin. Times, committees, and agendas follow.

8:30 a.m. The Reciprocity Committee will discuss §163.3(b)(1)(A)-(D) and §163.9(h); review applicants; and fee schedules and examination costs. The committee also may meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Attorney General Opinion H-484 (1974).

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711 (512) 452-1078.

Filed: May 23, 1986, 2:02 p.m.
TRD-8605105

4:30 p.m. The Examination Committee will review the fee schedules and the cost of the examination, and applicants. The committee also will meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion H-484 (1974).

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711 (512) 452-1078.

Filed: May 23, 1986, 2:02 p.m.
TRD-8605104

4:30 p.m. The District Review Committee will discuss appointments; review activities; and discuss possible additional activities. The committee also will meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion H-484 (1974).

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711 (512) 452-1078.

Filed: May 23, 1986, 2:02 p.m.
TRD-8605103

7:30 p.m. The Standing Orders Committee will review comments to the proposed P.A. rule changes; Attorney General Opinion JM-454; and possible actions. The committee also will meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion H-484 (1974).

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711 (512) 452-1078.

Filed: May 23, 1986, 2 p.m.
TRD-8605101

7:30 p.m. The Legislative Committee will discuss the rule for retired physicians; legislation on: physicians supplying drugs; election of officers; charging for certain applications; appointments to the district review committees; the Fifth Pathway; and administrative sanction reporting. The committee also will meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion H-484 (1974).

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711 (512) 452-1078.

Filed: May 23, 1986, 2 p.m.
TRD-8605102

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State Board of Morticians

Tuesday-Thursday, June 3-5, 1986, 8:30 a.m. daily. The State Board of Morticians will meet in Conference Room B, Building, B, 8100 Cameron Road, Austin. According to the agenda summary, on June 3, the board will consider applicants to request reciprocal licenses; reinstatement of apprenticeships; permission to write the examination; permission to register as an apprentice and waiver apprenticeship; the accounting consultant's discussion of the budget; apprentice files; reciprocal interviews and recommendations and dates for the practical examination; committee and investigators reports; complaints; and action of licensees. On June 4, the board will conduct formal hearings on action of licensees; and any items not discussed on June 3, 1986. On June 5, the board will review applicants; elect officers; and discuss any items not considered on June 3 and 4, 1986. The board also will meet in executive session to interview applicants for the executive secretary position.

Contact: John W. Shocklee, Suite 550, Building B, 8100 Cameron Road, Austin, Texas 78753, (512) 834-9992.

Filed: May 23, 1986, 4:04 p.m.
TRD-8605113

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Pan American University

Tuesday, June 3, 1986. Committees of the Board of Regents will meet in the boardroom, Administration Building, Pan American University, Edinburg. Times, committees, and agendas follow.

9:30 a.m. The Buildings and Grounds Committee will consider repair and rehabilitation of the roof; repair bids; major repair and rehabilitation for Southwick Hall; and informational items.

Contact: Dr. Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: May 22, 1986, 1:46 p.m.
TRD-8604999

10 a.m. The Finance Committee will consider budget changes; the budget for the Higher Education Assistance Fund; tuition revenue bonds; the D. M. Premier contract renewal; and informational items.

Contact: Dr. Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: May 22, 1986, 1:46 p.m.
TRD-8604998

10:15 a.m. The Development Committee will consider gifts and donations for the Houston Endowment; and informational items.

Contact: Dr. Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: May 22, 1986, 1:47 p.m.
TRD-8604997

10:30 a.m. The Academic Affairs Committee will consider short course guidelines; faculty senate constitution amendments; summer school employment policy; the special admission category for non-degree students policy; and informational items. The committee also will meet in executive session to discuss employment of faculty (new hires); requests for leaves of absence; faculty tenure awards; the emeritus faculty recommendation; faculty promotion awards and appeals; the appointment for Dean of the School of Education; and the appointment for Dean of Academic Affairs, PAU-B.

Contact: Dr. Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: May 22, 1986, 1:47 p.m.
TRD-8604996

10:45 a.m. The Board of Regents will consider reports from the Buildings and Grounds Committee; the Finance Committee; the Development Committee; the Academic Affairs Committee; the Committee of the Whole; executive session matters; the president's informational items; and the date of the next meeting.

Contact: Dr. Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: May 22, 1986, 1:47 p.m.
TRD-8604995

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Board of Pardons and Paroles

Monday-Friday, June 2-6, 1986, 1:30 p.m. daily, except 11 a.m. Friday. A Board Panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/in-

mates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: May 23, 1986, 10:38 a.m.
TRD-8605066

Tuesday, June 3, 1986, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than Out of Country Conditional Pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-3152.

