

Texas Register

Volume 14, Number 50, July 11, 1989

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Texas Register

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Governor—appointments, executive orders, and proclamations

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

Emergency Sections—sections adopted by state agencies on an emergency basis

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections—sections adopted following a 30-day public comment period

Open Meetings—notices of open meetings

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

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 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, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

Texas Administrative Code

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

How To Cite: Under the TAC scheme, each agency section 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 rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).



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Director
Dan Procter

Assistant Director
Dee Wright

Documents Section Supervisor
Patty Parris

Documents Editors
Lisa Brull
Janiene Hagei

Open Meetings Clerk
Brenda J. Kizzee

Production Section Supervisor
W. Craig Howell

Production Editor
Ann Franklin

Typographers
Sharon Menger
Hermina Roberts
Madeline Chrisner

Circulation/Marketing
Richard Kallus
Roberta Knight

TAC Editor
Dana Blanton

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The Trip

Swiftly,

Calmly,

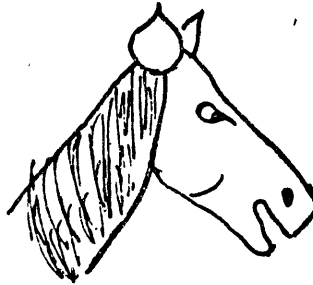
Proudly.

The horse

Gallops.

Long journey -

Rest.



Name: Elizabeth Pace

Grade: 4

School: McKinney Elementary, McKinney

TAC Titles Affected

TAC Titles Affected—July

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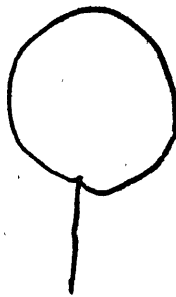
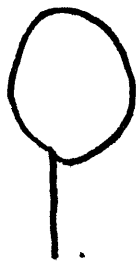
40 TAC §181.917—3353

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43 TAC §51.6—3343

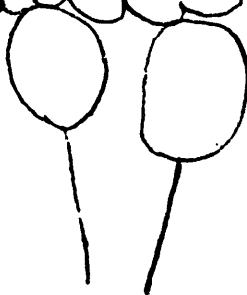
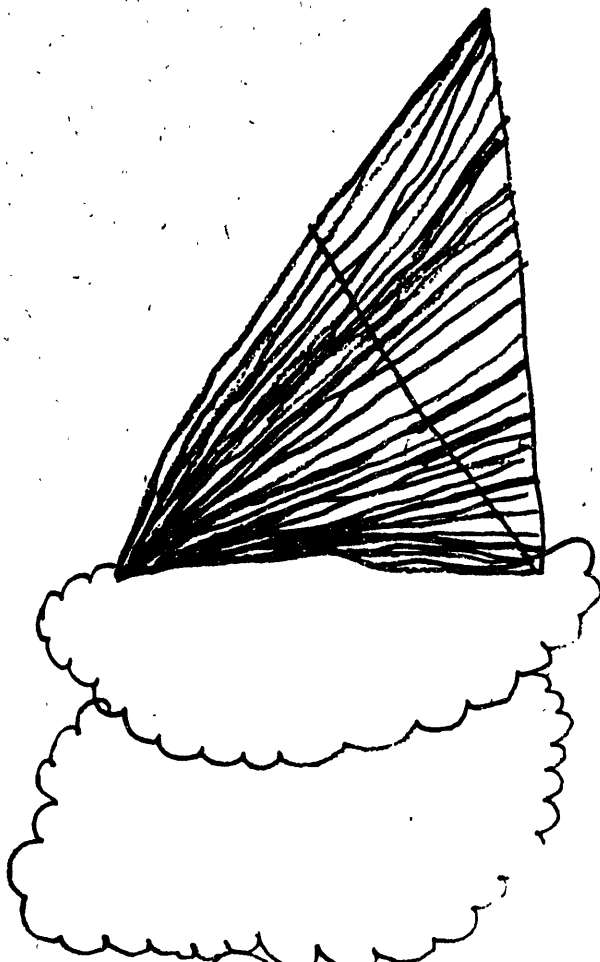




Name: Erica Jones

Grade: 2

School: Burks Elementary, McKinney



Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Letter Opinions

LO-89-36 (RQ-1654). To: Honorable Fred Toler, Executive Director, Texas Commission on Law Enforcement Officer standards and Education, 1606 Headway Circle, Suite 100, Austin. This LO considers whether the Adjutant General's office has authority to employ an armed security officer.

LO-89-37 (RQ-1672). To: James L. Pledger, Commissioner, Texas Savings and Loan Department, 2601 North Lamar, Suite 201, Austin. This LO considers the status of a liquidating agent appointed by the commissioner of the Savings and Loan Department.

LO-89-38 (RQ-1653). To: Honorable Stanley R. Watson, County Attorney, Hardeman County, P.O. Box 506, Quanah. This LO considers whether a constable may work for a sheriff.

LO-89-39 (RQ-5798). To: Honorable William N. Thomas, State representative, Rockwall County, P.O. Box 2910, Austin. This LO considers whether a criminal district attorney may serve on the board of directors of a hospital that contracts with the county.

TRD-8905822

LO-89-40 (RQ-6174). To: Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin. This LO considers the constitutionality of the \$110 fee increase in the annual registration fee for professional engineer.

LO-89-41 (RQ-1601). To: Honorable Hugh Parmer, Chairman, Senate Committee on Intergovernmental Relations, P.O. Box 12068, Austin. This LO considers the responsibility of a sheriff for a hospitalized prisoner who was arrested by city police.

LO-89-42 (RQ-1668). To: Honorable Alberto M. Ramon, County Attorney, Maverick County, P.O. Box 4050, Eagle Pass. This LO considers whether a constable may be paid for work as a deputy sheriff and work as a constable.

LO-89-43 (RQ-1670). To: Honorable Fred G. Rodriguez, Bexar County Criminal

District Attorney, Bexar County Courthouse, San Antonio. This LO contains the effect of an expunction order under the Open Records Act.

LO-89-44 (RQ-1679). To: Ray L. Goad, Executive Director, Commission on Fire Protection Personnel Standards and Education, 510 South Congress, Suite 406, Austin. This LO considers whether the Commission on Fire Protection Personnel Standards has authority to develop certification standards for local fire marshals.

LO-89-45 (RQ-1652). To: Kenneth H. Ashworth, Commissioner, Higher Education Coordinating Board, P.O. Box 12788, Austin. This LO considers whether Article 5165a, §2D, applies to the Alamo Community College District.

LO-89-46 (RQ-1709). To: Morris Samford, Jr., Panola County Attorney, Panola County Courthouse Annex, Carthage. This LO considers whether a city may reduce the budget to a police department because the department has received property through forfeiture under Article 4476-15, §5.08.

LO-89-47 (RQ-6346). To: Honorable Bill Sims, State Senator, 25th Senatorial District, P.O. Box 12068, Room 421, Capitol Building, Austin. This LO considers whether a state agency may take a home-stead under its power of eminent domain.

LO-89-48 (RQ-1665). To: Ms. Yvonne Kohutek, Chairperson, Texas State Board of Examiners of Professional Counselors, 1100 West 49th Street, Austin. This LO considers whether a person who voluntarily submits to licensing under the Licensed Professional Counselor Act is subject to rules adopted under the act.

TRD-8905821

Open Records Decisions

ORD-525 (RQ-1269). Request from Jack Rains, Secretary of State, Austin, concerning whether information in notary complaint investigation files maintained by the Secretary of State must be released under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decisions. Information in the Secretary of State's complaint files

against notaries public cannot be withheld by negative implication simply because that type of information is not listed in subsection (a) of the Texas Government Code, §406.012. The Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, makes public all information held by governmental bodies unless the information falls within one or more of the act's specific exceptions to disclosure. Sections 3(a)(1), 3(a)(3), and 3(a)(11) do not apply to the representative sample complaint file submitted for review except with regard to the criminal history information provided to the Secretary of State by the Department of Public Safety.

TRD-8905817

Opinions

JM-1061 (RQ-1662). Request from Dan Morales, Chairman, Criminal Jurisprudence Committee, Texas House of Representatives, Austin, concerning whether the state may restrict its waiver of immunity.

Summary of Opinion. The legislature may place restrictions on a waiver of governmental immunity. The legislature may waive immunity from suit either by a statute of general application or by concurrent resolution. The state may waive immunity from liability by a statute of general application. The constitution does not permit the legislature to waive immunity from liability after the occurrence of the events that give rise to liability.

TRD-8905820

JM-1062 (RQ-1718). Request from Charles Brack, Chambers County Attorney, Galveston, concerning applicability to governmental bodies of Texas Civil Statutes, Article 1436c, relating to the safety of individuals who work in proximity to high voltage electrical lines.

Summary of Opinion. A county is not a person, firm, corporation, or association within the meaning of Texas Civil Statutes, Article 1436c, and is thus not subject to liability under the provisions of §7 of that article.

TRD-8905818

JM-1063 (RQ-1619). Request from C. Kingsbery Ottmers, Public counsel, Public Utility Counsel, Austin, concerning whether a state agency may pay the temporary fees assessed against accountants and engineers in its employ.

Summary of Opinion. A state agency is not prohibited by the Texas Constitution, Article III, §51, from paying, for professionals in its employ, the temporary fee increases imposed on certain professionals if the agency determines that such expenditures would be directly and substantially related to its governmental function. An

agency may pay the fees of some such classes of professionals in its employ, but not others, if there is a rational basis for its actions.

TRD-8905816

◆ ◆ ◆
JM-1064 (RQ-1622). Request from Joe Lucas, El Paso County Attorney, El Paso, concerning authority of a commissioners court to remove a member of the board of managers of a hospital district created under Texas Civil Statutes, Article 4494n.

Summary of Opinion. Members of a board of managers of a county hospital district established under Texas Civil Statutes, Article 4494n, are county officers and subject to removal under the terms of the Texas Constitution, Article V, §24, and of the Local Government Code, Chapter 87.

TRD-8905819

Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section 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 sections. New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.57

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §7.57, for a 60-day period effective June 28, 1989. The text of new §7.57 was originally published in the March 10, 1989, issue of the *Texas Register* (14 TexReg 1151).

Issued in Austin, Texas on June 28, 1989.

TRD-8905721 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 28, 1989

Expiration date: August 27, 1989

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

• 28 TAC §7.73

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §7.73, for a 60-day period effective July 5, 1989. The text of new §7.73 was originally published in the March 10, 1989, issue of the *Texas Register* (14 TexReg 1153).

Issued in Austin, Texas on June 28, 1989.

TRD-8905720 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 28, 1989

Expiration date: August 27, 1989

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

Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

• 28 TAC §9.1

The State Board of Insurance is renewing the effectiveness of the emergency adoption of amended §9.1, for a 60-day period effective July 4, 1989. The text of amended §9.1 was originally published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1337).

Issued in Austin, Texas on June 28, 1989.

TRD-8905719 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 4, 1989

Expiration date: September 2, 1989

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.289

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.289, concerning alcoholic beverage exemptions. The emergency amendment exempts receipts for admission to an amusement from the sales tax imposed under §3.298, concerning amusement services, when those receipts are taxed under the Texas Alcoholic Beverage Commission, §202.02.

The emergency amendment is effective July 1, 1989. This amendment is adopted on an emergency basis in order to relieve the situation where receipts are subject to tax under two different tax codes and to give it effect at the beginning of the next quarter to facilitate reporting.

This amendment is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules

relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.289. Alcoholic Beverage Exemptions.

(a) Exemptions.

(1) Sales or use tax is not due on charges for admission to night clubs, dance halls, discos, etc., when the charges are subject to tax under the Texas Alcoholic Beverage Code, §202.02. If the gross receipts tax paid on cover charges is later refunded, sales tax will be due on the amount collected as a fee for admission to an amusement service.

(2) Sales of use tax is not due on the sale of mixed beverages and gratuities collected on those sales if the receipts are taxable under Texas Alcoholic Beverage Code, §202.02. If the [10%] gross receipts tax paid on ice and nonalcoholic beverages is later refunded by the Texas Alcoholic Beverage Commission, sales tax is due on the original sales price.

(b)-(g) (No change.)

Issued in Austin, Texas, on July 1, 1989.

TRD-8905746 Bob Bullock
Comptroller of Public
Accounts

Effective date: July 1, 1989

Expiration date: October 30, 1989

For further information, please call: (512) 463-4004

• 34 TAC §3.298

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.298, concerning amusement services. The amendment excludes cover charges from the sales tax imposed by this section on the admission price of an amusement when the receipts are also taxed under the Texas Alcoholic Beverage Commission Code, §202.02.

The amendment is adopted on an emergency basis to relieve the situation where the same receipts are considered subject to tax under two different tax codes.

The amendment is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to

the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.298. Amusement Services. (Texas Tax Code §§151.010, 151.0101, 151.0028).

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

(1) Amusement services—Entertainment, recreation, sport, pastime, diversion, or enjoyment that is a pleasurable occupation of the senses. Amusement services and places offering amusement services include, but are not limited to, the following:

(A)-(E) (No change.)

(F) Other:

(i) except as provided by subsection (e)(4) of this section, cover charges (for admission to night clubs, dance halls, discos, etc., providing dancing, music, or other entertainment);

(ii)-(vii) (No change.)

(G) (No change.)

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

(5) Sales price of an amusement service—The fee charged for admission to an amusement, including a convenience fee, handling charge, service charge, or other amount over and above the amount that would be charged for an amusement admission at the ticket counter of the facility at which the amusement service will be rendered. Also included are dues, initiation fees, and other charges, assessments, and fees required for a special privilege, status, or membership classification in a private club or organization. Receipts subject to tax under the Texas Alcoholic Beverage Code, §202.02, are not included in the sales price of an amusement service.

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

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

(e) Imposition of tax.

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

(4) Sales or use tax is not due on cover charges which are taxable under the Texas Alcoholic Beverage Code, §202.02.

(f)-(j) (No change.)

Issued in Austin, Texas, on July 1, 1989.

TRD-8905749 Bob Bullock
Comptroller of Public
Accounts

Effective date: July 1, 1989

Expiration date: October 30, 1989

For further information, please call: (512) 463-4004

◆ ◆ ◆
• 34 TAC §3.391

The Comptroller of Public Account is renewing the effectiveness of the emergency adoption of amended §3.391, for a 60-day period effective July 5, 1989. The text of amended §3.391 was originally published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1338).

Issued in Austin, Texas on June 29, 1989.

TRD-8905761 Wade Anderson
Rules Coordinator
Comptroller of Public
Accounts

Effective date: July 5, 1989

Expiration date: September 3, 1989

For further information, please call: (512) 463-4004

◆ ◆ ◆
• 34 TAC §3.393

The Comptroller of Public Account is renewing the effectiveness of the emergency adoption of amended §3.393, for a 60-day period effective July 5, 1989. The text of amended §3.393 was originally published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1338).

Issued in Austin, Texas on June 29, 1989.

TRD-8905782 Wade Anderson
Rules Coordinator
Comptroller of Public
Accounts

Effective date: July 5, 1989

Expiration date: September 3, 1989

For further information, please call: (512) 463-4004

◆ ◆ ◆
• 34 TAC §3.405

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of amended, §3.405, for a 60-day period effective July 5, 1989. The text of amended, §3.405 was originally published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1339).

Issued in Austin, Texas on June 29, 1989.

TRD-8905783 Wade Anderson
Rules Coordinator
Comptroller of Public
Accounts

Effective date: June 5, 1989

Expiration date: September 3, 1989

For further information, please call: (512) 463-4004

◆ ◆ ◆
• 34 TAC §3.415

The Comptroller of Public Account is renewing the effectiveness of the emergency adoption of new §3.415, for a 60-day period effective July 5, 1989. The text of new §3.415 was originally published in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1153).

Issued in Austin, Texas on June 29, 1989.

TRD-8905760 Wade Anderson
Rules Coordinator
Comptroller of Public
Accounts

Effective date: June 30, 1989

Expiration date: August 29, 1989

For further information, please call: (512) 463-4004

Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas 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 section. Also, in the case of substantive sections, 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 section is indicated by the use of bold text. [Brackets] indicate deletion of existing material within a section.

TITLE 1.

ADMINISTRATION

Part I. Office of the Governor

Chapter 3. Criminal Justice Division

Subchapter C. Administration of Narcotics Control Program

General Powers

• 1 TAC §3.812

The Criminal Justice Division of the Office of the Governor proposes an amendment to §3.812, concerning the administration of criminal justice grant funds. Under the federal Anti-Drug Abuse Act of 1986 and the Anti-Drug Abuse Act of 1988, the State of Texas is eligible to receive federal block grants for programs that provide enhanced drug law enforcement. The Criminal Justice Division (CJD) of the Office of the Governor has been designated as the agency responsible for administration of these funds. Section 3.812 reflects Criminal Justice Division administrative policies, requirements, and operating procedures that apply to drug law enforcement projects which may receive funding under the Texas Narcotics Control Program. The sections were adopted May 19, 1988. This amendment adds the newly enacted Anti-Drug Abuse Act of 1988 to the existing citation for source of funds.