Filed: May 23, 1986, 10:38 a.m.
TRD-8605067

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Texas Public Building Authority

Wednesday, May 28, 1986, 10 a.m. The Texas Public Building Authority met in emergency session in Room 107, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the authority will approve minutes from the March 6 and 12, 1986, board meetings; review a report on the budget; the letter to the governor regarding the Energy Efficiency Projects; a contract for Bond Counsel with McCall, Parkhurst & Horton; the invoice from Reynolds, Allen, & Cook; the update on the status of the refunding of Series 1985A Bonds; the presentation of the cost/benefit model developed by Arthur Andersen & Company; the research project in association with State Purchasing and the Texas Research League; and set the time and place for the next meeting. The emergency status was necessary because of the necessity of approving a prototype of an economic cost/benefit model needed prior to the first budget submission.

Contact: Gayle Colby, Room 907, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: May 23, 1986, 10:30 a.m.
TRD-8605065

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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.

Wednesday, May 28, 1986, 9 a.m. The division made an emergency addition to the agenda concerning Docket 6032—petition of Central Power and Light Company for an amendment to the monthly interim fuel factor. The emergency status was necessary because it was necessary to hear the appeal of the procedures set out before those procedures go into effect.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 23, 1986, 2:48 p.m.
TRD-8605106

Monday, July 14, 1986 10 a.m. The division will consider Docket 6889—complaint of Sharon Lindsey against Farmers Electric Cooperative, Inc.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 23, 1986, 2:48 p.m.
TRD-8605108

Monday, September 15, 1986, 10 a.m. The division will consider Docket 6415—petition of Contel Cellular of El Paso, Inc. for an order barring Southwestern Bell Telephone Company from imposing charges for reservation and use of NXX Codes.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 23, 1986, 9:15 a.m.
TRD-8605070

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Railroad Commission of Texas

Monday, June 2, 1986, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: May 23, 1986, 10:49 a.m.
TRD-8605071

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: May 23, 1986, 10:54 a.m.
TRD-8605079

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: May 23, 1986, 10:52 a.m.
TRD-8605074

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Aurtin, Texas 78711, (512) 463-7003.

Filed: May 23, 1986, 10:53 a.m.
TRD-8605078

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: May 23, 1986, 10:55 a.m.
TRD-8605082

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: May 23, 1986, 10:54 a.m.
TRD-8605080

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6922.

Filed: May 23, 1986, 10:56 a.m.
TRD-8605084

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: May 23, 1986, 10:54 a.m.
TRD-8605085

Consideration of All American Pipeline Company for a pipeline permit across various counties in Texas.

Contact: Susan Cory, P.O. Box 12967, Austin, Texas 78711, (512) 463-6922.

Filed: May 23, 1986, 10:55 a.m.
TRD-8605083

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: May 23, 1986, 10:49 a.m.
TRD-8605073

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: May 23, 1986, 10:55 a.m.
TRD-8605081

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

Filed: May 23, 1986, 10:52 a.m.
TRD-8605075

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters, and consideration of the acceptance of the incremental bond amount for the South Hallsville Mine of the Sabine Mining Company under Permit 13.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

Filed: May 23, 1986, 10:49 a.m.
TRD-8605072

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: May 23, 1986, 10:53 a.m.
TRD-8605076

Addition to the previous agenda:

Consideration of Docket 027479ZZT—application of Common Carrier Motor Freight Association and Docket 027557ZZT—application of Texas Motor Express association to establish rates on shipments weighing 201-500 pounds.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7315.

Filed: May 23, 1986, 10:53 a.m.
TRD-8605077

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Texas Real Estate Research Center

Tuesday, June 17, 1986, 9:30 a.m. The Advisory Committee of the Texas Real Estate Research Center will meet at the El Paso Civic Center, El Paso. According to the agenda, the committee will consider opening remarks; approve the minutes; review the progress reports; consider the current budget report; discuss the date of the next meeting; and other business.

Contact: Richard L. Floyd, Texas Real Estate Research Center, Texas A&M University, College Station, Texas 77843, (409) 845-9691.

Filed: May 27, 1986, 9:04 a.m.
TRD-8605140

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Texas Savings and Loan Department

Monday, June 2, 1986, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will determine whether to grant or deny the application of San Jacinto Savings Association, Beaumont, Jefferson County, to relocate a branch office from 11834 Wilcrest Drive, Houston, Harris County, to 14015 Southwest Freeway, Suite 1, Sugarland, Fort Bend County.