Rider Scott, executive director, has determined that for the first five-year period the proposed section is 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. Scott 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 the assurance that applicants will be fully informed concerning the administrative policies and procedures and the special requirements for funding under the Texas Narcotics Control Program. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to John Coffel, Program Director, Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, for a period of 30 days following publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division of

the Office of the Governor with the authority to adopt rules, regulations and procedures as may be necessary.

§3.812. Applicability. These sections shall apply only to applications and grants awarded to local units of government and state agencies, or a combination thereof, for narcotics control projects operated and funded under the Anti-Drug Abuse Act of 1986, Public Law 99-570, Title I, Subtitle K, State and Local Law Enforcement Assistant Act [.] and the Anti-Drug Abuse Act of 1988, Public Law 100-690, Title VI, Subtitle C, State and Local Narcotics Control and Justice Assistance Improvements.

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 June 1, 1989.

TRD-8905709 Rider Scott
Executive Director, Criminal
Justice Division
Office of the Governor

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 463-1788

Applicable Statutes, Documents, and Forms

• 1 TAC §3.821

The Criminal Justice Division of the Office of the Governor proposes an amendment to §3.821, concerning the administration of criminal justice grant funds. Under the federal Anti-Drug Abuse Act of 1986 and the Anti-Drug Abuse Act of 1988, the State of Texas is eligible to receive federal block grants for programs that provide enhanced drug law enforcement. The Criminal Justice Division (CJD) of the Office of the Governor has been designated as the agency responsible for administration of these funds. Section 3.821 reflects Criminal Justice Division administrative policies, requirements, and operating procedures that apply to drug law enforcement projects which may receive funding under the Texas Narcotics Control Program. The sections were adopted May 19, 1988. This amendment adds the newly enacted Anti-Drug Abuse Act of 1988 to the existing lists of applicable statutes, documents, and forms.

Rider Scott, executive director, has determined that for the first five-year period the proposed section will be in effect there will be

no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Scott also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section will be the assurance that applicants will be fully informed concerning the administrative policies and procedures and the special requirements for funding under the Texas Narcotics Control Program. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to John Coffel, Program Director, Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, for a period of 30 days following publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division of the Office of the Governor with the authority to adopt rules, regulations, and procedures as may be necessary.

§3.821. Compliance; Adoption by Reference. Grantee/applicants shall comply with all applicable state and federal statutes, rules, regulations, and guidelines. The CJD adopts by reference the following statutes, documents, and forms. Information regarding these adoptions by reference may be obtained from the Criminal Justice Division, P.O. Box 12428, Austin, Texas 78711, (512) 463-1919.

(1)-(11) (No change.)

(12) Anti-Drug Abuse Act of 1988, Public Law 100-690, Title VI, Subtitle C, and regulations promulgated by the United States Department of Justice Assistance.

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 June 1, 1989.

TRD-8905708 Rider Scott
Executive Director, Criminal
Justice Division
Office of the Governor

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 463-1788

Project Requirements

• 1 TAC §3.841

The Criminal Justice Division of the Office of the Governor proposes an amendment to §3.841, concerning the administration of criminal justice grant funds. Under the federal Anti-Drug Abuse Act of 1986 and the Anti-Drug Abuse Act of 1988, the State of Texas is eligible to receive federal block grants for programs that provide enhanced drug law enforcement. The Criminal Justice Division (CJD) of the Office of the Governor has been designated as the agency responsible for administration of these funds. Section 3.841 reflects Criminal Justice Division administrative policies, requirements, and operating procedures that apply to drug law enforcement projects which may receive funding under the Texas Narcotics Control Program. The sections were adopted May 19, 1988. This amendment adds language regarding the purpose of projects eligible for funding, as reflected by the newly enacted Anti-Drug Abuse Act of 1988.

Rider Scott, executive director, has determined that for the first five-year period the proposed section is 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. Scott 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 the assurance that applicants will be fully informed concerning the administrative policies and procedures and the special requirements for funding under the Texas Narcotics Control Program. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to John Coffel, Program Director, Criminal Justice Division, Office of the Governor, P. O. Box 12428, Austin, Texas 78711, for a period of 30 days following publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division of the Office of the Governor with the authority to adopt rules, regulations, and procedures as may be necessary.

§3.841. Eligible Projects. Only those projects designed for the purpose of enforcing state and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 United States Code 801 et seq.), and to improve the functioning of the criminal justice system with emphasis on violent and serious offenders are eligible for grant funding. Such projects must conform to the authorized program areas as specified in the statewide drug strategy. Additionally, to be eligible, each project must:

- (1) be operated by a state agency, local unit of government, or by a combination thereof;
- (2) demonstrate that it will carry out congressional intent, which is to ensure

that the federal assistance provided is coordinated and integrated with state and local drug enforcement efforts and that the maximum impact on the drug abuse problems in the state is achieved.

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 June 1, 1989.

TRD-8905707 Rider Scott
Executive Director, Criminal
Justice Division
Office of the Governor

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 463-1788

• 1 TAC §3.843

The Criminal Justice Division of the Office of the Governor proposes an amendment to §3.843, concerning the administration of criminal justice grant funds. Under the federal Anti-Drug Abuse Act of 1986 and the Anti-Drug Abuse Act of 1988, the State of Texas is eligible to receive federal block grants for programs that provide enhanced drug law enforcement. The Criminal Justice Division (CJD) of the Office of the Governor has been designated as the agency responsible for administration of these funds. Section 3.843 reflects Criminal Justice Division administrative policies, requirements, and operating procedures that apply to drug law enforcement projects which may receive funding under the Texas Narcotics Control Program. The sections were adopted May 19, 1988. This amendment is proposed in order to clarify rules regarding local match requirements for projects.

Rider Scott, executive director, has determined that for the first five-year period the proposed section is 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. Scott 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 the assurance that applicants will be fully informed concerning the administrative policies and procedures and the special requirements for funding under the Texas Narcotics Control Program. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to John Coffel, Program Director, Criminal Justice Division, Office of the Governor, Post Office Box 12428, Austin, Texas 78711, for a period of 30 days following publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division of the Office of the Governor with the authority to adopt rules, regulations, and procedures as may be necessary.

§3.843. Level of Funding for [New] Projects.

(a) (No change.)

(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 June 1, 1989.

TRD-8905708 Rider Scott
Executive Director, Criminal
Justice Division
Office of the Governor

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 463-1788

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 15. Consumer Services Division

Texas Weights and Measures

• 4 TAC §5.11

The Texas Department of Agriculture, (the department) proposes an amendment to §15.11, concerning collection and assessment of fees for testing, weighing, and measuring devices. The amendment is proposed in order to make the registration process more efficient and in order to increase fees to offset costs to the department of administering the Weights and Measures Program in accordance with the intent of the 71st Legislature, Regular Session, 1989. The proposed amendment allows for a quarterly registration period to be determined by the department, and increase the amount of fees for weighing and measuring devices registered with the department.

Melody Krane, budget analyst, has determined that for the first five-year period the proposed section is in effect there will be a fiscal implications as a result of enforcing or administering the section. Effect on state government for the first five-year period the section is in effect will be an estimated increase in revenue in the amount of \$400,000 per year. There will be no effect on local government for the first five-year period that the section will be in effect.

The cost of compliance with the section for small businesses will be an additional \$1.25 per liquid measuring device or pump; an additional \$5 per bulk metering device; an additional \$10 per L.P. gas meter; and additional \$2.50 per scale less than 4,999 pounds; an additional \$2.50 per private ranch scale greater than 4,999 pounds; an additional \$20 per other large scale greater than 4,999 pounds; an additional \$2.50 per raw milk storage tank up to 400 gallons; an additional \$3.75 per raw milk storage tank from 401-600 gallons; and an additional \$5 per raw milk storage tank of 601 gallons or more. The cost of compliance will be the same for small and large businesses depending upon the number of devices registered.

Ms. Raleigh 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 bringing of the amount of fees collected closer to the amount that it costs the state to administer the Weights and Measures Program. The anticipated economic cost to individuals who are required to comply with the section as proposed will be dependent upon the number of devices registered.

Comments on the proposal may be submitted to Susan Raleigh, Weights and Measures Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. All comments should be in writing and substantially comply with the Texas Administrative Code, Title 4, §1.4(b).

The amendment is proposed under the Texas Agriculture Code, §13.1011, which provides the Texas Department of Agriculture with the authority to establish a system of annual registration of pumps, scales, or bulk, or liquefied petroleum gas metering devices and to adopt rules necessary to administer registration and feed collection; the General Appropriations Act, Senate Bill 1, 71st Regular Session, 1989, which authorizes the Department to increase fees for weights and measures in an amount not to exceed 25% for the purpose of offsetting direct costs of administering the Weights and Measures Program; and the Government Code, §§316.041-316.045, which authorizes the adjustment of fees by the Legislature in the Appropriations Act in order to reimburse the state for cost of state services and regulatory functions.

§15.11. Collection and Assessment of Fees for Testing, Weighing, and Measuring Devices.

(a) Procedure for annual registration of weighing and measuring devices.

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

(4) Effective September 1, 1986, annual registration shall be accomplished in the following manner.

(A) Quarterly, at the determination of the department, [During the months of September, December, March and June of each year,] the department shall send a billing containing the amount due and the date to registrants previously registered.

(B)-(D) (No change.)

(5)-(9) (No change.)

(b) Fees for registering, weighing, and measuring devices. Prior to the operation of a weighing or measuring device in a commercial transaction, the owner or operator of such device shall register with the department by paying the established registration fee for each such device in accordance with the following schedule.

(1) Liquid measuring device or pump: \$6.25 [\$5].

(2) Bulk metering device: \$25 [\$20].

(3) Liquefied petroleum gas (L.P. Gas) meter: \$50 [\$20].

(4) Scale (capacity less than 4,999 pounds): \$12.50 [\$10].

(5) Livestock scales located on private ranches (capacity 4,999 pounds or greater): \$12.50 [\$10].

(6) Other large scales (capacity 4,999 pounds or greater): \$100 [\$80].

(c) Fees for testing measuring devices on raw milk storage tanks.

(1) Fees for testing measuring devices located on raw milk storage tanks up to 400 gallons capacity shall be \$12.50 [\$10] for each tank tested.

(2) Fees for testing measuring devices located on raw milk storage tanks of 401 gallons capacity to 600 gallons capacity shall be \$18.75 [\$15] for each tank tested.

(3) Fees for testing measuring devices located on raw milk storage tanks of 601 gallons capacity and over shall be \$25 [\$20] for each tank tested.

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

Issued in Austin, Texas, on July 5, 1989.

TRD-8905880

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption: August 11, 1989

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

Chapter 19. Seed Division

• 4 TAC §19.4

The Texas Department of Agriculture (the department) proposes an amendment to §19.4, concerning testing fees for agricultural seed, vegetable seed and flower seed. The amendment is proposed in order to offset costs of administering the seed law program in accordance with the intent of the 71st Legislature, Regular Session, 1989. The proposed amendment increases all service testing fees for agricultural seed, vegetable seed, and flower seed. The fees for purity test and germination test, complete test, grasses purity test, and germination, and grasses complete test were last increased in 1987 in accordance with the General Appropriations Act, Senate Bill 1, 70th Legislature, 1987, First Called Special Session, and Texas Civil Statutes, Article 5429 (now Government Code, §§316.041-316.045). Current costs for those testing fees increased in 1987 are not reflected in the existing §19.4.

Melody Krane, budget analyst, has determined that for the first five-year period the proposed section is in effect there will be fiscal implication as a result of enforcing or administering the section. Effect on state gov-

ernment for the first five-year period the section is in effect will be an estimated increase in revenue in the amount of \$75,000 per year. There will be no effect on local government for the first five-year period that the section will be in effect.

The cost of compliance with the section above the current cost for small businesses will be an additional \$1.50 for a purity test and germination test only on noxious weed examination; an additional \$2.00 for a purity test and germination test on grasses, mixtures or seed containing high inert matter; an additional \$3.00 for a standard complete test; an additional \$3.00 for a complete test on seed containing high inert matter; an additional \$2.00 for the vigor test; an additional \$2.75 for the tetrazolium or phenol test; an additional \$2.75 for the sample test for red rice; an additional \$1.50 for the moisture test; and an additional \$6.25 for the fescue endophyte test. The cost of compliance will be the same for small and large businesses depending upon the number of samples tested and kind of test performed.

Kenneth Boatright, director, 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 the bringing of the amount of fees collected closer to actual cost to the state for providing testing services. The anticipated economic cost to individuals who are required to comply with the section as proposed will be dependent upon the number of samples tested and kind of test performed.

Comments on the proposal may be submitted to Kenneth Boatright, Seed and Grain Warehouse Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. All comments should be in writing and substantially comply with the Texas Administrative Code, Title 4, §1.4(b).

The amendment is proposed under the Texas Agriculture Code, §61.002, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the efficient enforcement of Texas Agriculture Code, Chapter 61; §61.009, which authorizes the department to fix by rule and collect fees for germination and purity testing; and the General Appropriations Act, Senate Bill 1, 71st Regular Session, 1989, which authorizes the department to increase fees for seed lab testing in an amount not to exceed 25% for the purpose of offsetting direct costs of administering the seed law program.

§19.4. Service Testing.

(a) The following schedule of tests and charges therefore shall be applicable to all service testing of agricultural seed, vegetable seed, and flower seed conducted by this department.

(1) standard germination test only, purity test only, or noxious weed examination only: \$7.50 [\$4] each (except grasses, mixtures, and seed containing high inert matter: \$10 [\$8] each);

(2) complete test (purity and germination): \$15 [\$7] each (except grasses, mixtures, and seed containing high inert matter: \$15 [\$12] each);

(3) vigor test (cold test method): \$10 [\$8] each;

(4) tetrazolium or phenol test: \$13.75 [\$11] each;

(5) examination of 10 pound rice seed sample for presence of red rice: \$13.75 [\$11] each;

(6) moisture test: \$7.50 [\$6] each; and

(7) fescue endophyte test: \$31.75 [\$25] each.

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

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

Issued in Austin, Texas, on July 5, 1989.

TRD-8905881 Dolores Alvarado Hibba
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption: August 11, 1989

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

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

Definitions

• 7 TAC §91.1

The Credit Union Commission proposes an amendment to §91.1, concerning definition and clarification of terms used in the Credit Union Department rules.

John R. Hale, commissioner, has determined that for the first five-year period the proposed section is 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. Hale also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be that terms commonly used in the credit union industry will be defined by rule. The anticipated economic cost to individuals who are required to comply with the section as proposed will be none.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

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

Overlap—The situation which exists when a group of persons is eligible for membership in two or more state or federal credit unions.

Person—An individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905870 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 837-9236

Organization Procedures

• 7 TAC §91.203

The Credit Union Commission proposes an amendment to §91.203, concerning applications to incorporate and the consideration of possible overlaps in fields of membership when determining whether to approve or deny the application to incorporate. The amendment is proposed to permit the agency to bring its procedures into conformity with Senate Bill 969, 71st Legislature, 1989, which amends Texas Civil Statutes, Article 2461-2.03.

John R. Hale, commissioner, has determined that for the first five-year period the proposed section is 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. Hale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that overlaps in fields of membership will be more efficiently identified and reviewed when applications to incorporate are submitted to the agency. There is no anticipated economic cost to individuals who are required to comply with the section as proposed, except the possibility of a nominal cost to the applicant to notify any credit union whose field of membership might overlap the applicant's field of membership.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

§91.203. *Incorporation Procedures.*

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

(c) The commissioner shall review the application to determine whether to approve or deny the application to incorporate. In reviewing the application, the commissioner shall determine whether the proposed field of membership creates an overlap. The commissioner shall require the applicant to identify potential overlaps with the fields of membership of other state and federal credit unions. The commissioner shall require that notice be given to each credit union identified in the application whose field of membership might overlap if the application to incorporate is approved. The commissioner may require notice be given to any other credit union or credit unions which the commissioner deems appropriate to receive notice. The commissioner shall allow at least 30 days after the date of the commissioner's newsletter in which the notice is published as required in subsection (b) of this section for any affected credit union or credit unions to appear in response to the application prior to taking final action approving or denying the application. The commissioner shall consider the extent and the effect of the overlap. The commissioner may require the applicant credit union to limit or eliminate the overlap in order to achieve the purpose of the Act and promote the welfare and stability of the applicant and the existing state of federal credit unions. The commissioner's decision to approve or deny the application to incorporate shall be evidenced by a written order.

(d) Any person aggrieved by the decision of the commissioner or any incorporator may file a written appeal to the commission and request a hearing on the application to incorporate. If a hearing has been held prior to the commissioner's decision on the application to incorporate, the commission may in its sole discretion, schedule another hearing on the application. If no hearing has been held prior to the commissioner's decision, the commission shall, within 10 days of receipt of the written appeal, set a date for a hearing. Any such hearing shall be scheduled within 60 days of receipt of the written appeal. The commissioner shall notify all parties of the date, time, and place of the hearing, by registered or certified mail, and shall publish notice of such hearing in the *Texas Register*. The commission shall affirm or reverse the decision of the commissioner after reviewing the information furnished with the application, the articles of incorporation, the results of any investigation of the application, information in the official records of the department, and the evidence adduced at any hearing by issuing a written order signed by the chairman or vice [deputy] chairman of the commission. The decision of the commission shall be determined

by a majority vote of the members of the commission.

(e)-(f) (No change.)

(g) If information submitted in the application, regarding an overlap, turns out later to be inaccurate, the mis-information may result in the removal of the group from the field of membership of the applicant.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905883

John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 837-9236

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• 7 TAC §91.206

The Credit Union Commission proposes an amendment to §91.206, concerning amendments of articles of incorporation and bylaws, including the consideration of possible overlaps in fields of membership when determining whether to approve or deny an amendment. The amendment is proposed to permit the agency to bring its procedures into conformity with Senate Bill 969, 71st Legislature, 1989, which amends Texas Civil Statutes, Article 2461-2.06.

John R. Hale, commissioner, has determined that for each year of the first five years the section as proposed is in effect there will be no fiscal implications for the state or local government or small businesses as a result of enforcing or administering the section.

Mr. Hale also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be that amendments to articles of incorporation and bylaws will be handled more efficiently when submitted to the agency, including amendments involving overlaps in fields of membership. Except where a possible overlap in fields of membership is involved, there is no anticipated economic cost to individuals who are required to comply with the section as proposed. When an overlap in a field of membership is involved, an applicant may incur nominal costs in completing the application regarding the overlap and notifying any credit union whose field of membership might overlap the applicant's field of membership. Under the existing section, applicants are already required to submit an application form to the agency to obtain approval of an amendment to articles of incorporation or bylaws.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under Texas Civil Statutes, Article 2461-ii.07, which provide the Credit Union Commission with the

authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

§91.206. Amendments to Articles of Incorporation and Bylaws.

(a) Each credit union authorized to do business under the Act must submit an application [a request] to the commissioner to amend its articles of incorporation or bylaws on forms prescribed by the commissioner. The application shall include the text of the amendment, the date that the board of directors adopted the amendment, a brief statement explaining the purpose of the amendment, and a statement regarding the financial impact on the credit union if the amendment is approved.

(b) For applications to amend the articles of incorporation or bylaws to expand the field of membership of the credit union, the application shall also include the following:

(1) description of the field of membership expansion area in which the community of interest proposed to be served is clearly identified by occupation, association, or residence. If the expansion is for a group in a well defined rural or urban area, the application must state the exact geographical boundaries expressed by city, county, or stated radius from the credit union's principal or branch office, and a map with the proposed expansion identified should be attached;

(2) description of the proposed group or area indicating the number of persons in the proposed group, the potential membership size and general characteristics of the sponsor or area, and whether the group or area is presently being served by another state or federal credit union;

(3) identification of any overlap with another state or federal credit union that will result from the proposed expansion of the field of membership, including:

(A) the nature and degree of the overlap; and

(B) the effect of the overlap on the applicant and any existing credit union;

(4) explanation of why the proposed expansion is being requested; and

(5) demonstration to the satisfaction of the commissioner of the credit union's ability to adequately serve the proposed expanded field of membership both financially and organizationally. This shall include, unless waived by the commissioner, an explanation of the costs

involved in serving the expanded field of membership and when the credit union is projected to recover such costs. The information provided must demonstrate that the expansion is economically feasible.

(c) The commissioner shall review the application to determine whether the expansion of the field of membership creates an overlap. The commissioner shall consider the extent and the effect of the overlap. The commissioner may require the applicant credit union to limit or eliminate the overlap in order to achieve the purposes of the Act and promote the welfare and stability of the applicant and the existing state or federal credit unions. For an application to expand a field of membership, the commissioner shall require that notice be given to each credit union identified in the application whose field of membership might overlap if the application is approved. The commissioner may require notice be given to any other credit union or credit unions which the commissioner deems appropriate to receive notice. The commissioner shall also publish notice of an application to expand a field of membership in the commissioner's newsletter once the application is complete. The commissioner shall allow at least 30 days after the date of the commissioner's newsletter in which the notice is published for any affected credit union or credit unions to appear in response to the application prior to taking final action approving or denying the application. This subsection shall not apply to any application submitted to accomplish a supervisory merger or consolidation pursuant to the Act, §10.3(f), unless the application encompasses a field of membership not presently served by the credit unions that are being merged or consolidated.

(d) The commissioner shall review and approve or deny each request for an amendment. If the commissioner holds a hearing on the application, he shall include in his notice of hearing a statement that the commission may decide not to hold an additional hearing on the application. The commissioner's decision to approve or deny the application shall be evidenced by a written order.

(e) Any person aggrieved by the decision of the commissioner on an amendment may, within 60 days of the date of the commissioner's order, file a written appeal to the commission and request a hearing on the application. If a hearing has been held prior to the commissioner's decision on the application, the commission may, in its sole discretion, schedule another hearing on the application. If no hearing has been held prior to the commissioner's decision, the commission shall, within 10 days of receipt of the written appeal, set a date for

a hearing. The commissioner shall notify all parties of the date, time, and place of the hearing, by registered or certified mail. The commission shall affirm or reverse the decision of the commissioner after reviewing the information furnished with the application, the results of any investigation of the application, information in the official records of the department, and the evidence adduced at any hearing by issuing a written order signed by the chairman or vice chairman of the commission. The decision of the commission shall be determined by a majority vote of the members of the commission.

(f) An appeal of a decision of the commissioner may be informally disposed of pursuant to the provisions of §93.59 of this title (relating to Informal Disposition of Contested Cases).

(g) Any hearing relating to an application to incorporate a credit union shall be conducted pursuant to the provisions of §§93.41-93.64 of this title (relating to Contested Cases).

[(b) If the commissioner disapproves a request for an amendment, the credit union may appeal the decision to the commission not later than 90 days after the date of disapproval. The credit union may request that the commission schedule a hearing on the appeal from the commissioner's decision, or the commission may, on its own motion, schedule such a hearing. The appeal may be disposed of informally pursuant to the provisions of §93.59 of this title (relating to Informal Disposition of Contested Case).]

(h)[(c)] Neither the commissioner nor the commission may approve an amendment if they find that it violates the Act or the rules of the commission adopted under the Act. Reasons for disapproval of an amendment shall be stated with reasonable specificity in a formal order.

(l) If the information submitted in an application, which involves an overlap, turns out later to be inaccurate, the misinformation may result in the removal of the group from the field of membership.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905884 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 837-9236

Organization Procedures

• 7 TAC §91.207

The Credit Union Commission proposes new §91.207, concerning organization procedures. The new section explains the publication of a monthly newsletter.

John R. Hale, commissioner, has determined that for the first five-year period the proposed section is 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. Hale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that essential information on charter and field of membership amendment applications will be published to state-chartered credit unions in a routine manner. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The new section is proposed under Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

§91.207. *Monthly Publication.* The commission shall publish a newsletter monthly, which shall be mailed to all state-chartered credit unions, and to any other person who has requested its receipt in writing. The newsletter shall be dated and shall contain notice of any application to incorporate a credit union and any application to expand a field of membership through amendment of articles of incorporation or bylaws. The commission may establish a fee for copies of the commissioner's newsletter to persons outside of state-chartered credit unions.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905869 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 837-9236

Direction of Affairs

• 7 TAC §91.506

The Credit Union Commission proposes an amendment to §91.506, concerning direction of affairs. The amendment to minimum bond requirements adds subsection (c), concerning audits by surety company.

John R. Hale, commissioner, has determined that for the first five-year period the proposed

section is 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. Hale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the department will be promptly informed of adverse finding from audits by surety bond carriers. The anticipated economic cost to individuals who are required to comply with the section as proposed will be nominal. It is unlikely the costs would exceed \$100 per year in postage.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under Texas Civil Statutes, Article 2461-5.06(b) and Article 11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

§91.506. *Director Meeting Fees and Bond Requirements.*

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

(c) *Audits by surety company.* Credit unions which are audited by the surety company shall notify the commissioner of such audit within 30 days of audit commencement. Reports of such audits are to be provided to the commissioner upon request. The confidentiality of such reports shall be preserved in the same manner afforded reports of examinations conducted by the Credit Union Department.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905868 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 837-9236

• 7 TAC §91.507

The Credit Union Commission proposes an amendment to §91.507, concerning direction of affairs. The amendment amends the reporting requirements which are essential for department monitoring of each credit union's financial progress.

John R. Hale, commissioner, has determined that for the first five-year period the proposed section is 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. Hale 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 sections will be that certain audit reports will not have to be submitted to the regulatory agency. Such reports are rou-

tinely reviewed by examiners during annual examinations. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under Texas Civil Statutes, Article 2461-5.07(b) and Article 11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

§91.507. Financial Reporting; Audits and Verification of Accounts.

(a) (No change.)

(b) The board of directors shall, at least once each year, make or cause to be made, a comprehensive audit of the books and the affairs of the credit union as follows.

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

[(3) A copy of each summary report shall be forwarded to the department on a form provided by the department.]

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

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905866 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 837-9236



Chapter 95. Texas Share Guaranty Credit Union

Finance and Accounts

• 7 TAC §95.311

The Credit Union Commission proposes an amendment to §95.311, concerning finance and accounts

John R. Hale, commissioner, has determined that for the first five-year period there will not be any fiscal implications as a result of enforcing or administering the section.

Mr. Hale also has determined that for each year of the first five years the section as proposed will be that the existing section will

be clarified as to the commissioner's authority in regulating waivers of regular assessments. The anticipated economic cost to individuals who are required to comply with the section as proposed will be none.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act, and 11.10(e).

§95.311. Regular Assessment. The board of directors of the TSGCU shall levy and each member credit union shall pay annually to the TSGCU a regular assessment equal [in an amount not] to [exceed] 1/10 of 1.0% of such member credit union's total share and deposit capital as of December 31 next preceding the date of the assessment. The board of directors of the TSGCU may fully or partially waive any regular assessment upon [with] the approval of the commissioner. The regular assessments [, unless waived] shall be paid annually and shall be due within 30 days of the date of notification, but not later than January 31, of such assessments to such member credit unions. Notification of regular assessments, or duly authorized waivers, shall be made to such member credit unions prior to January 10 of each year, or a later date approved by the commissioner.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905865 John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 837-9236



Chapter 97. Commission Policies and Administrative Rules

Fees

• 7 TAC §97.112

The Credit Union Commission proposes an amendment to §97.112, concerning fees. The amendment amend the supervision fee that is required to be paid by State Chartered credit

unions each year based upon their asset size.

John R. Hale, has determined that for the first five-year period the proposed section there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Hale, 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 sections will be that the Credit Union Department will remain adequately and totally funded by the credit unions regulated by the agency. There is no anticipated economic cost to individuals who are required to comply with the section as proposed will be that larger credit unions will assume a greater, more equitable burden for funding the agency..

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under Texas Civil Statutes, Article 2461-11.07(c), which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act, and 11.10(e).

§97.112. Supervision Fees.

(a) A [Effective January 1, 1984, a] supervision fee shall be paid by each credit union authorized to do business under the Act in accordance with the schedule contained in this section, except for the following:

(1) (No change.)

(2) credit unions that have ceased operation prior to September 1 [August 31] of the calendar year in which fees are payable [preceding fiscal year, under the provisions of the Act by liquidation.

(b) (No change.)

(c) If a credit union fails to pay the supervision fee by October 15, the commissioner may assess a late fee of \$10 [\$5] for each day that the supervision fee is in arrears.

[(d) Texas Share Guaranty Credit Union's annual supervision fee shall be established by the commissioner with the approval of the commission each year.]

(d)[(e)] Credit unions operating branch offices in Texas as authorized by §91.211 of this title (relating to Foreign State Credit Union Branch Offices) shall pay no annual supervision fee.

(e)[(f)] The supervision fee schedule [which is to be effective September 1, 1984, and thereafter] is as follows.

Asset Size:	Fee:
\$1 million to \$2 million.....	\$100
\$2 million to \$3 million.....	\$300
\$3 million to \$5 million.....	\$500
\$5 million to \$7 million.....	\$700
\$7 million to \$10 million.....	\$900
\$10 million to \$12 million.....	\$1,250
\$12 million to \$15 million.....	\$1,500
\$15 million to \$20 million.....	\$1,750
\$20 million to \$30 million.....	\$2,250
\$30 million to \$40 million.....	\$3,000
\$40 million to \$60 million.....	\$3,500
\$60 million to \$80 million.....	\$4,500
\$80 million to \$100 million.....	\$5,500
\$100 million to \$150 million.....	\$7,500
\$150 million to \$200 million.....	\$9,000
\$200 million to \$250 million.....	\$11,000
\$250 million to \$300 million.....	\$13,500
\$300 million to \$350 million.....	\$16,000
\$350 million to \$400 million.....	\$17,500
\$400 million to \$450 million.....	\$20,000
\$450 million to \$500 million.....	\$22,000
\$500 million and above:	\$25,000 plus \$5,000 for each \$50 million, or portion thereof, exceeding \$500 million.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905864

John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 837-9236

TITLE 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

Chapter 187. Procedure

Subchapter B. Prehearing

• 22 TAC §187.24

The Texas State Board of Medical Examiners proposes an amendment to §187.24, concerning procedure. The amendment relates to two major areas: tape recordings during informal settlement conferences; and licensee representation during informal dispositions. The amendment gives discretion to whether a tape recording is made, and also provide that a respondent may be represented or accompanied by someone other than legal counsel when attending informal settlement conferences.

Florence Allen, business manager, and Jean Davis, Texas Register liaison has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Davis 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 greater clarity of the procedures during informal settlement conferences. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing is expected at a later date.

The amendment is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this act.

§187.24. Informal Disposition. Pursuant to the Act, §4.04(b) and the Administrative Procedure and Texas Register Act, §13(e), informal disposition of any complaint or

matter relating to this Act or of any contested case may be made by stipulation, agreed settlement, consent, order, or default. Such informal dispositions will facilitate the expeditious change or correction of medical practice patterns.

(1) (No change.)

(2) The following procedure shall be followed in informal settlement conferences.

(A) (No change.)

(B) The board will provide the licensee with written notice of the time, date, and place of the settlement conference. Such notification shall inform the licensee of the nature of the alleged violation, that the licensee may be represented by legal counsel or by a representative of his or her choice, that the licensee may offer the testimony of witnesses, that the board will be represented by one or more of its members or a district review committee and by staff legal counsel, that the licensee's attendance and participation is voluntary, and that the licensee may request in writing that the matter be considered according to procedures described in Subchapter C of this chapter, concerning hearings. A copy of the board's rules concerning informal disposition of cases shall be enclosed with the notice of the settlement conference. Notice of the settlement conference, with enclosures, shall be sent by certified mail, return receipt requested, to the current address of the licensee on file with the board.

(C) (No change.)

(D) The settlement conference shall be informal and will not follow the procedure established in this chapter for contested cases. The licensee, the licensee's attorney or representative, and representatives of the board and board staff may question witnesses, make relevant statements, present affidavits, letters, reports, or statements of persons not in attendance, and may present such other evidence as may be appropriate.

(E) (No change.)

(F) The board's representative shall prohibit or limit access to the board's investigative file by the licensee, the licensee's attorney or representative, and by the complainant.

(G) The board's representative may, at his or her discretion, direct that a tape recording be made of none [part] or all of the informal settlement conference [proceedings, and may provide a copy of such recording upon re-

quest to the licensee or the licensee's attorney at the cost of reproduction incurred by the board. The licensee or the licensee's attorney may make a tape recording of the proceedings if a recording will be made by the board's staff. The board's representative may order that no recording be made or may agree that no tape recording of the settlement conference will be made by anyone].

(H) The board's representative shall exclude from the settlement conference all persons except witnesses during their testimony, the licensee, the licensee's attorney or representative, the complainant, board members, district review committee members, and board staff.

(I)-(M) (No change.)

(3) (No change.)

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

Issued in Austin, Texas, on June 27, 1989.