Contact: Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: May 23, 1986, 4:40 p.m.
TRD-8605128

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Secretary of State

Monday, June 9, 1986, 10 a.m. The Office of the Secretary of State will meet in Room 127, State Capitol Building, Austin. According to the agenda, the office will determine by a public drawing, the ballot positions for the three proposed constitutional amendments that will appear on the November 4, 1986, general election ballot, in accordance with Texas Civil Statutes, Election Code, §274.002(b).

Contact: Kim Tolar Sutton, Room 917, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-5650.

Filed: May 22, 1986, 11:13 a.m.
TRD-8604991

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State Securities Board

Tuesday, June 10, 1986, 10 a.m. The Securities Commission of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda, the commissioner will conduct a hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by Agents Premium Finance Company, Inc., offered for sale and sold by Joseph Wilson Hawley, Jr.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: May 23, 1986, 1:28 p.m.
TRD-8605091

Texas Sesquicentennial Commission

Tuesday, June 3, 1986, 10 a.m. The Executive Committee of the Texas Sesquicentennial Commission will meet in the Commission for the Deaf Conference Room, 510 South Congress Avenue, Austin. According to the agenda, the committee will approve the minutes; consider applications for sanction for communities/counties and associations; the director's report; and other business. The committee also may meet in executive session, if needed.

Contact: Patrick Terry, P.O. Box 1986, Austin, Texas 78767, (512) 463-1986.

Filed: May 22, 1986, 12:43 p.m.
TRD-8604994

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School Land Board

Tuesday, June 3, 1986, 10 a.m. The School Land Board will meet in Rooms 118 and 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous board meeting; open the bids received for the land sale; consider the application by Mary Northcutt to patent 80 acres, Red River County, under Texas Constitution, Article VII, §4A; pooling applications; pooling agreement amendments; rules for special lease sales; and final approval of land trade, Hudspeth County.

Contact: Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: May 23, 1986, 3:31 p.m.
TRD-8605116

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Texas A&M University System

Tuesday, May 27, 1986, 8:30 a.m. The Board of Regents of the Texas A&M University System met at the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board discussed construction matters for the Texas A&M University System; emeritus titles; resolutions; establishment of the Outreach Division of Tex Eng Exp Station; transfer of funds; establishment of the Geodynamics Research Institute; establishment, increase, and collection of fees; appointment of a system counselor for the Texas A&M Research Foundation; employment beyond age 70; appointments and promotions; termination; budget and fiscal changes and personnel actions; academic tenure; gifts, grants, loans, and bequests; appropriations from PUF bond proceeds and AUF; the adoption of the revised five-year plan; the refunding of housing system bonds; combined fee revenue bonds; utility system bonds; student apartment bonds at Texas A&M; Prairie View and

Tarleton; junior lien bonds; the issuance of new bonds for the System and combined fee bonds at Texas A&M; pipeline easement; the naming of facilities and roads; litigation; land and investment matters; personnel matters; policy guidelines for 1988-1989 legislature budget requests; approval of budgets; and conveyance of land.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: May 22, 1986, 10:40 a.m.
TRD-8604990

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Tuesday, May 27, 1986, 8:30 a.m. The Board of Regents of the Texas A&M University System made an emergency addition to the agenda for the meeting held at the MSC Annex, Texas A&M University, College Station. The addition concerned consideration of the new mission (role and scope) statement for the College of Medicine, Texas A&M University. The emergency status was necessary in order to meet the deadline imposed by the coordinating board.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: May 23, 1986, 3:46 p.m.
TRD-8605117

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Board for Lease of University Lands

Thursday, June 5, 1986, 9:45 a.m. The Board for Lease of University Lands will meet at the Balcones Research Center Commons Building Lobby, 10100 Burnet Road, Austin. According to the agenda, the board will approve the minutes of the May 12, 1986, meeting; discuss the adoption of amendments to rules and regulations concerning organization of the board; the special lease sale for Reagan and Callahan Counties; the report on the legal status of University Leases 67251 and 67252, Winkler County.

Contact: Maxine R. Dean, 210 West Sixth Street, Austin, Texas 78702, (512) 499-4290.

Filed: May 22, 1986, 4:02 p.m.
TRD-8605019

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Texas Water Commission

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Wednesday, May 28, 1986, 11 a.m. In Room 118 the commission met in emergency session to consider a motion for an emergency order allowing Old River Water Supply Corporation to operate the system and recoup expenses, Chambers County. The emergency status was necessary in order to consider the request at the same time the commission will be consider whether to affirm, modify, or set aside an emergency order issued on April 30, 1986

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 23, 1986, 4:52 p.m.
TRD 8605134

Tuesday, June 3, 1986, 2 p.m. In Room 118, the commission will discuss water district bond issues; use of surplus funds; the change order; water rate matters; proposed water quality permits; amendments and renewals; consideration of a complaint; and a matter regarding representation by the Attorney General.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 22, 1986, 4:27 p.m.
TRD-8605041

Tuesday, June 3, 1986, 2 p.m. The commission made a revision to the agenda for the meeting to be held in Room 118. The revision concerns consideration of motions for rehearing for Certificate of Adjudication 23-535 of Harold Rhodes, et. al.; Certificate of Adjudication 230626 of Sinfioriana G. Doyno, Pauline S. Doyno, and Mary Elizabeth Doyno; and Certificate of Adjudication 23-111 of Herbert M. Williams, et. al.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 23, 1986, 5:04 p.m.
TRD-8605137

Monday, June 9, 1986, 9 a.m. In Room 119, the Office of Hearings Examiners will consider the noncompliance report and petition of the executive director requesting assessment of administrative penalties and requirement of certain action of Texaco Refining and Marketing, Inc.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 23, 1986, 4:53 p.m.
TRD-8605133

Wednesday, June 11, 1986, 11 a.m. In Room 118, the commission will consider an application by Glenn Peters for Proposed Water Quality Permit 13174-01 to authorize discharge of average flow of 9,000 gallons per day of treated domestic wastewater effluent from proposed Pine Prairie Mobile Home Park Wastewater Treatment Plant, Trinity River Basin, Walker County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 22, 1986, 4:27 p.m.
TRD-8605050

Wednesday, June 11, 1986, 2 p.m. In Room 118, the commission will consider the motion of the executive director of the Texas Water Commission that Bert E. McCarty be required to remove or modify an unpermitted dam located on an unnamed tributary of Dry Creek near Bridgeport, Wise County, Application 1592 of E. G. and Maggie Goff for §11 121 permit to use for irrigation purposes in Wharton County; application by Terry Moore Properties, Inc. for Proposed Water Quality Permit 13244-01 to authorize a discharge of treated domestic wastewater effluent from proposed Brushy Creek Crossing Municipal Utility District treatment facility in Hays County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 22, 1986, 4:27 p.m.
TRD-8605049

Wednesday, June 18, 1986, 10 a.m. In Room 118, the commission will consider the application by Dean Thomas for Proposed Water Quality Permit 13110-01 to authorize the discharge of 100,000 gallons per day of treated domestic sewage into the San Jacinto-Brazos Coastal Basin, Brazoria County

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 22, 1986, 4:28 p.m.
TRD-8605048

Wednesday, June 18, 1986, 2 p.m. In Room 118, the commission will consider the application by Aransas County Municipal Utility District 1 for an amendment to Permit 11624-01, San Antonio-Nueces Coastal Basin, Aransas County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 22, 1986, 4:28 p.m.
TRD-8605046

Tuesday, June 24, 1986, 9 a.m. In Room 215, the Office of Hearings Examiners of the Texas Water Commission will consider business with Curtis K. Harshaw and Charles J. Wilson, doing business as Irving View Partners.

Contact: Robert Caine, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 22, 1986, 4:29 p.m.
TRD-8605053

Thursday, June 26, 1986, 10 a.m. In Room 618, the Office of Hearings Examiners will consider a Notice of Hearing on Petition for the designation of an underground water management area in the Carrizo-Wilcox Sands in Bastrop County, containing 570,240 acres of land.