TRD-8905896

G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 452-1078

Part XV. Texas State Board of Pharmacy

Chapter 283. Licensing Requirements for Pharmacists

• 22 TAC §283.2

The Texas State Board of Pharmacy proposes an amendment to §283.2, concerning rules governing the licensing of pharmacists. The amendment will clarify that the word state when used in this chapter refers to one of the 50 states of the United States, the District of Columbia, and Puerto Rico.

Fred S. Brinkley, Jr., executive director/secretary, has determined that for the first five-year period the proposed section is 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. Brinkley, Jr. 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 further protect the public health, safety and welfare by establishing standards which pharmacists must meet in order to qualify for a license to practice pharmacy. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, which provide the Texas State Board of Pharmacy with the authority to establish standards whereby an applicant may qualify for a license to practice pharmacy in Texas.

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

State—One of the fifty United States of America, the District of Columbia, and Puerto Rico.

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 June 28, 1989.

TRD-8905740 Fred S. Brinkley, Jr.
Executive Director
Texas State Board of
Pharmacy

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 832-0661

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**Institutional Pharmacy
(Class C)**

• 22 TAC §291.72, §291.74

The Texas State Board of Pharmacy proposes amendments to §291.72 and 291.74, concerning Class C (institutional) pharmacies. These sections amend the existing rules governing Class C pharmacies to add the definitions of dangerous drug and controlled substance and to clarify procedures for dispensing of drugs from the emergency room of a hospital.

Fred S. Brinkley, Jr., executive director/secretary, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Brinkley 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 that they provide a mechanism whereby a limited supply of dangerous drugs may be supplied from a hospital emergency room to a patient when no pharmacy services are available to the patient. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754-4533.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §§5, 17, 29, which provide the Texas State Board of Phar-

macy with the authority to govern the practice of pharmacy in a Class C institutional pharmacy and to establish the specifications for minimum standards for the storage, recordkeeping, dispensing, provision, and delivery of prescription drugs or devices within the practice of pharmacy.

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

Controlled substance—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended (Texas Civil Statutes, Article 4476-15), or a drug, immediate precursor, or other substance included in Schedules I-V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Publication L 91-513).

Dangerous drug—Any drug or device that is not included in Penalty Groups 1-4 of the Controlled Substances Act and that is unsafe for self-medication or any drug or device that bears or is required to bear the legend:

(A) "Caution: federal law prohibits dispensing without prescription"; or

(B) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

§291.74. Operational standards.

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

(g) Emergency rooms.

(1) During the times a pharmacist is on duty in the facility any prescription drugs supplied [dispensed] to an outpatient, including emergency room patients, may only be dispensed by a pharmacist.

(2) When a pharmacist is not on duty in the facility, the following is applicable for supplying prescription drugs from the emergency room [procedures shall be observed in dispensing prescription drugs from the emergency room:]

(A) If the patient has been admitted to the emergency room and assessed by a practitioner at the hospital, the following procedures shall be observed in supplying prescription drugs from the emergency room: [Drugs may only be dispensed to patients who have been admitted to the emergency room.]

(I){(B)} Dangerous [or]drugs and/or controlled substances may only be supplied [dispensed] in accordance with the system of control and accountability for dangerous drugs and/or

controlled substances administered or supplied [dispensed] from the emergency room; such system shall be developed and supervised by the pharmacist-in-charge or staff pharmacist designated by the pharmacist-in-charge.

(II){(C)} Only dangerous drugs and/or controlled substances listed on the emergency room drug list may be supplied [dispensed]; such list shall be developed by the pharmacist-in-charge and the facility's emergency department committee (or like group or person responsible for policy in that department) and shall consist of dangerous drugs and/or controlled substances of the nature and type to meet the immediate needs of emergency room patients.

(III){(D)} Dangerous [or]drugs and/or controlled substances may only be supplied [dispensed] in pre-packaged quantities not to exceed a 72[24]-hour supply in suitable containers and appropriately pre-labeled (including necessary auxiliary labels) by the institutional pharmacy.

(IV){(E)} At the time of delivery of the dangerous drugs and/or controlled substances, [prescription drugs], the practitioner or licensed nurse under the supervision of a practitioner shall appropriately complete the label[, such that the dispensing container bears a label] with at least the following information:

(I){(i)} name, address, and phone number of the facility;

(II){(ii)} date supplied [dispensed];

(III){(iii)} name of the practitioner;

(IV){(iv)} name of the patient;

(V){(v)} directions for use; [and]

(VI) brand name and strength of the dangerous drug or controlled substance; or if no brand name, then the generic name, strength, and the name of the manufacturer or distributor of the dangerous drug or controlled substance;

(VII) quantity supplied; and

(VIII){(vi)} unique identification number.

(v){(F)} The practitioner or a licensed nurse under the supervision of the practitioner, shall give the appropriately

labeled, prepackaged drug [medication] to the patient and explain the correct use of the drug.

(vi)[(G)] A perpetual record of dangerous drugs and/or controlled substances [prescription drugs] supplied [dispensed] from the emergency room shall be maintained in the emergency room. Such record shall include the following:

(I)[(i)] date supplied [dispensed];

(II)[(ii)] practitioner's name;

(III)[(iii)] patient's name;

(IV)[(iv)] brand name and strength of the dangerous [prescription] drug [;] or controlled substance; or if no brand name, then the generic name, strength, and the name of the manufacturer or distributor of the dangerous [prescription] drug [;] or controlled substance;

(V)[(v)] quantity supplied [dispensed]; and

(VI)[(vi)] unique identification number.

(vii)[(H)] The pharmacist-in-charge or staff pharmacist designated by the pharmacist-in-charge, shall verify the correctness of this record at least once every seven days.

(B) If the patient has been admitted to the emergency room of a hospital and a practitioner telephones an order for a dangerous drug to be supplied, the following is applicable.

(i) Dangerous drugs may only be supplied to patients of hospitals after the normal business hours of local pharmacies and when pharmacy services are not reasonably available to the patient.

(ii) The practitioner shall cosign any order for dangerous drug which is telephoned to the hospital emergency room within 72 hours.

(iii) The practitioner shall have a previous patient/physician relationship with the patient admitted to the emergency room.

(iv) The dangerous drugs may only be supplied in accordance with the system of control and ac-

countability for drugs administered or supplied from the emergency room; such system shall be developed and supervised by the pharmacist-in-charge or staff pharmacist designated by the pharmacist-in-charge.

(v) Only dangerous drugs listed on the emergency room drug list may be supplied; such list shall be developed by the pharmacist-in-charge and the facilities emergency department committee (or like group or person responsible for policy in that department) and shall consist of dangerous drugs of the nature and type to meet the immediate needs of emergency room patients.

(vi) The dangerous drugs may only be supplied in prepackaged quantities not to exceed 72-hour supply in suitable containers and appropriately pre-labeled (including necessary auxiliary labels) by the institutional pharmacy.

(vii) At the time of delivery of the dangerous drugs, a licensed nurse shall complete the label with at least the following information:

(I) name, address, and phone number of the facility;

(II) date supplied;

(III) name of the practitioner;

(IV) name of the patient;

(V) directions for use;

(VI) brand name and strength of the dangerous drug; or if no brand name, then the generic name, strength, and the name of the manufacturer or distributor of the dangerous drug;

(VII) quantity supplied; and

(VIII) unique identification number.

(viii) A licensed nurse shall give the appropriately labeled, prepackaged dangerous drug to the patient and explain the correct use of the drug.

(ix) A perpetual record of dangerous drugs supplied from the emergency room shall be maintained in

the emergency room. Such record shall include the following:

(I) date supplied;

(II) practitioner's name;

(III) patient's name;

(IV) brand name and strength of the dangerous drug; or if no brand name, then the generic name, strength, and the name of the manufacturer or distributor of the dangerous drug;

(V) quantity supplied; and

(VI) unique identification number.

(x) The pharmacist-in-charge or staff pharmacist designated by the pharmacist-in-charge, shall verify the correctness of this record at least once every seven days.

(C) Prior to implementing the procedures for supplying dangerous drugs to emergency room patients of a hospital on the telephone order of a practitioner, as specified in subparagraph (B) of this paragraph, the hospital shall notify the board of its intent to implement this policy. Such notification shall be signed by the hospital administrator, medical director, and pharmacist-in-charge and contain the following information:

(i) the hours the hospital pharmacy is open for pharmacy services; and

(ii) documentation of the lack of pharmacy services after normal business hours of the hospital pharmacy.

(h) (No change.)

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

Issued in Austin, Texas, on June 28, 1989.

TRD-895740

Fred S. Binkley, Jr.
Executive
Director/Secretary
Texas State Board of
Pharmacy

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 832-0661



TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 9. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

• 28 TAC §9.1

The State Board of Insurance proposes an amendment to §9.1, concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual). The amendment to §9.1 was adopted on an emergency basis and became effective on March 6, 1989. Notice of the emergency adoption of this amendment appeared in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1337). The amendment to §9.1 itself is necessary to reflect an amendment which the board is proposing to the manual, which the section adopts by reference. The amendment to the manual is necessary in order to enable the efficient administration of condemnation of land and the resulting construction of public highways to proceed without unnecessary delay, interference, or cost to the state. The amendment to §9.1 incorporates by reference an amendment to the manual, which the section adopts by reference. The amendment to the manual amends procedural rule P-14 and adopts new rule R-23 to provide for a premium charge and an offsetting credit for title policies issued to the State Department of Highways and Public Transportation. This amendment applies only to the State Department of Highways and Public Transportation. The board has filed with the Secretary of State's Office, Texas Register Division, a copy of the amendment to the manual incorporated by reference under this amendment to §9.1. Persons desiring copies of this amendment to the manual can obtain copies from the Title Section of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Stephen A. Hester, Jr., title insurance manager, has determined that for the first five-year period the proposed section is 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. Hester 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 the expedition of title insurance policy service to the State Department of Highways and Public Transportation. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Stephen A. Hester, Jr., Title Insurance Manager, Division Code 0513, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Article 1.04, 9.07, and 9.21, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, autho-

rizes the State Board of Insurance to determine policy and rules. The Insurance Code, Article 9.07, authorizes and requires the board to fix and promulgate the premium rates to be charged by title insurance companies and title insurance agents, to promulgate or approve forms for policies of title insurance, to require title insurance companies and agents to submit information material for the board's consideration, and otherwise to provide for the regulation of the business of title insurance. The Insurance Code, Article 9.21, authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures. Section 5 prescribes the procedure for adoption of rules by a state administrative agency.

§9.1. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas. The State Board of Insurance adopts by reference the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* as amended effective March 6, 1989 [March 1, 1989]. The document is published and is available from Hart Graphics, P.O. Box 968, Austin, Texas 78767, and is available from and on file at the Title Insurance Section, Division Code, 0513, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

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

Issued in Austin, Texas, on July 5, 1989.

TRD-8905876 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: August 11, 1989

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 114. Control of Air Pollution from Motor Vehicles

• 31 TAC §114.4, §114.5

The Texas Air Control Board (TACB) proposes amendments to §114.4 and §114.5, concerning control of air pollution from motor vehicles. The proposed amendment to §114.4, concerning equipment evaluation procedures for vehicle exhaust gas

analyzers, updates the reference to specifications for vehicle exhaust gas analyzers to be used in the Texas Vehicle Idle Inspection/maintenance (I/M) Program scheduled to be implemented in Dallas and Tarrant counties on January 1, 1990. Changes to the specifications, incorporated by reference, include improvements in analyzer technology primarily to expand the computer capabilities of the system. This will require analyzers to utilize personal computer (PC) technology and associated software programming to enhance inspection procedures, to assist in monitoring the effectiveness of the program, and to provide the flexibility to incorporate future changes to the I/M program. Several provisions to improve the performance of the analyzers have also been proposed, including requirements for barometric pressure compensation and more frequent calibrations. Specific information regarding the state process for certifying analyzers sold or leased for use in the program has also been included. The proposed amendment to §114.5, concerning exclusions and exceptions, revises the exemption regarding the prohibition on the sale of tampered vehicles to allow such sales between retail dealers and from retail to wholesale dealers. This revision clarifies that the TACB intends to exempt all dealer transactions that do not result in the sale of a tampered vehicle to an individual for operation on a public roadway.

Bennie L. Engelke, director of management and staff services, has determined that for the first five-year period the sections as proposed is in effect, there will be no fiscal implications for state and local units of government or for small businesses not expressly required to comply with the section as proposed. The economic cost to individuals required to comply with the sections as proposed is the capital and operating cost for the new analyzers to the inspection stations. These costs are estimated as follows. The estimated capital cost is \$11,000-\$12,000 per analyzer with an additional 10% annual operating expense for the approximately 2,000 analyzers expected to be needed in the area. The total estimated cost for Dallas and Tarrant Counties is \$27 million for 1990 and \$2 million for each year from 1991-1994.

Les Montgomery, director of technical support and regulation development program, has determined that for the first five years the sections as proposed are in effect, the public benefit anticipated as a result of implementation of the sections will be more effective and consistent administration and evaluation of the vehicle I/M program. The proposed amendments to the vehicle exhaust gas analyzer specifications are also necessary to satisfy the commitment included in the Post-1982 state implementation plan revisions for ozone in Dallas and Tarrant Counties.

Public hearings on this proposal are scheduled for the following times and places: August 3, 1989, 10:00 a.m., Downtown Central Library Auditorium, 1515 Young Street, Dallas; and August 3, 1989, 7 p.m., Fort Worth Public Health Department, 1800 University, Room 215, Fort Worth

Copies of the proposed sections and the analyzer specifications are available at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Pub-

lic comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by 4 p.m. on August 4, 1989, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Section, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

The amendments are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§114.4. Equipment Evaluation Procedures for Vehicle Exhaust Gas Analyzers.

(a) Any manufacturer or authorized distributor of vehicle testing equipment may apply to the executive director for approval of an exhaust gas analyzer or analyzer system for use in the Texas Vehicle Idle Inspection/Maintenance (I/M) Program administered by the Texas Department of Public Safety (DPS). Each applicant must provide sufficient information regarding a specific analyzer or analyzer system to demonstrate conformance with the criteria set forth in *Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Idle Emissions Inspection/Maintenance Program* revised June 16, 1989, [October 14, 1988,] which is herein adopted by reference. Copies of this document are available at the Texas Air Control Board Central Office, 6330 Highway 290 East, Austin, and at the DPS Central Office, 5805 North Lamar Boulevard, Austin.

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

§114.5. Exclusions and Exceptions.

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

(e) The following vehicle transactions involving wholesale dealers and retail dealers as defined in the Texas Dealer Law, Texas Civil Statutes, Article 6686, Title 43, Texas Administrative Code, are exempt from the requirements of §114.1(c) of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions From Motor Vehicles):

(1) (No change.)

(2) sales or transfers from a vehicle wholesale dealer to a vehicle retail dealer; [and]

(3) sales, transfers, or trade-ins from an individual to a vehicle wholesale or retail dealer;[.]

(4) sales or transfers from one retail dealer to another retail dealer; and

(5) sales or transfers from a retail dealer to a wholesale dealer.

(f)-(g) (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 June 29, 1989.

TRD-8905803

Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: September 22, 1989

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter Q. Franchise Tax

• 34 TAC §3.391

The Comptroller of Public Accounts proposes an amendment to §3.391, concerning accounting methods. The amendment reflects recent changes in the franchise tax enacted by the legislature.

Subsection (b)(5) provides guidelines for corporations eligible to use the federal income tax method of reporting and elect to change and report under generally accepted accounting principles in a subsequent reporting period.

Subsection (b)(7) requires the inclusion of the investor's share of the pre-acquisition earnings of a subsidiary or investee in investment cost.

Subsection (d)(2) refers to corporations eligible to use the federal income tax method under the Tax Code, §171.113. Another change was made in this subsection for clarification purposes

Ben Lock, associate deputy comptroller for fiscal management, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses.

Mr. Lock 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 from clarification of statutory changes regarding the pre-acquisition earnings of a subsidiary and changes in accounting methodology. 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 Martin Cherry, Assistant Director, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Tax Code, §111.002, which provides the comp-

troller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.391. Accounting Methods.

(a) (No change.)

(b) General rules. The provisions of this subsection apply to both the generally accepted accounting principles (GAAP) and federal income tax methods.

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

(5) A corporation's eligibility to report under the federal income tax method will determine whether it can change from the GAAP method to the federal income tax method, or vice versa, in a subsequent reporting period. Unless otherwise specified in this paragraph, a corporation cannot change accounting methods more often than once every four years without the written consent of the comptroller.

(A) A corporation that is eligible to report under the federal income tax method may change from the GAAP method to the federal income tax method once every four years. The corporation shall revert to the GAAP method within the next four years only if it loses its eligibility to use the federal income tax method.

(B) A corporation eligible to report under the federal income tax method may change from the federal income tax method to the GAAP method once every four years. The corporation cannot change back to the federal income tax method during the next four years.

(C) A corporation that loses its eligibility to report under the federal income tax method and has to report under the GAAP method may revert to the federal income tax method in a subsequent reporting period if it regains its eligibility to use that method.

(6)[(5)] A change will be recognized prospectively only, unless it corrects an accounting error. An accounting error results from a mathematical mistake, a mistake in the application of accounting principles, or an oversight or unintentional misuse of facts that existed on the date upon which the tax is based. Subsequent events (i.e., events or transactions occurring after the date upon which the report is based) will not be considered, even if the subsequent event provides additional evidence with respect to conditions that existed on the date upon which the tax is based.

(7)[(6)] The cost method of accounting must be used for investments in other corporations. Cost is [must be] the original valuation of the investment under

GAAP, without reduction for amortization of goodwill or any other write-downs. Beginning May 1, 1989, of any tax period, the investor's share of the pre-acquisition retained earnings of a subsidiary or investee may not be excluded from the investment cost of that subsidiary or investee. Retained earnings represent the accumulated gains and losses of a corporation to date, reduced by any dividend distributed to shareholders and any amounts transferred to either capital stock or paid-in capital. [The investor's share of the pre-acquisition earnings of an investee are excluded from the investment cost. (These earnings may reduce the parent company's surplus, but not its stated capital.)] The cost of an investee may be reduced by legally declared dividends of the investee to the extent that such dividends exceed the investee's [pre-acquisition and] post-acquisition earnings as determined under GAAP.

(8)[(7)] Transfers of assets must be reported at the transferor's basis, as determined under the reporting method used for franchise tax, if allowed by GAAP. The transferor's basis may not, however, be reduced by unrealized, estimated, or contingent losses for the purposes of this subsection.

(c) (No change.)

(d) Federal income tax method.

(1) (No change.)

(2) In determining if surplus is less than \$1 million for purposes of the Tax Code, §171.109(c) and §171.112(c), or if a corporation qualifies to report under the Tax Code, §171.113, and elects to report using the federal income tax method, the [a] corporation must apply the methods used in the last federal income tax return originally due on or before the franchise tax report is originally due, unless another method is required under a specific provision of this title or the Tax Code, Chapter 171.

(3) (No change.)

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

Issued in Austin, Texas, on July 5, 1989.

TRD-8905879 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 463-4004

Subchapter Q. Franchise Tax

• 34 TAC §3.399

The Comptroller of Public Accounts proposes an amendment to §3.399, concerning fran-

chise tax exemptions. The amendment implements recent legislation exempting corporations engaged exclusively in the business of recycling sludge and corporations organized by farmers' cooperatives to finance the ordinary crop operations of producers of farm products.

Ben Lock, associate deputy comptroller for fiscal management, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses.

Mr. Lock 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 from clarification of statutory changes regarding franchise tax exemptions. 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 Martin Cherry, Assistant Director, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.399. Franchise Tax Exemptions.

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

(e) Federal exemption. A corporation that meets the requirements of any paragraph of this subsection may establish its exempt status merely by furnishing to the comptroller a copy of the exemption letter which it received from the Internal Revenue Service.

(1) A [If a] nonprofit corporation that has been exempted from the federal income tax under the provisions of the Internal Revenue Code, §501(c)(3), (4), (5), (6), or (7), as it existed on January 1, 1975;[,] or[.]

(2) for reports due on or after January 1, 1988, [if] any corporation that has been exempted under the provisions of the Internal Revenue Code of 1986, §501(c)(2) and (25);[,] and] if the entity or entities for which it holds title to property are either exempt from or not subject to the franchise tax; and [, then the corporation may establish its exempt status merely by furnishing to the comptroller a copy of the exemption letter which it received from the Internal Revenue Service]

(3) for each annual period that begins on or after June 2, 1989, and for each initial period that on that date has six months or more before expiration and for any second period if the change applies to the initial period, a corporation that is exempted from federal income tax under the Internal Revenue Code of

1986, §501(c)(16).

(f)-(g) (No change.)

(h) Exemption for recycling operation. A corporation engaged solely in the business of recycling sludge as defined by the Texas Civil Statutes, Article 4477-7, Texas Solid Waste Disposal Act, §2, is exempt from franchise tax beginning with reports due on or after September 1, 1991.

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 June 29, 1989.

TRD-8905748 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 463-4004

• 34 TAC §3.416

The Comptroller of Public Accounts proposes new §3.416, concerning title insurance holding company tax credits. The new section provides for a credit against franchise tax liability for domestic title insurance holding companies whose subsidiaries paid premium taxes in Texas. The new section implements recent legislation.

Ben Lock, associate deputy comptroller for fiscal management, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government. This section is adopted under the Tax Code, Title 2, and does not require a statement of the fiscal implications for small businesses.

Mr. Lock 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 clarification of statutory changes regarding the title insurance holding company franchise tax credit. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Martin Cherry, Assistant Director, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

The new section is proposed under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.416. Title Insurance Holding Company Tax Credits.

(a) Controlled company. For fran-

chise tax purposes controlled company has the same meaning as defined in the Insurance Code, Article 21.49-1.

(b) Eligibility. A title insurance holding company that is subject to the Insurance Code, Article 21.49-1, and which controls one or more domestic title insurance companies that are subject to the tax on premiums under the Insurance Code, Article 9.59, is entitled to a credit against its franchise tax imposed by the Tax Code, Chapter 171.

(c) Calculation of the credit.

(1) The credit for each controlled domestic title company is computed by multiplying the amount of tax on premiums paid by that company in the most recent calendar year ending before the franchise tax report is due, by the percentage of ownership of the title insurance holding company in the controlled domestic title insurance company.

(2) The percentage of ownership of a controlled domestic title insurance company is determined as of the accounting year-end upon which the franchise tax report is based.

(d) Limitations. A claim for credit by a title insurance holding company is subject to the following limitations.

(1) The franchise tax due after deducting the credit shall not be less than the minimum tax.

(2) No portion of a credit may be used on a return for another period.

(e) Effective date. The tax credits provided by the Insurance Code, Article 9.59, apply to the reporting and calculation of franchise taxes for each initial, second, and regular annual period beginning on or after January 1, 1990.

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 June 28, 1989.

TRD-8905747

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 463-4004

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TITLE 43.
TRANSPORTATION
Part II. Texas Turnpike
Authority
Chapter 51. Practice and
Procedure

• 43 TAC §51.6

The Texas Turnpike Authority (Authority) proposes an amendment to §51.6, concerning certain administrative officers of the Texas Turnpike Authority. The amendment provides for streamlining of upper-level management. The amendment will allow all deputy directors to be responsible to the executive director.

Harry Kabler, secretary-treasurer, has determined that for the first five-year period the proposed section is 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. Kabler 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 clarification of the authority's bylaws with respect to the authority's ability to enhance and maintain efficiency and effective management practices. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jimmie G. Newton, P.O. Box 190369, Dallas, Texas 75219.

The amendment is proposed under Texas Civil Statutes, Article 6674v, §5, which pro-

vide the Texas Turnpike Authority with the authority to adopt bylaws for the regulation of its affairs and the conduct of its business.

§51.6. Administrative Officers. There are hereby created the following administrative officers:

(1) an executive director who shall be responsible for the general management of the work of the Texas Turnpike Authority. [.]The executive director shall be selected by the board of directors.

(2) a registered professional engineer [a deputy director] who shall be responsible for all engineering matters, including studies of future projects, right-of-way, and construction for all projects, and operation of all projects. In addition, the engineer [deputy director] shall have such other responsibility as may be delegated to him by the executive director [or the board. Both the executive director and the deputy director shall be selected by the board, and their respective offices may be for an unlimited period of years];

(3)-(6) (No change.)

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

Issued in Austin, Texas, on June 30, 1989.

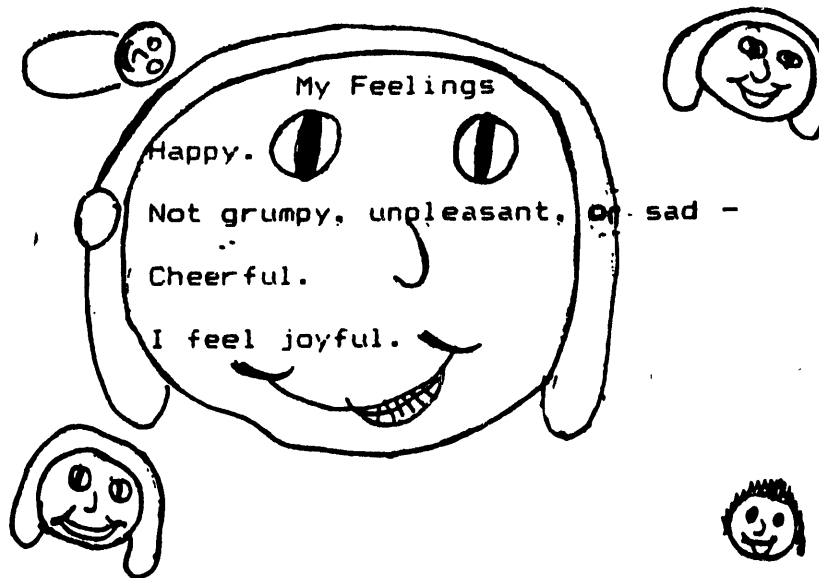
TRD-8905849

Robert G. Neely
Executive Director
Texas Turnpike Authority

Earliest possible date of adoption: August 11, 1989

For further information, please call: (512) 522-6200

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Name: Nicole East

Grade: 4

School: McKinney Elementary, McKinney

Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 13. CULTURAL RESOURCES

Part VII. State Preservation Board

Chapter 111. Rules and Regulations of the Board

- 13 TAC §111.13

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §111.13, submitted by the State Preservation Board has been automatically withdrawn, effective July 5, 1989. The amendment as proposed appeared in the January 3, 1989 issue of the *Texas Register* (14 TexReg 22).

TRD-8905885



TITLE 22. EXAMINING BOARDS

Part XXIX. Texas Board of Land Surveying

Chapter 663. General Rules of Procedures and Practices

Standards of Responsibility and Rules of Conduct

- 22 TAC §663.3

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §663.3, submitted by the Texas Board of Land Surveying has been automatically withdrawn, effective July 5, 1989. The amendment as proposed appeared in the January 3, 1989 issue of the *Texas Register* (14 TexReg 30).

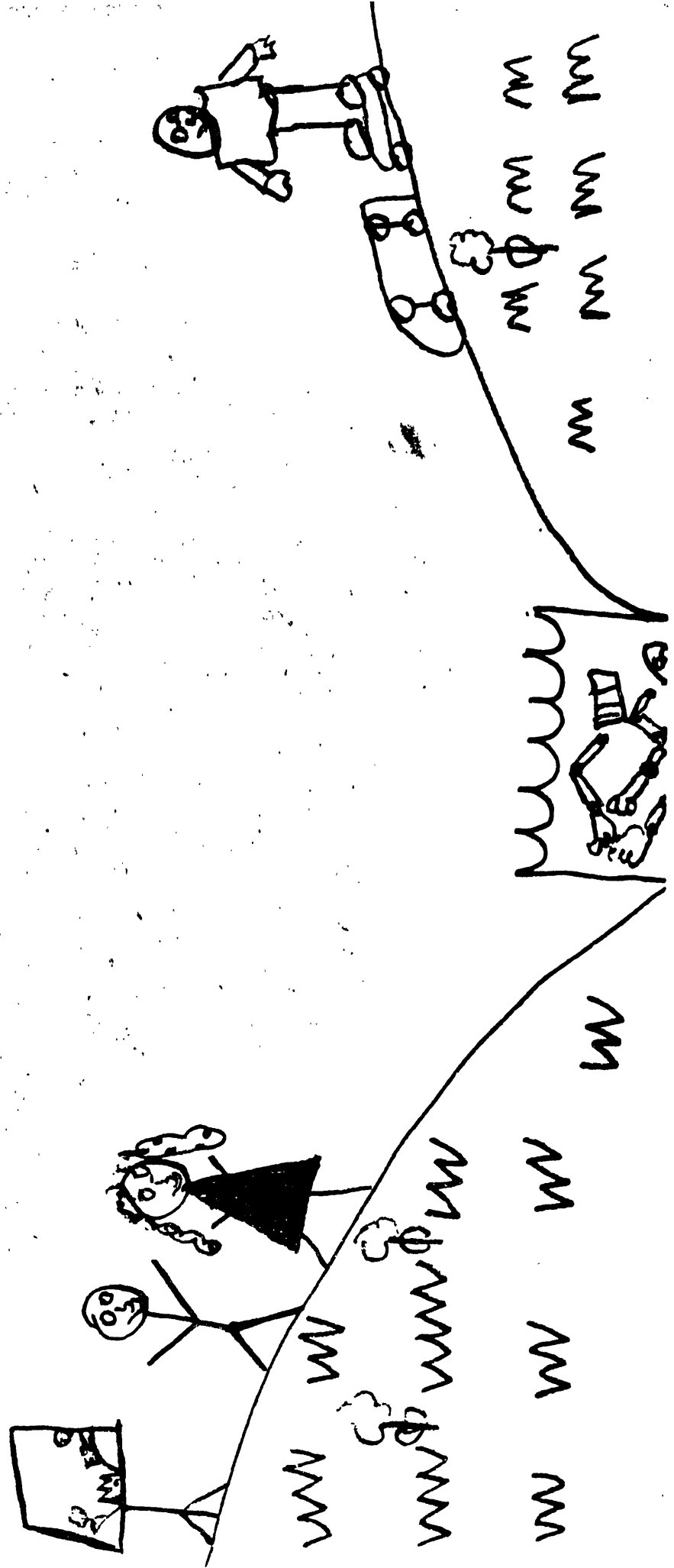
TRD-8905886



Name: Pepi Lopez

Grade: 2

School: Burks Elementary, McKinney



Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section 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 section 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 section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 10. COMMUNITY DEVELOPMENT

Part II. Texas Department of Commerce

Chapter 165. Allocation of the State's Limit on Certain Private Activity Bonds

• 10 TAC §§165.1-165.9

The Texas Department of Commerce (department) adopts repeals to §§165.1-165.9, without changes to the proposed text as published in the January 3, 1989, issue of the *Texas Register* (14 TexReg 21).

The repeals are necessary because the authority under which the sections were adopted, Texas Civil Statutes, Article 5190.9 has been repealed.

The department's current authority to administer the allocation of the authority in the state to issue private activity bonds is Texas Civil Statutes, Article 5190.9a.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 5190.9a, which provide the Texas Department of Commerce with the authority to adopt rules for the administration and implementation of the allocation of the state's limit on certain private activity bonds.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905873

J. William Lauderback
Executive Director
Texas Department of
Commerce

Effective date: July 24, 1989

Proposal publication date: January 3, 1989

For further information, please call: (512) 472-5059

• 10 TAC §§165.1-165.8

The Texas Department of Commerce (department) adopts new §§165.1-165.8, with changes to the proposed text as published in the January 3, 1989, issue of the *Texas Register* (14 TexReg 21).

The new sections are adopted to establish requirements and procedures for submission of applications for reservation, applications for carryforward, and supporting documenta-

tion and the consideration of those applications by the department.

The new sections provide clarification of the information required to reserve a portion of the state's ceiling and to clarify certain approval standards pursuant to Texas Civil Statutes, Article 5190.9a.

Commenters suggested that the certain definitions should reflect the recodification of former statutes into new statutes. One commenter suggested that the requirement of \$1,000 integrals be deleted. Other comments were made regarding documentation and reporting requirements.

Names of groups and associations for and against the sections include Butler & Binion, Fulbright & Jaworski, Parkhurst & Horton, the Texas Housing Agency, and Vinson & Elkins.

The department has incorporated most of the comments including the recodification of statutes and deletion of \$1,000 integrals. Others related to documentation and reporting requirements were maintained because of the limited volume cap and the administrative procedures involved with unexpended proceeds.

The new sections are adopted under Texas Civil Statutes, Article 5190.9a, which provide the Texas Department of Commerce with the authority to adopt rules pertaining to the adoption, implementation, and administration of the allocation of the state's ceiling on private activity bonds.

§165.1. General Provisions.

(a) Introduction. Pursuant to the authority granted by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and Texas Civil Statutes, Article 5190.9a, the Texas Department of Commerce prescribes the following sections regarding practice and procedure before the department in the administration of the allocation of the authority in the state to issue private activity bonds.

(b) Objective. The objective of the sections in this chapter is to establish the most equitable and efficient means of allocating the state ceiling on private activity bonds in accordance with the Act. The intent of the department is to formulate policies and guidelines that would provide standards of eligibility and procedures for applications submitted to reserve a portion of the state ceiling for private activity bonds.