Contact: Marcella Seller, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 23, 1986, 5:02 p.m.
TRD-8605136

Thursday, July 10, 1986, 10 a.m. In Room 618, the Office of Hearings Examiners will consider the commission order setting a preliminary hearing in the matter of the water rate controversy between the Tarrant County WCIF 1 and the City of Bridgeport.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875

Filed: May 22, 1986, 4:29 p.m.
TRD-8605052

Monday, July 14, 1986, 9 a.m. In Room 512, the Office of Hearings Examiners of the Texas Water Commission will consider a noncompliance report and petition of the executive director requesting assessment of administrative penalties and requirement of certain actions on Boyles Galvanizing Company.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 22, 1986, 4:28 p.m.
TRD-8605045

Monday, July 21, 1986, 9 a.m. In Room 118, the Office of Hearings Examiners of the Texas Water Commission will consider a notice of hearing on petition for creation of Bear Creek at Austin Municipal Utility District 1, containing 351.31 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 22, 1986, 4:25 p.m.
TRD-8605051

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Texas Water Development Board

Tuesday, June 3, 1986, 9:30 a.m. The Texas Water Development Board will meet at the Harlingen Airport, Harlingen. According to the agenda summary, the board will tour various Colonias in the Lower Rio Grande Valley. This notice is posted to assure strict compliance with the provisions of the Open Meetings Act, Texas Civil Statutes, Article 6252-17. No action is anticipated by the board. Rather, the tour is designed to inform the board members of condition in the Colonias, and allow the board to view the Colonias firsthand. The board already has approved use of its research and planning funds to identify the extent of the Colonias' water and sewer problems, and to study potential solutions to those problems.

Contact: Charles E. Nemir, P.O. Box 13232, Austin, Texas 78711, (512) 463-7847.

Filed: May 23, 1986, 9:56 a.m.
TRD-8605069

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Regional Agencies Meetings Filed May 22

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, met in emergency session at the Ward R. Burke Community Room, Administrative Facility, 4101 South Medford Drive, Lufkin, on May 22, 1986, at 2 p.m. Information may be obtained from Jim McDermott, Ph.D., 4101 South Medford Drive, Lufkin, Texas 75901.

The Education Service Center Region IX, Board of Directors, will meet in the boardroom, ESC Region IX, 301 Loop 11, Wichita Falls, on June 5, 1986, at 1:30 p.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 73605, (817) 322-6928.

The Leon County Central Appraisal District, Board of Directors, met at the District Office, Centerville, on May 27, 1986, at 7:30 p.m. Information may be obtained from Tom G. Holmes, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Lower Colorado River Authority, Audit and Budget Committee, Energy Operations Committee, Finance and Administration Committee, Natural Resources Committee, Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, on May 28, 1986, at 8 a.m. The Board of Directors, met at the same location, on May 29, 1986, at 9 a.m. Information may be obtained from John Bagalay, 3700 Lake Austin Boulevard, Austin, Texas, (512) 473-3200.

The West Central Texas Council of Governments, Executive Committee, met at 1025 East North 10th Street, Abilene, on May 28, 1986, at 12:45 p.m. Information may be obtained from Brad Helbert, (915) 672-8544.
TRD-8604987

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Meetings Filed May 23

The Burnett County Appraisal District, Budget Committee Workshop, met at 215 South Pierce Street, Burnet, on May 30, 1986, at 6:30 p.m. The Burnett County Appraisal District will also meet at the same location, on June 12, 1986, at 6:30 p.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Golden Crescent Regional Planning Commission, Board of Directors, met at Town Hall, First Victoria National Bank, 101 South Main, Victoria, on May 28, 1986, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Heart of Texas Region Mental Health and Mental Retardation Center, Board of Trustees, met at 110 South 12th Street, Waco, on May 27, 1986, at 11:30 a.m. Information may be obtained from Jan Baty, 110 South 12th Street, Waco, Texas 76701-1810, (817) 752-3451.

The MoPac South Transportation Corporation, Board of Directors, met in Governor Shivers' Room, Headliner's Club, 21st floor, MBank Tower, 221 West Sixth Street, Austin, on May 29, 1986, at 5 p.m. Information may be obtained from John C. Boehn, Jr., 600 Congress Avenue, Austin, Texas 78701, (512) 474-5201.

The Texas Municipal Power Agency, Board of Directors, met in the Horizon Room, East Tower, AMFAC Hotel, International Parkway, DFW Airport, on May 29, 1986, at 10 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The West Central Texas Council of Governments, Executive Committee, met for a revised agenda, at 1025 East North 10th, Abilene, on May 28, 1986, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-8605068

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Meetings Filed May 27

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on June 5, 1986, at 7 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District, Board of Directors, will meet at the District Office, Highway 81, Natalia, on June 2, 1986, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk Avenue, Brownwood, on June 2, 1986, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Central Appraisal District of Erath County, Appraisal Review Board, will meet at 1390 Harbin Drive, Stephenville, on June 2, 1986, at 9 a.m. Information may be obtained from Treca Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Coryell County Appraisal District, Appraisal Review Board, will meet at 105 North Seventh Street, Gatesville, on June 3, 1986, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dawson County Central Appraisal District, Board of Directors, will meet at 611 North Dallas Avenue, Lamesa, on June 7, 1986, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Hays County Central Appraisal District, Appraisal Review Board, will meet on the first floor, Courthouse Annex, San Marcos, on June 4, 1986, at 9 a.m. Information may be obtained from Lynnell Sedlar, (512) 396-4777.