(c) Definition of terms. The following words and terms, when used in this section, shall have the following meanings,

unless the context clearly indicates otherwise.

Act—Texas Civil Statutes, Article 5190.9a.

Additional documents—Those documents that are required to be filed by the issuer no later than 20 days after the reservation date, except for issuers of qualified mortgage bonds.

Amount—With respect to bonds, reservation certificate, or a portion of the state ceiling, is a sum measured in terms of United States dollars.

Application for carryforward—The application for a carryforward required to be filed by an issuer with all attachments and amendments to reserve a portion of the state ceiling for carryforward purposes.

Application for reservation—The application for reservation required to be filed by an issuer with all attachments to reserve a portion of the state ceiling.

Available—Any amount of the state ceiling set aside for reservations by an issuer upon compliance with the terms of the Act and this chapter.

Board—The Board of Directors of the Texas Department of Commerce.

Bonds—Includes all bonds, certificates, notes, and other obligations authorized to be issued by any issuer by any statute, city home-rule charter, or the Texas Constitution and which are subject to the limitations of Section 146 of the code.

Borrower—Any person or persons whose private business use, within the meaning of the code, would cause any bonds to constitute private activity bonds within the meaning of the code. If there is more than one such person with respect to any issue of bonds, then the term shall mean and include each and every such person known at the time that the issuer files an application for reservation or an application for carryforward, except that any one of such persons may execute any such application, letter or other writing which the Act and this chapter requires to be executed by the borrower.

Business day—A day on which the department is open for business. The term shall not include any Saturday, Sunday or holiday officially observed by the state. The department's normal business hours are 8 a.m. to 5 p.m. each business day.

Certificate of allocation—The notice given by the department to an issuer confirming the issuance of bonds receiving a portion of the state ceiling pursuant to the Act and the code.

Certificate of delivery—The notice given to the department by the issuer stating the closing date of the bonds and the amount of bonds issued and delivered at closing.

Certificate of reservation—The notice given by the department to an issuer reserving a specific amount of the state ceiling for a specific issue of bonds.

Close or closing—The issuance and delivery of bonds by an issuer in exchange for the required payment therefor, or in the case of mortgage credit certificates, the date when an issuer elects not to issue qualified mortgage bonds and establishes a mortgage credit certificate program under the code.

Closing date—The date on which the bonds have been issued and delivered in exchange for the required payment therefor.

Code—The Internal Revenue Code of 1986, as the same from time to time may be amended.

Department—The Texas Department of Commerce.

Election—An election by an issuer of qualified mortgage bonds to convert its bond authority to mortgage credit certificates under applicable sections of the code.

Executive director—The executive director of the department.

Fee—The \$500 nonrefundable application fee submitted to the department along with an application for reservation or an application for carryforward.

Governing body—The board, council, commission, commissioners' court, or legislative body of the governmental unit.

Governmental unit—A city, county, or other political subdivision which may create and utilize a corporation, or act for and on its behalf.

Housing finance corporation—A corporation created under the Texas Housing Finance Corporations Act, Texas Local Government Code, Chapter 394.

Issued—Bonds that have actually been delivered and paid for in full. The date of issuance shall be the date on which the bonds have been delivered and paid for in full.

Issuer—Any department, board, authority, agency, subdivision, municipal corporation, political subdivision, body politic, or instrumentality of the State of Texas of every kind or type whatsoever and any non-profit corporation acting for or on behalf of any of the foregoing.

Joint housing finance corporation—A housing finance corporation acting on behalf of more than one local governmental unit as provided in the Texas Housing Finance Corporations Act, §394.012, Texas Local Government Code, Chapter 394.

Local governmental unit—Any city or county

Local population—The population in the local governmental unit or units on whose behalf a housing finance corporation is created as determined by the most recent federal census estimate. If two local governmental units which overlap have created housing finance corporations, prior to the sale of qualified mortgage bonds by either

housing finance corporation, there shall be excluded from the population of the larger local governmental unit that portion of the population of any smaller local governmental unit having a population as determined by the most recent federal census estimate of 20,000 or more which is within the larger local governmental unit, unless the smaller local governmental unit assigns its authority to issue qualified mortgage bonds, based upon its population, to the larger local governmental unit.

Locally voted issue—An issue of bonds which has been authorized pursuant to a referendum approved by the voters of a political subdivision of the State of Texas.

Mortgage credit certificate—A certificate of the nature described in the Code, §25.

Private activity bond—A private activity bond within the meaning given that term under the code.

Project—Any eligible facility, as described in the application for reservation or carryforward, proposed to be financed, in whole or in part, by an issue of bonds. With respect to qualified mortgage bonds or student loan bonds, the department shall consider the project or purpose to be the provision of financial assistance to qualifying mortgagors or students within all or any portion of the jurisdiction of the issuer.

Qualified application—A completed application for reservation or an application for carryforward.

Qualified bond—A qualified bond within the meaning given that term under the code.

Qualified mortgage bond—A qualified mortgage bond within the meaning given that term under the code, including mortgage credit certificates.

Related person—Related person within the meaning given that term under the code.

Reservation—A reservation of a portion of the state ceiling for a specific bond issue.

Reservation date—The earliest date on which a qualified application for reservation is accepted for filing with the department pursuant to the Act and a portion of the state ceiling is or becomes available to the issuer.

Rules—Any statement of general applicability that implements, interprets, or prescribes law or policy, or describes the department's procedures and practice.

Significant expenditures—Expenditures greater than the lesser of \$1,000,000 or 10% of the reasonably anticipated cost of the project.

Staff—The staff of the department.
State—State of Texas.

State ceiling—The amount of the authority in the state to issue tax exempt private activity bonds during the calendar year, as determined under the code.

State voted issue—An issue of bonds which has been authorized pursuant to a statewide referendum approved by the voters of the state.

(d) Amendment and suspension of sections. These sections may be amended by the department at any time in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, as amended.

(e) Statements and opinions. Statements and opinions expressed orally or in writing by the staff in response to inquiry or otherwise, and not specifically identified and promulgated as sections, shall not be considered regulatory standards of the department and shall not be considered binding upon the executive director in consideration with specific determinations undertaken by the department or the executive director thereafter.

(f) Examination of records. Any party requesting the examination of records pursuant to the Open Records Act, Texas Civil Statutes, Article 6252-17a, shall indicate in writing the specific nature of the document to be viewed, and if photocopying is desired, the appropriate fee must accompany the request.

§165.2. Allocation and Reservation System.

(a) The state's ceiling shall be determined for each calendar year by the executive director based upon the most recent census estimate of the resident population of the state published by the Bureau of the Census prior to the beginning of such calendar year. The amount of the state ceiling shall be published in the *Texas Register* in the first January issue of each year.

(b) On or after January 2, the state's ceiling for each year is allocated to issuers authorized to issue private activity bonds. Except as provided for in the Act, §2 and §3, reservations are granted in the order of receipt of qualified applications, regardless of the amount or location of the issue.

(c) The amount of the state's ceiling that has not been reserved prior to December 15 and any amount previously reserved that becomes available on or after that date because of the cancellation of a reservation, may be designated, by the department, as carryforward for the carryforward purposes outlined in the code through submission of the application for carryforward and any other required documentation.

(d) An issuer may submit an application for carryforward to the department at any time during the year through the last business day in December.

(e) Issuers will be eligible for carryforward according to the priority classifications listed in the Act.

§165.3. Filing Requirements for Applications for Reservation.

(a) Form. Applications must be filed on forms prescribed by the department and must contain all information and docu-

mentation required under the Act and this chapter, as applicable.

(b) Filing. The issuer shall submit one original and two copies of the application for reservation. Each application must be accompanied by the following:

(1) the \$500 nonrefundable filing fee;

(2) a copy of the inducement resolution or other similar official action taken by the issuer with respect to the bonds and the project which are the subject of the application, certified by an officer of the issuer; or a copy of the certified resolution of the issuer authorizing the filing of the application for reservation;

(3) a statement by the issuer, other than an issuer of a state-voted issue, that the bonds are not being issued for the same stated purpose for which the issuer has received sufficient carryforward during a prior year or for which there exists unexpended proceeds from a prior issue or issues of bonds issued by the same issuer;

(4) if unexpended proceeds exist from a prior issue or issues of bonds, a definite and binding financial commitment agreement, in such form as the department finds acceptable, to expend the unexpended proceeds within 12 months after the date of receipt by the department of an application for reservation;

(5) if unexpended proceeds exist from a prior issue or issues of bonds, a written opinion of legal counsel, addressed to the department, to the effect, that the department may rely on the representation contained in the agreement to fulfill the requirements of the Act and that the agreement constitutes a legal and binding obligation of the issuer, if applicable, and the other party or parties to the agreement; and

(6) a written opinion of legal counsel, addressed to the department, to the effect that the bonds are required to be included under the state ceiling and that the issuer is authorized under the laws of the state to issue bonds for projects of the same type and nature as the project which is the subject of the application. This opinion shall cite by constitutional or statutory reference, the provision of the Constitution or law of the state which authorizes the bonds for the project.

(c) Additional documents. Not later than 20 days after an issue's reservation date, the following documents must be filed with the department, accompanied by the completed additional documents checklist:

(1) a certified copy of the bond resolution authorizing the issuance of bonds, and setting forth the specific principal amount of the bond issue;

(2) if one is required, a copy of the approval of the governmental unit or governmental units, certified by a public official with the authority to certify such

approval. This requirement shall not apply to any bonds for which the code does not require such a public hearing and approval of a governmental unit or governmental units;

(3) a written commitment from a lender, financial institution, underwriter, investment banker, or other purchaser agreeing to purchase the bonds upon delivery by the issuer;

(4) documentation of the interest rate on the bonds or the formula by which the interest will be calculated;

(5) a copy of the maturity schedule for the bonds; and

(6) if applicable, an affidavit or copy thereof, of the publisher of the newspaper or newspapers in which the notice of the public hearing required by the code was published, demonstrating that notice of such public hearing was published.

(d) Additional information. The department may require additional information at any time before granting a certificate of reservation or certificate of allocation.

§165.4. Filing Requirements for Applications for Carryforward.

(a) Form. Applications must be filed on forms prescribed by the department and must contain all information and documentation required under the Act and this chapter, as applicable.

(b) Filing. The issuer shall submit one original and two copies of the application for carryforward. Each application must be accompanied by the following:

(1) the \$500 nonrefundable filing fee;

(2) a copy of the inducement resolution or other similar official action taken by the issuer with respect to the bonds and the project which are the subject of the application, certified by an officer of the issuer; or a copy of the certified resolution of the issuer authorizing the filing of the application for carryforward;

(3) documentation of priority classification;

(4) if applicable, a copy of the binding contract to incur significant expenditures or documentation of significant expenditures paid or incurred prior to submission of the application for carryforward;

(5) if significant expenditures have been paid or incurred, a written opinion of legal counsel, addressed to the department, to the effect, that the department may rely on the representation contained in the binding contract or documentation to fulfill the requirements of the Act; and

(6) a written opinion of legal counsel, addressed to the department, to the effect that the bonds are eligible for

carryforward designation and that the issuer is authorized under the laws of the state to issue bonds for projects of the same type and nature as the project which is the subject of the application. This opinion shall cite by constitutional or statutory reference, the provision of the Constitution or law of the state which authorizes the bonds for the project

(c) Additional information. The department may require additional information at any time before granting a certificate of carryforward.

§165.5. Consideration of Qualified Applications by the Department.

(a) A submission required by the Act must be delivered in person to the department at its offices during normal business hours or sent by certified or registered mail, postage prepaid, addressed to the department. The department shall note on the face of the documents the date and time that they are received and provide the issuer with a receipt describing the document received and the date and time of receipt. The department will review the application to determine if it is complete. The department shall return any application not in substantial compliance with the Act and these sections.

(b) The department shall stamp or otherwise designate the date and time on which it receives each qualified application. The application shall not be considered complete, and shall not be stamped and accepted for filing, unless and until each of the items required under this section has been received by the department.

(c) The department shall give its certificate of reservation approving the reservation requested by the issuer within five business days after the department receives the qualified application, to the extent that amounts at the state ceiling remain available for certificates of reservation.

(d) If at any time the amount of the state ceiling or portion of the state ceiling reserved for qualified mortgage bonds and state voted issues has been exhausted, applications which would otherwise qualify for a reservation shall be received and dated and receive reservations as provided in subsection (e) of this section.

(e) If at any time none of the state's ceiling remains available for certificates of reservation, but additional amounts become available later because of cancellations or any other reason, the department shall give a certificate of reservation with respect to qualified applications. Such certificates of reservation shall be given, to the extent that the amounts become available, with respect to qualified applications in the chronological order, by date and time, in which they were received by the department.

(f) If any change in a qualified application or in any of the items accompany-

ing the application should occur prior to the date state ceiling becomes available to an issuer, the issuer shall promptly notify the department of any such change. Upon state ceiling becoming available, an issuer, within three days upon receipt of notice from the department that a portion of the state ceiling will be available to the issuer, must confirm and certify that the information contained in the qualified application (which does not result in the application failing to constitute a qualified application), which amendment will constitute such certification. Prior to receiving a reservation, an issuer may amend the application to change the amount of the state ceiling requested, but the department may not accept an amendment to increase the amount of the state ceiling requesting unless at the time of the amendment seeking an increase in the amount of state ceiling there are no other qualified applications pending, subsequent in order to said application, for which state ceiling is not available. A reservation date will not be given by the department until the receipt of such certification.

(g) On a monthly basis, qualified applications must be certified as current to maintain their chronological order for a reservation of the state ceiling. A letter from the issuer, addressed to the department and certifying that the information contained in the qualified application and all items accompanying the application are and remain accurate and in full force and effect, except as may be specifically set forth in any amendment to the qualified application (which does not result in the application failing to constitute a qualified application) will constitute such certification. A reservation date will not be given by the department until the receipt of such certification.

(h) Upon notice by the department that a portion of the state ceiling will be available to the issuer for less than the requested amount, the issuer must confirm in writing its acceptance or denial of the amount available, within three days. Refusal by an issuer to accept a certificate of reservation for less than the amount requested in a qualified application shall not change the chronological order in which such issuer will be offered a certificate of reservation.

§165.6. Expiration and Extension Provisions.

(a) The expiration date for a certificate of reservation shall be the first business day which occurs on or after the 60th day after the date on which the reservation date is given.

(b) The department may, for good cause shown by the issuer in a written statement, submitted to the department prior to such expiration date, extend the expiration date for an additional period which shall expire on the specific date requested

by the issuer or at the department's discretion, on any date not later than 15 days after the original expiration date. The department shall not, however, have any obligation to provide such an extension, and no issuer shall have any right to such an extension.

(c) Prior to the expiration date of the reservation, the issuer may give notice to the department that the reservation will not be used, and the amount will be added to the appropriate state ceiling.

(d) When a closing on bonds covered by a certificate of reservation has occurred, the certificate of delivery shall be filed with the department not later than the fifth day after the day of closing. Failure of the issuer to submit the certificate of delivery before this deadline does not affect the issuer's reservation, except that if the issuer does not submit the notice before December 29, the issuer's reservation is cancelled.

§165.7. Cancellation, Withdrawal, and Penalty Provisions.

(a) If the issuer does not timely submit the additional documents required by the Act and these sections, the issuer's reservation is cancelled and during the 90-day period beginning on the reservation date of the cancelled reservation;

(1) the issuer may not submit an application for a reservation for the same project; and

(2) the issuer is eligible for a carryforward designation for the project only as provided by the Act;

(b) If a closing on the bonds covered by a certificate of reservation does not timely occur, the issuer's reservation is cancelled and during the 120-day period beginning on the reservation date of the cancelled reservation:

(1) the issuer may not submit an application for a reservation for the same project; and

(2) the issuer is eligible for a carryforward designation for the project only as provided by the Act.

§165.8. Notices, Filings, and Submissions.

(a) Certificates of reservations and other notices and written communications from the department shall be deemed to have been given when duly deposited in the United States Mail, first class with all postage prepaid. Certificates of reservation may, at the request of the borrower, be picked up by hand or delivered by courier or other delivery service, in any case at the expense of the borrower or issuer.

(b) Applications, notices, and other written communication to, and filings with the department, should be addressed or delivered to the Texas Department of Com-

merce, Finance Division, Business Finance Department, 816 Congress, Suite 1200, P.O. Box 12728, Austin, Texas, 78711.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905872

J. William Lauderback
Executive Director
Texas Department of
Commerce

Effective date: July 24, 1989

Proposal publication date: January 3, 1989

For further information, please call: (512) 472-5059

Chapter 176. Enterprise Zone Program

• 10 TAC §§176.1-176.9

The Texas Department of Commerce (department) adopts amendments to §§176.1-176.9, without changes to the proposed text as published in the January 3, 1989, issue of the *Texas Register* (14 TexReg 21).