The Jasper County Appraisal District, Board of Directors, will meet in the Kirbyville ISD Administration Building, 206 East Main Street, Kirbyville, on June 2, 1986, at 6:30 p.m. Information may be obtained from David W. Luther, Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Scurry County Appraisal District, Appraisal Review Board, met in emergency session at K-Bob's Steak House, 4604 College Avenue, Snyder, on May 28, 1986, at noon. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Tarrant Appraisal District, Board of Directors, met in Suite 505, 1701 River Run, Ft. Worth, on May 30, 1986, at 6:30 p.m. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 505, Ft. Worth, Texas 76107, (817) 332-3151.

The Texas Regional Councils Employee Health Benefit Plan, Board of Trustees, will meet at the Hyatt Regency Hotel, New Orleans, on June 1, 1986, at 1 p.m. Information may be obtained from Pam Weatherby, 2514 Pliska Drive, Midland, Texas 79711, (915) 563-1061.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on June 3, 1986, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The West Central Texas Municipal Water District, will meet in Suite 300, 401 Cypress Street, Abilene, on June 4, 1986, at 9 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

TRD-8605141

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In **Addition**

The Register is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Commission on Alcohol and Drug Abuse Notice of Block Grant Hearings

The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35, as amended by P.L. 98-509) requires annual public hearings on the intended use of federal funds allocated under the Alcohol, Drug Abuse, and Mental Health Block Grant. Additionally, the state, through Texas Civil Statutes, Article 6252-13e, mandates that agencies responsible for administering block grant funds must hold public hearings in four locations once every two years, as a mechanism for public input on development of the agency's budget request for the next biennium. Consistent with these mandates, the Texas Commission on Alcohol and Drug Abuse is holding public hearings in June. The purpose of these hearings is to take testimony regarding the alcohol and drug abuse portions of the ADM Block Grant for fiscal year 1987 and the commission's legislative appropriations request for the 1988-1989 biennium. At these hearings, preliminary reports of the intended use of block grant funds for federal fiscal year 1987 (beginning October 1, 1986) will be provided along with relevant budget information.

Date	Location	Time
June 9	Austin: Capital Area Planning Council Conference Room, 2520 South IH 35 Suite 100	5-7 p.m.
June 9	Corpus Christi: Coastal Bend Council of Governments Conference Room, 2910 Leopard Street	5-7 p.m.
June 12	Galveston: Galveston County Courthouse, Jury Assembly Room, First Floor 722 Moody (21st Street)	10 a.m.- Noon
June 12	Arlington: North Central Texas Council of Governments Boardroom, 616 Six Flags Drive, Centerpoint Two Building, Second Floor	2-4 p.m.

Representatives from the Texas Commission on Alcohol and Drug Abuse will be present to explain the planning process and consult with and receive comments from interested citizens and affected groups. All written and oral comments will be considered in the preparation of the final plan and budgets.

Preliminary intended use reports and relevant budget information can be obtained from all regional councils of governments or by contacting: Texas Commission on Alcohol and Drug Abuse, Ross Newby, Commissioner, 1705 Guadalupe Street, Austin, Texas 78701-1214, (512) 463-5510, contact person: Becky Davis.

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

TRD-8605042
Ross Newby
Executive Director
Texas Commission on Alcohol and
Drug Abuse

Filed: May 23, 1986

For further information, please call (512) 463-5510.

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Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342 401a, require 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 May 1, 1986, the banking commissioner received an application to acquire control of Citizens State Bank, Royse City, by Danny L. Allen, Balch Springs; Bill Bennett, Mesquite; Art Criscuolo, Wylie; Bobby Crowell, Royse City; Lewis Compton, Mesquite; Larry K. Davis, Dallas; Cam F. Dowell, Dallas; James Dudley, Rockwall; Martin Edwards, Rockwall; Kathryn F. Irwin, Forney; Paul Jones, Jr., Mesquite; Ed Mayr, Terrell; Don McGroan, Garland; P.E. Minihan, Wylie; Larry Poort, Rowlett; John Pullen, Royse City; Gary Roddy, Wylie; Marvin L. Smith, Mesquite; James O. Tipton, Mesquite; and Donald Whitt, Wylie.