The amendments are adopted to cover additional requirements and procedures for submission of applications and the disposition of those applications by the department. The amendments also provide for clarification of information required to document eligibility criteria and to clarify certain approval standards pursuant to Texas Civil Statutes, Article 5190.7.

Applications will contain the information necessary to properly evaluate applications for designation as enterprise zones or enterprise projects. Documentation on the eligibility criteria must be submitted to provide sufficient evidence of eligibility. These new procedures will allow applications to be considered in a more timely manner.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5190.7, which provide the Texas Department of Commerce with the authority to adopt rules for the administration and implementation of the Texas Enterprise Zone Program.

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

Issued in Austin, Texas, on July 3, 1989.

TRD-8905874

J. William Lauderback
Executive Director
Texas Department of
Commerce

Effective date: July 24, 1989

Proposal publication date: January 3, 1989

For further information, please call: (512) 472-5059

TITLE 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

Chapter 193. Standing Delegation Orders

• 22 TAC §193.7

The State Board of Medical Examiners adopts amendments to §193.7, without changes to the proposed text as published in the February 10, 1989 issue of the *Texas Register* (14 TexReg 741).

The amendment accomplished deletion of language relating to the licensed individual, the individual being certified by the Texas Department of Health or the individual performing procedures under the supervision of a licensed physician when the registrant performs certain stated procedures.

The amendment will clarify conditions by which a registrant may perform certain specified procedures.

No comments were received regarding the amendment as proposed.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement 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 June 27, 1989.

TRD-8905697

G.V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Effective date: July 19, 1989

Proposal publication date: February 10, 1989

For further information, please call: (512) 452-1078

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 401. System Administration

Subchapter B. Interagency Agreements

• 25 TAC §§401.48, 401.50, 401.51, 401.52

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts new §§401.48, 401.50, 401.51, and 401.52, with-

out changes to the proposed text as published in the April 25, 1989, issue of the *Texas Register* (14 TexReg 2007-8).

New §401.48 is adopted pursuant to Senate Bill 245 of the 70th Texas Legislature, which required TDMHMR, the Texas Department of Corrections, the Board of Pardons and Paroles and the Texas Commission on Alcohol and Drug Abuse to adopt by rule a memorandum of understanding which establishes methods for identifying inmates with a history of substance abuse, coordinating services to enable inmates to successfully reenter the community on release, and sharing information about inmates necessary to provide continuity of care.

New §401.50 is adopted pursuant to House Bill 550 of the 70th Texas Legislature, which requires TDMHMR and the Texas Commission for the Deaf to adopt by rule a memorandum of understanding which describes the coordination of delivery of mental health and mental retardation services to persons who are hearing-impaired or deaf and which identifies means for the reduction of duplication of services.

New §401.51 is adopted pursuant to Senate Bill 33 of the 70th Texas Legislature, which requires TDMHMR and the Texas Youth Commission to adopt by rule a Texas memorandum of understanding concerning the coordination of information, services, and resources for youth.

New §401.52 is adopted pursuant to Senate Bill 298 of the 70th Texas Legislature, which requires TDMHMR, the Texas Rehabilitation Commission, the Texas Department of Human Services, and the Texas Department of Health to adopt by rule a memorandum of understanding to coordinate the exchange and distribution of public awareness information among the agencies.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

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 June 28, 1989.

TRD-8905702

Pattlou Dawkins
Chairman
Texas Board of Mental
Health and Mental
Retardation

Effective date: July 19, 1989

Proposal publication date: April 25, 1989

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

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 21. Trade Practices

Subchapter B. Insurance Advertising, and Certain Trade Practices, and Solicitation

• 28 TAC §21.102

The State Board of Insurance adopts an amendment to §21.102, with a change to the proposed text as published in the April 7, 1989, issue of the *Texas Register* (14 TexReg 1722).

Section 21.102, concerns insurance advertising and certain trade practices and solicitation. The amendment to §21.102 is necessary to subject lead card generators to the rules and regulations of the State Board of Insurance.

The amendment to §21.102 amends the definition of the term advertisement to include lead card solicitations and other communications with the public which are intended to result in the sale or solicitation of an insurance policy. In response to comments, this adoption includes a change to §21.102(a)(6). The change clarifies that at the present time the definition of lead card solicitation does not include communications that result in compilation of a list of persons which is only incidentally used for insurance solicitation.

American Council of Life Insurance, Continental American Life Insurance Company, Family Life Insurance Company, Gerber Life Insurance Company, J.C. Penney Life Insurance Company, and Old American Insurance Company submitted comments generally for the proposed section; however, they did suggest some modification of the section as proposed.

One commenter suggested that §21.102(b) should provide an exception from the definition of advertisement for a general announcement by a financial institution to its customers that it has made arrangements with a particular carrier to make coverage available to its customers. The basis of this commenter's concern was that a separate proposed amendment to §21.104 of this title (relating to Requirement of Identification of Policy or Insurer) might have required this type of communication to be sent from a licensed entity or individual. This comment can be better addressed at the time the board considers final action on the proposed amendment to §21.104. The other commenters recommended some editorial change to the section to clarify that the definition of lead card solicitation encompasses only those communications that are intended to result in the compilation of a list of persons for insurance solicitation purposes. In response, the board has changed §21.102(a)(6), noting, however, that the section as adopted will be reviewed by the board no later than six months from its adoption to determine at that time whether these changes have interfered with the purpose underlying the section as proposed.

The amendment is adopted under the Insurance Code, Article 21.21, §13, which autho-

izes the State Board of Insurance to promulgate reasonable rules and regulations as are necessary in the accomplishment of the purposes of Article 21. 21, which prohibits unfair competition and unfair practices.

§21.102. Scope: For the Purpose of These Sections.

(a) "Advertisement" includes, but is not limited to:

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

(5) material included with a policy when the policy is delivered and materials used in the solicitation of renewals and reinstatements, except those reinstatements provided for in the policy;

(6) lead card solicitations which are hereby defined as communications distributed to the public which, regardless of form, content, or stated purpose, are intended to result in the compilation or qualification of a list containing names or other personal information regarding persons who have expressed a specific interest in a product or coverage and which are intended to be used to solicit residents of this state for the purchase of a policy, as defined in subsection (c) of this section; and

(7) any other communication directly or indirectly related to a policy, as defined in subsection (c) of this section, and intended to result in the eventual sale or solicitation of a policy.

(b)-(f) (No change.)

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

Issued in Austin, Texas, on June 29, 1989.

TRD-8905750 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 20, 1989

Proposal publication date: April 7, 1989

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

TITLE 34. PUBLIC FINANCE

Part V. Texas County and District Retirement System

Chapter 103. Calculation or Types of Benefits

• 34 TAC §103.2, §103.3

The Texas County and District Retirement System adopts an amendment to §103.2 and new §103.3 without changes to the proposed text as published in the May 19, 1989, issue of the *Texas Register* (14 TexReg 2455).

The amendment will bring the additional optional benefit provisions of §103.2 into align-

ment with revisions to Texas Civil Statutes, Title 110B, §54.104, and §54.3041, by providing for a lump-sum benefit to be paid to a designated beneficiary or estate of a retiree in the event that monthly payments under an optional service retirement annuity or optional disability retirement annuity otherwise would cease before the sum of all monthly payments equals or exceeds the amount of the member's accumulated deposits. New §103.3 is also added, which requires spousal consent in the selection of certain types of benefits.

No comments were received regarding adoption of the amendment and new section.

The amendment and new section are adopted under Texas Civil Statutes, Title 110B, §55.102, which provide authorization for the board to adopt rules.

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

Issued in Austin, Texas, on May 12, 1989.

TRD-8905805 J. Robert Brown
Director
Texas County and District Retirement System

Effective date: June 23, 1989

Proposal publication date: May 19, 1989

For further information, please call: (512) 476-6651

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VII. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedures

Rules and Regulations for Operations

• 40 TAC §§181.1-181.5

The Texas Commission for the Deaf adopts the repeal of §§181.1-181.5, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2337).

The repeal of these sections is necessary to eliminate superfluous regulations in view of the existing rules that have been superseded by 40 TAC §§181.11-181.18.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf with the authority to adopt rules for administration and programs.

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

Issued in Austin, Texas, on June 29, 1989.

TRD-8905782 Larry D. Evans
Executive Director
Texas Commission for the Deaf

Effective date: July 21, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 469-9891

• 40 TAC §181.19

The Texas Commission for the Deaf (TCD) adopts the repeal of §181.19, without changes to the proposed text as published in the May 16, 1989, issue of the *Texas Register* (14 TexReg 2412).

The repeal of this section is necessary to conform the TCD's section with a repeal of the Texas Human Resources Code, §81.012 (69th Legislature, 1985) which transferred this authority to the Texas Rehabilitation Commission. The commission is no longer empowered to implement the services for persons who are deaf/blind.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf with the authority to adopt rules for administration and programs.

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

Issued in Austin, Texas, on June 29, 1989.

TRD-8905786 Larry D. Evans
Executive Director
Texas Commission for the Deaf

Effective date: July 21, 1989

Proposal publication date: May 16, 1989

For further information, please call: (512) 469-9891

Subchapter H. Memoranda of Understanding with State Agencies

• 40 TAC §181.915

The Commission for the Deaf adopts new §181.915, without changes to the proposed text as published in the March 21, 1989, issue of the *Texas Register* (14 TexReg 1452).

The Texas Commission for the Deaf adopts new §181.915, concerning general provisions pertaining to memoranda of understanding with the Texas Employment Commission. The new section is made pursuant to House Bill 550 of the 70th Texas Legislature, which mandates specified state agencies to adopt by rule memoranda of understanding that describe their respective responsibilities, coordinate the delivery of services to persons who are deaf, and reduce duplication of services. In the course of developing memoranda gaps

in the delivery of services and methods to reduce or eliminate such gaps will be identified.

Section 181.915, concerning memorandum of understanding adopts by reference an agreement between the Texas Commission for the Deaf and the Texas Employment Commission.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Human Resources Code, §81.017, which provides the Texas Commission for the Deaf with the authority to adopt rules relating to memoranda of understanding with the designated state agencies.

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 June 29, 1989.

TRD-8905785

Larry D. Evans
Executive Director
Texas Commission for the Deaf

Effective date: July 21, 1989

Proposal publication date: March 21, 1989

For further information, please call: (512) 469-9891

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• 40 TAC §181.917

The Texas Commission for the Deaf adopts new §181.917, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2339).

The Texas Commission for the Deaf adopts new §181.917, concerning general provisions pertaining to memoranda of understanding with the Texas Department of Health. The new section is made pursuant to House Bill 550 of the 70th Texas Legislature, which mandates specified state agencies to adopt by rule a memorandum of understanding that describe their respective responsibilities, coordinate the delivery of services to persons who are deaf, and reduce duplication of services. In the course of developing memoranda gaps in the delivery of services and methods to reduce or eliminate such gaps will be identified.

Section 181.917, concerning memorandum of understanding adopts by reference an agreement between the Texas Commission for the Deaf and the Texas Department of Health.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Human Resources Code, §81.017, which provides the Texas Commission for the Deaf with the authority to adopt rules relating to memoranda of understanding with the designated state agencies.

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 June 29, 1989.

TRD-8905781

Larry D. Evans
Executive Director
Texas Commission for the Deaf

Effective date: July 21, 1989

Proposal publication date: May 12, 1989

For further information, please call: (512) 469-9891
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State Board of Insurance Exempt Filing Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.)

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

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

The State Board of Insurance has adopted a filing submitted by the Surety Association of America of a joint payee/notification endorsement, to be used with financial institution bonds.

In accordance with the provisions of the Texas Insurance Code, article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

The joint payee/notification endorsement was created at the request of the Federal Home Loan Mortgage Corporation (Freddie Mac). The purpose of the endorsement is to protect funds lost by an insured financial institution, which belong to Freddie Mac or its affiliates: the Federal National Mortgage Association and the Government National Mortgage Association. There is no premium consideration involved in this filing.

The endorsement is adopted effective at and after 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*.

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

Issued in Austin, Texas on June 28, 1989.

TRD-8905717 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 26, 1989

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

The State Board of Insurance has approved a filing by American Indemnity Company for a form and rating procedure for providing animal collision coverage.

This program is applicable to Division Six and Division Four of the Commercial Lines Manual.

The revision is approved to become effective September 1, 1989, in accordance with the following rule of application: these changes are applicable to all policies effective on or after September 1, 1989. No policy effective prior to September 1, 1989, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

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

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 June 28, 1989.

TRD-8905716 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 1, 1989

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

The State Board of Insurance has approved a filing by Insurance Services, Office, Incorporated for a revision to the classification table-Division Three and Division Six of the Commercial Lines manual.

The revision is approved to become effective November 1, 1989, in accordance with the following rule of application: these changes are applicable to all policies effective on or after November 1, 1989. No policy effective prior to November 1, 1989, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

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

Issued in Austin, Texas on June 28, 1989.

TRD-8905715 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 1, 1989

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

The State Board of Insurance has approved a filing by Insurance Services Office, Incorporated for the following changes to the Texas state exception pages.

(1) Adding a classification exception rule as exception to Rule 2. Classifications regarding the Contractors-Subcontracted work classifications.

(2) Amending additional Rule 4, to revise List of Miscellaneous Programs.

(3) Amending Rule 2, Referrals to Company.

(4) Adding an exception to Rule 11, Policy Cancellation, to add paragraph D.

After careful consideration the board hereby approves this filing effective November 1, 1989, in accordance with the following rule of application: these changes are applicable to all policies effective on or after November 1, 1989. No policy effective prior to November 1, 1989, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

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

Issued in Austin, Texas on June 28, 1989.

TRD-8905714 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 1, 1989

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

Open Meetings

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

Texas State Board of Public Accountancy

The State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Dates, times, and agendas follows.

Friday, July 14, 1989, 9 a.m. The conference will discuss complaint 89-01-05L.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 3, 1989, 11:04 a.m.

TRD-8905836

Friday, July 14, 1989, 10 a.m. The Informal Conference will discuss complaint 88-10-08L.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 3, 1989, 11:04 a.m.

TRD-8905834

Thursday, July 13, 1989, 9 a.m. The Ad Hoc Committee on Coordination of Sunset Legislation will discuss the Sunset Review.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 5, 1989, 11:41 a.m.

TRD-8995887

Friday, July 14, 1989, 11 a.m. The Informal Conference will discuss complaint 89-01-09L.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 3, 1989, 11:04 a.m.

TRD-8905839

Wednesday, July 19, 1989, 1 p.m. The Examination Committee review information relating to the May 1989 examination; audit of the examination result and approval for

release of grades; discussion of alleged irregularities; review of expenses; review of internal staff audit of the November 1988 and May 1989 exam; ratification of loss credits by certain exam candidates; review information relating to the November 1989 examination; review of recommended sites; review proposed board and staff assignments proposed overbooking based on previous absentee rations; review of correspondence with the Texas Society of CPAs concerning the proctor agreement; discuss of sites to be utilized for the May 1990 examination; discussion of impact of amendments to the public Accountancy of 1979; review of proposed changes to substantive rules; correspondence; other matters coming before the committee.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 3, 1989, 11:04 a.m.

TRD-8905839

Thursday, July 20, 1989, 1 p.m. The Public Hearing Committee will discuss hearing on complaint 84-04-15L.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 3, 1989, 11:04 a.m.

TRD-8905837

Wednesday, July 26, 1989, 9 a.m. The Informal Conferences will discuss complaint numbers 88-10-10L; 88-10-19L; and 88-10-12L.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 3, 1989, 11:04 a.m.

TRD-8905835

Wednesday, July 26, 1989, 2 p.m. The Informal Conferences will discuss complaint numbers 88-09-01L; 88-09-02L; and 88-09-03L.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 3, 1989, 11:04 a.m.

TRD-8905835

Texas Department of Agriculture

Monday, July 17, 1989, 9 a.m. The Agricultural Finance Authority Board will meet in 9th Floor Conference Room, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the board will discuss and take action of TAFE related legislation enacted in the 71st legislature; proposals related to the conservation reserve program; additional business.

Contact: Brian Muller, P.O. Box 12847, Austin, Texas 78711, (512) 463-7624.

Filed: June 29, 1989, 10:11 a.m.

TRD-8905738

Texas Commission for the Blind

Thursday, August 3, 1989, 1 p.m. The Texas Commission for the Blind will meet in Room 407, Houston District Office, 427 West 20th Street, Houston. According to the agenda, the Commission will hold a public forum for the purpose of giving local consumers an opportunity of speaking to agency staff about services to blind and visually disabled Texans and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

Contact: Cecilia Berios, P.O. Box 12866, Austin, Texas 78711, (512) 459-2611.