On May 20, 1986, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on May 1, 1986

TRD-8604963
William F. Aldridge
Director of Corporate
Activities
Banking Department of
Texas

Filed: May 21, 1986

For further information, please call (512) 479-1200.

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Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, July 15, 1986, at 10 a.m. at 2601 North Lamar, Austin, on the charter application for Trust Company of America, Amarillo, Texas.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

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

TRD-8605018 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: May 22, 1986

For further information, please call (512) 479-1200.

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Notice of Hearing Cancellation

The date of the hearing for The Laredo National Bank, Laredo, to convert to a state charter under the name of The LaredoBank, previously scheduled for Tuesday, May 27, 1986, has been cancelled. The hearing has not been rescheduled as of this date.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 479-1200.

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

TRD-8605063 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: May 23, 1986

For further information, please call (512) 479-1200.

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ /Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 05/26/86-06/02/86	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 06/01/86-06/30/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/86-06/30/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 04/01/86-06/30/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 04/01/86-06/30/86	14.17%	N/A

Standard Annual
Rate—Article 1.04(a)(2)⁽²⁾
04/01/86-06/30/86

18.00% 18.00%

Retail Credit Card
Annual Rate—
Article 1.11⁽³⁾
04/01/86-06/30/86

18.00% N/A

Annual Rate Applicable
to Pre-July 1, 1983,
Retail Credit Card and
Lender Credit Card
Balances with Annual
Implementation Dates
from
04/01/86-06/30/86

18.00% N/A

Judgment Rate—Article
1.05, §2
06/01/86-06/30/86

10.00% 10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on May 19, 1986.

TRD-8604979 Al Endsley
Consumer Credit
Commissioner

Filed: May 22, 1986

For further information, please call (512) 479-1260.

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Texas Department of Human Services Amended Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) filed notice of a consultant contract award. The request for proposals was published in the April 9, 1985, issue of the *Texas Register* (10 TexReg 1192), and the notice of award was published in the August 13, 1985, issue of the *Texas Register* (10 TexReg 3099).

The contract was awarded to Houston Child Guidance Center, Houston, in the amount of \$76,659.23. At this time, the total amount of the contract is amended not to exceed \$98,881.46. All other information remains the same.

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

TRD-8605057 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: May 23, 1986

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

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In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) filed notice of a consultant contract award. The request for proposals was published in the April 9, 1985, issue of the *Texas Register* (10 TexReg 1192), and the notice of award was published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3339).

The contract was awarded to Yoakum Psychological and Psychiatric Associates, 3703 Yoakum, Houston, Texas, 77706.

At this time, DHS is increasing the total cost of the contract to \$115,920. This change is effective June 1, 1986. All other information remains the same.

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

TRD-8605055 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: May 23, 1986
For further information, please call (512) 450-3766.

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Notice of Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services furnishes this notice of contract award. The request for proposals was published in the January 17, 1986, issue of the *Texas Register* (11 TexReg 308).

Description of Services. The contractor will provide training for residential child care providers to promote the prevention of abuse and neglect in residential child care facilities.

Name of Contractor and Terms of Contract. The contractor selected is Rea & Associates, Inc., 7610 Windswept, Houston, Texas 77063. The contract period is May 9, 1986-September 30, 1986. The contract amount is \$51,800.

Due Dates of Reports. All documents, films, recordings or reports are due by September 30, 1986.

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

TRD-8605054 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: May 23, 1986
For further information, please call (512) 450-3766.

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In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of contract award. The notice for request for proposals was published in the August 16, 1985, issue of the *Texas Register* (10 TexReg 3147).

Description of Service. The contractors selected will provide one or more of the following services: training for child-care providers in remote/rural areas to promote the prevention of abuse and neglect in out-of-home care, training in child-care, child development, and child-care facility management.

Name of Contractor and Value of Contract. National Center For Child Care Professionals, 1330 Winrock, Suite 2703, Houston, Texas 77057—\$55,683.

Effective Date of Contract. The contract began May 13, 1986, and ends September 30, 1986.

Due Date of Reports. All documents, films, recordings, or reports are due by September 30, 1986.

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

TRD-8605056 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: May 30, 1986
For further information, please call (512) 450-3766.

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State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for admission to do business in Texas of Clarendon American Insurance Company, a foreign fire and casualty insurance company. The home office is in Wilmington, Delaware.

(2) Application for incorporation of Texas Title Insurance Company to be a domestic title insurance company. The home office is to be in Austin.

(3) Application for admission to do business in Texas of Annapolis Life Insurance Company, a foreign life insurance company. The home office is in Jenkintown, Pennsylvania.

(4) Application for admission to do business in Texas of Pathfinder Insurance Company, a foreign fire and casualty insurance company. The home office is in Denver, Colorado.

(5) Application for admission to do business in Texas of Golden Security Life Insurance Company, a foreign life insurance company. The home office is in Memphis, Tennessee.

(6) Application for admission to do business in Texas of Protective Service Life Insurance Company, Inc., a foreign life insurance company. The home office is in Jackson, Mississippi.

(7) Application for a name change by Guardsman Life Insurance Company, a foreign life insurance company. The home office is in West Des Moines, Iowa. The proposed new name is Integrated Resources Life Insurance Company.

(8) Application for admission to do business in Texas of American Guardian Life Assurance Company, a foreign life insurance company. The home office is in Jenkintown, Pennsylvania.

(9) Application for incorporation of Funding Insurance Company, to be a domestic fire and casualty insurance company. The home office is to be in Dallas.

(10) Application for incorporation of First Extended Insurance Company, to be a domestic fire and casualty insurance company. The home office is to be in Dallas.

(11) Application for a name change by Lloyds, U.S., a domestic Lloyds insurance company. The home office is in Dallas. The proposed new name is Lloyd's International at Dallas, Texas.

(12) Application for a name change by Lloyd's, U.S., a domestic Lloyds insurance company. The home office is in Dallas. The proposed new name is Lloyd's of the United States.

(13) Application for a name change by Lloyd's, U.S., a domestic Lloyds insurance company. The home office is in Dallas. The proposed new name is Lloyd's International.

(14) Application for admission to do business in Texas of Western United Life Assurance Company, a foreign life insurance company. The home office is in Spokane, Washington.

Issued in Austin, Texas, on May 16, 1986.

TRD-8605064 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: May 23, 1986
For further information, please call (512) 463-6327.

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Texas State Board of Pharmacy Public Hearing Notice

The Texas State Board of Pharmacy will conduct a public hearing beginning at 1 p.m., June 11, 1986, in the John Reagan Building, Room 101, 105 West 15th Street, Austin. The purpose of the hearing is to receive testimony regarding the following proposed sections: repeal of existing 22 TAC §§291.91-291.93, 291.95, and 291.96; and new 22 TAC §§291.91-291.93, 291.95, and 291.96. The sections concern Class D (clinic) pharmacies.

The board has determined that the proposed sections are necessary to help insure that the practice of pharmacy in Texas is conducted in a manner which protects the health and safety of the citizens of Texas.

Requests for copies of the proposals should be addressed to Roger Hernandez, R.Ph., Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The public is encouraged to attend the hearing and to present evidence or opinions. Written testimony is encouraged. The board would appreciate receiving a copy of all written testimony at least 10 days before the hearing. The testimony and questions regarding the public hearing should be addressed to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

Oral testimony will be limited to a maximum of 10 minutes per individual. Persons representing organizations of 20 persons or more may be granted additional time for testimony provided that a request for such additional time is made no less than seven days prior to the hearing.

For purposes of scheduling, the following agenda will be utilized insofar as possible.

1 p.m.-1:30 p.m.—Overview of rule.

1:30 p.m.-3 p.m.—Comments-Class D (clinic) pharmacy, 22 TAC §§291.91-291.93, 291.95, and 291.96.

Issued in Austin, Texas, on May 15, 1986.

TRD-8604982 Fred S. Brinkley, Jr.
Executive Director/Secretary
Texas State Board of Pharmacy

Filed: May 21, 1986
For further information, please call (512) 832-0661.

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Texas Water Commission Correction of Error

In invitation for bids submitted by the Texas Water Commission contained an error as published in the May 9, 1986, issue of the *Texas Register* (11 TexReg 2204).

The last date for receiving bids is June 18, 1986.

Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Gatx Terminals Corporation on May 20, 1986, assessing \$6,280 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mike Woodward, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

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

TRD-8605035 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: May 22, 1986
For further information, please call (512) 463-7898.

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Crown Central Petroleum Corporation on May 20, 1986, assessing \$16,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mike Woodward, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

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

TRD-8605036 Mary Ann Hefner
Chief Clerk
Texas Water Commission

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For further information, please call (512) 463-7898.

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