Filed: July 3, 1989, 11:10 a.m.

TRD-8905826

The Texas Commission for the Deaf

Friday, July 7, 1989, 1:30 p.m. The BEI Subcommittee held an emergency meeting in the Conference Room, 510 South Congress. According to the agenda, the subcommittee discussed new rules proposal and BEI budget in preparation for presentation at the commission meeting. The emergency status was necessary because all members not making this meeting date must complete the task before the next commission meeting for Commissioners' approval.

Contact: Larry D. Evans, 510 South Congress, #300, Austin, Texas 78704, (512) 469-9891.

Filed: July 5, 1989, 12:41 p.m.

TRD-8905888

Texas State Board of Examiners of Dietitians

Friday, July 14, 1989, 10 a.m. The board will meet in the President's Conference Room, Woodfin Suites Hotel, 7685 Northcross Drive, Austin. According to the agenda summary, the board will approve agenda; approve minutes of previous meeting, hear reports from chairman, vice-chairman, executive secretary (ratification of applications approved by executive secretary), committee (rules, complaint, program approval, consumer information), individual experience program; review and act on applications for licensure, provisional licensure and examination eligibility; consider individual appeal regarding \$711.5 experience requirements for examination (Marsha Abeson); discuss data processing deficiencies and alternatives; elect officers; announcements and comments.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

Filed: July 5, 1989, 4:02 p.m.

TRD-8905912

Advisory Commission on State Emergency Communications

Friday, July 7, 1989, The Advisory Commission on State Emergency Communications met in South, City Hall, 1600 Marilla, Dallas. Times, rooms and agendas follows.

9 a.m. The Administration Committee met in Room 4W, to review and considered recommendations for proposed budgets for fiscal years 1989-90 and 1990-91; auditor options for ACSEC; financial report; legislative update; 9-1-1 regional planning status report; new business; hear public comment.

Contact: Joe Kirk, 1101 Capital of Texas Highway, Suite South B-100, Austin, Texas 78746, (512) 327-1911.

Filed: June 29, 1989, 3:38 p.m.

TRD-8905755

9 a.m. The Public Information Committee, met in Council Chamber to consider update on balloon fair-July 14-16, 1989; update and planning for 9-1-1 day 1989; report on emergency communications college curriculum program; new business; public comment.

Contact: Joe Kirk, 1101 Capital of Texas Highway, Suite South B-100, Austin, Texas 78746, (512) 327-1911.

Filed: June 29, 1989, 3:39 p.m.

TRD-8905753

10 a.m. The Finance Committee met in Room 6F North, to consider update on southwestern bell's proposed 9-1-1 tariff; update on GTE-Southwest's Proposed 9-1-1 tariff; proposed clarification of definition of terms in statute; financial report revenues; new business and public comment.

Contact: Joe Kirk, 1101 Capital of Texas Highway, Suite South B-100, Austin, Texas 78746, (512) 327-1911.

Filed: June 29, 1989, 3:38 p.m.

TRD-8905754

1:30 p.m. The Commission met in Council Chambers to recognize guests; hear committee reports from Public Information Committee; Administration Committee; and Finance Committee; public comment; approval of June minutes; new business.

Contact: Joe Kirk, 1101 Capital of Texas Highway, Suite South B-100, Austin, Texas 78746, (512) 327-1911.

Filed: June 29, 1989, 3:38 p.m.

TRD-8905752

State Employee Incentive Commission

Thursday, July 20, 1989, 10 a.m. The commission will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the commission will review meeting minutes for Thursday, June 15, 1989; employee suggestions; report on administrative matters; new business; executive session to consider personnel matters-closed session; decisions made in executive session.

Contact: Lora H. Williams, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: June 30, 1989, 3:32 p.m.

TRD-8905810

Texas Employment Commission

Tuesday, July 11, 1989, 2 p.m. The commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss prior meeting notes; discussion of and approval for repair and installation of shower facilities in headquarters building; repair of metal roof of Paris, agency owned building; parking lot repair in Tyler; internal procedures of Commission Appeals; tax liability cases and higher level appeals in unemployment compensation cases listed on Docket 28; set date of next meeting.

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

Filed: June 30, 1989, 4:12 p.m.

TRD-8905811

Commission on Fire Protection Personnel Standards & Education

Thursday, July 6, 1989, 10 a.m. The commission held an emergency meeting in Voyager Room, Howard Johnson South Plaza Hotel, 3401 IH 35 South, Austin. According to the agenda summary, the commission considered emergency rules on recertification procedures for over three hundred fire departments; action on agreed board order and hear staff report on Legislation passed by 71st Legislature and acted upon committee recommendations affecting public safety. The emergency status was necessary because needed to provide additional safety measures for over three hundred fire departments.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704 (512) 474-8066.

Filed: June 29, 1989, 4:07 p.m.

TRD-8905759

Thursday, July 6, 1989, 10 a.m. The commission submitted an emergency revised agenda for a meeting which considered emergency amendments for intermediate, advance and master fire fighter certification, 37 TAC §233.31, (2), (3) and (4). The emergency status was necessary because amended rules left out certain language which could cause validation problems for public safety fire fighters in Texas.

Contact: Ray L. Goad, 5510 South Congress, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: July 5, 1989, 1:03 p.m.

TRD-8905889

Texas Department of Health

Friday, July 7, 1989, 9:30 a.m. The Municipal Solid Waste Management and Resource Recovery Advisory Council met in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council approved minutes of previous meeting and considered 1989 annual reports and fees; EPA landfill criteria; garbage solutions book; pilot; infectious waste program (EPA); advisory council terms and appointments; certificates of appreciation; mandated sludge management program (EPA); 71st legislative session; conference planning committee report.

Contact: Hector Mendieta, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Filed: June 29, 1989, 4:04 p.m.

TRD-8905774

Friday, July 7, 1989, 5 p.m. The Environmental Health Committee met in Houston II Suite, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda summary, the committee considered rescission of rule concerning testing of water fountains for lead contamination; final adoption of new rules concerning administrative requirements for on-site sewerage facilities.

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

Filed: June 29, 1989, 4:04 p.m.

TRD-8905765

Saturday, July 8, 1989, 7:30 a.m. The Executive Committee met in Room M-749, Department of Health, 1100 West 49th Street, Austin. According to the agenda, the committee considered items of procedure for the upcoming board of health meeting.

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

Filed: June 29, 1989, 4:06 p.m.

TRD-8905766

Saturday, July 8, 1989, 8 a.m. The Chronically Ill and Disabled Children's Services and Maternal and Child Health Committee met in Room M-652, Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee considered final rules (WIC program; delivery of services to persons who are deaf); expansion of children's speech, hearing and language screening advisory committee; maternal and infant health improvement act update; fiscal update on chronically ill and disabled children's services program; family planning interagency council.

Contact: Kris Lloyd, 1100 West 49th

Street, Austin, Texas 78756, (512) 458-7484.

Filed: June 29, 1989, 4:06 p.m.

TRD-8905767

Saturday, July 8, 1989, 9 a.m. The Alternate Care Committee met in Room M-741, Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee considered proposed rules on speech-language pathologists and audiologists; proposed and emergency rules for vital records services; final rules on home health agencies.

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

Filed: June 29, 1989, 4:06 p.m.

TRD-8905768

Saturday, July 8, 1989, 9:30 a.m. The Emergency and Disaster Committee met in Room M-752, Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee considered repeal of EMS rules; proposed amendments to rules concerning Texas Emergency Medical Services Advisory Council (TEMSAC) committees.

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

Filed: June 29, 1989, 4:06 p.m.

TRD-8905770

Saturday, July 8, 1989, 9:30 a.m. The Nursing Home Committee met in Room M-741, Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee considered appointments to advisory committee on nursing home affairs; house resolution 791, 71st Legislature.

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

Filed: June 29, 1989, 4:06 p.m.

TRD-8905769

Saturday, July 8, 1989, 10 a.m. The Personnel Committee met in Room M-721, Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee considered expansion of family planning interagency council; appointments to advisory committee on nursing home affairs; appointments to advisory council on massage therapy; proposed amendments to rules on Texas Emergency Medical Services Advisory Council (TEMSAC) committees.

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

Filed: June 29, 1989, 4:05 p.m.

TRD-8905771

Saturday, July 8, 1989, 11 a.m. The board met in Room M-739, Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board approved minutes of previous meeting and considered commissioner's report; AIDS update; resolutions; committee reports, proposed rules (speech-language pathologists and audiologists, vital records fees, EMS); emergency rule on vital records fees; final rules (home health agencies, WIC, delivery of services to persons who are deaf, on-site sewerage facilities); rescission of rule concerning testing of water fountains for lead contamination; purchase of modular furniture and animal containment buccibles; 1989 legislative session; family planning interagency council; advisory council/committee appointments (nursing homes, massage therapy); announcements and comments.

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

Filed: June 29, 1989, 4:07 p.m.

TRD-8905764

Wednesday, July 12, 1989, 9 a.m. The Asbestos Advisory Committee will meet in Room T-607, Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider approval of minutes of previous meeting and discuss status report on asbestos licensing; appointment of committee vacancy; proposed revisions to asbestos rules; EPA report on federal asbestos activities; other business not requiring committee action.

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

Filed: June 29, 1989, 4:05 p.m.

TRD-8905773

Thursday, July 13, 1989, at 1:30 p.m. The On-Site Wastewater Treatment Research Council will meet at the Hornsby Bend Wastewater and Treatment Facility Center for Environmental Research, 2210 South FM 973, Austin. According to the agenda summary, the council will approve minutes of June 16, 1989 meeting; and discuss: Texas Department of Health (TDH) staff reports; council members' reports on Texas Water Commission's proposed wastewater reuse rules; proposal to the Texas Water Development Board for a demonstration project in South Texas.

Contact: Steve Tencza, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7293.

Filed: July 5, 1989, 4:02 p.m.

TRD-8905913

Texas Higher Education Coordinating Board

Wednesday, July 12, 1989, 10:30 a.m. The Board will meet in Room 255, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the Board will receive and discuss a report from Coopers and Lybrand concerning the Higher Education Insurance Program; and consideration of action necessary to implement the provisions of Senate Bill 457 relating to Higher Education Insurance Program.

Contact: Kathy Lewis, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6420.

Filed: July 3, 1989, 11:11 a.m.

TRD-89058255

Texas Department of Human Services

Tuesday, July 11, 1989, 1:30 p.m. The Adolescent Pregnancy and Parenthood Advisory Committee of the Texas Department of Human Services will meet in Conference Room 1W, First Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the committee will consider approval of minutes; TACSAP TexNet project; legislative update; APPAC workplan; wrap-up advisory committee evaluation forms; and establish next meeting date.

Contact: Liz Silbermagel, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4163.

Filed: July 3, 1989, 12:24 p.m.

TRD-8905850

Industrial Accident Board

Friday, July 7, 1989, 10 a.m. The board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board discussed approval of board minutes; discussed and considered rule-making petition submitted by Gayle Hancock; rule-making petition submitted by Seldon Graham; Assistant Attorney General Delmar Cain's proposal to clarify respective agencies' authority and duties regarding the Second Injury Fund and revised procedures for awarding and litigation on claims involving the fund; executive session-litigation matter, Methodist Hospital v. IAB; litigation matter, Methodist Hospital v. IAB; board rule 28 TAC §42.110, hospital fee guidelines; extension of Austin lease; reviewed board files-closed session; board activities.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, First Floor, Austin, Texas 78704, (512) 448-7960.

Filed: July 3, 1989, 10:25 a.m.

TRD-8905823

State Board of Insurance

The State Board of Insurance will meet at State Insurance Building 1110 San Jacinto, Austin. Dates, times, room, and agendas follow.

Friday, July 7, 1989, 9:15 a.m. The board met in Room 414, to hold a public hearing to consider a motion by Marcelino Rocha to suspend effectiveness of Commissioner's Order 89-0414.

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

Filed: June 29, 1989, 2:05 p.m.

TRD-8905745

Tuesday, July 11, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10427-Application of Linewood Earl Smith, Dallas, for a group I, legal reserve life insurance agent's license and a local recording agent's license.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:43 p.m.

TRD-8905860

Wednesday, July 12, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10406-Application of Jose Humberto Perez, Plano/Dallas, for a local recording agent's license.

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:43 p.m.

TRD-8905859

Wednesday, July 12, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10389-Whether disciplinary action should be taken against Sidney R. Harris, Jr., Hewitt, who holds a group II, health and accident insurance agent's license issued by the board.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:43 p.m.

TRD-8905858

Wednesday, July 12, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10417-Whether disciplinary action should be taken against Edward Louis Neu, Dallas who holds a group I, legal reserve life insurance agent's license.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:43 p.m.

TRD-8905857

Wednesday, July 12, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 10414-Whether disciplinary action should be taken against Alton Alvin Miller, Jr., Round Rock, who holds a group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license issued by the board.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:43 p.m.

TRD-8905856

Thursday, July 13, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10428-Whether disciplinary action should be taken against C.W. Smith, Baytown, who holds a group I, legal reserve life insurance agent's license and a group II, life, health, and accident insurance agent's license.

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:43 p.m.

TRD-8905855

Thursday, July 13, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10390-Petition for stay of a renewal premium finance license for Delta Premium Financing, Inc. and any correction license pending a hearing.

Contact: James Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:43 p.m.

TRD-8905854

Thursday, July 13, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10425-Application of United Savings Association of Texas-FSB to acquire control of United Republic Reinsurance Company, Houston.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:42 p.m.

TRD-8905853

Monday, July 17, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10426-Application for approval of amendments to the Articles of Incorporation of Sunwealth Life Insurance Company, San Antonio, changing the name of the company, chang-

ing the article pertaining to the number of directors and increasing the authorized capital.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:42 p.m.

TRD-8905852

Monday, July 17, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10433-Application of Bernie Ray Harris, Springfield, Virginia, for a group I, legal reserve life insurance non-resident agent's license.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 3, 1989, 1:42 p.m.

TRD-8905851

Texas Commission on Jail Standards

Wednesday, July 19, 1989, 9 a.m. The commission will meet in Room 100 of the Employees Retirement Building, at 18th and Brazos, Austin. According to the agenda summary, there will be a call to order. Roll call of members. Reading and approval of minutes of last meeting of May 24, 1989. Directors report. Old business: Bexar County, Clay County, Jefferson County, Madison County, parole violator facility, Reeves County, Smith County, Starr County, Tarrant County, Williamson County, action of active remedial orders, jail population report, pneumatic locks/locking devices for cell usage, review of jails for holding juveniles. New business: Delta County, El Paso County, Harrison County, Liberty County, change to standards, completed projects, Subset Advisory Commission, request for Attorney General opinion. Application for variances: Brewster County, Harris County, executive session and adjourn.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: July 5, 1989, 1:59 p.m.

TRD-8905898

Texas Department of Labor and Standards

The Texas Department of Labor and Standards will meet at 920 Colorado, E. O. Thompson Building, Austin. Dates, times, rooms, and agendas follow.

Wednesday, July 5, 1989, 9 a.m. The Labor, Licensing & Enforcement Division met to consider suspension, revocation, denial or a civil penalty of Respondent's, Herbert Holleman, Tow Truck and Vehicle Storage

license, for violation of the Department's Tow Truck and Vehicle Storage rules and regulations.

Contact: Elvis G. Schulze, 920 Colorado, Austin, Texas (512) 463-3127.

Filed: July 3, 1989, 11:05 a.m.

TRD-8905831

Thursday, July 6, 1989, 9 a.m. The Manufactured Housing Division met to consider suspension, revocation, denial, or a civil penalty of Respondent's Austex Stewart Mobile Homes, license, for violation of the Department's Manufactured Housing rules and regulations.

Contact: Jack Shriver, 920 Colorado, Austin, Texas (512) 463-3127.

Filed: July 3, 1989, 11:05 a.m.

TRD-8905829

Wednesday, July 12, 1989, 9 a.m. The Labor, Licensing & Enforcement Division will meet to consider suspension, revocation, denial, or a civil penalty of Respondent's Felix Fojtik, Auctioneer's license, for violation of the Departments Auctioneering rules and regulations.

Contact: Elvis G. Schulze, 920 Colorado, Austin, Texas (512) 463-3127.

Filed: July 3, 1989, 11:05 a.m.

TRD-8905828

Thursday, July 13, 1989, 9 a.m. The Labor, Licensing & Enforcement Division will meet to consider suspension, revocation, denial, or a civil penalty of Respondent's Aubrey Carroll, Auctioneer's license, for violation of the Departments Auctioneering rules and regulations

Contact: Jack Shriver, 920 Colorado, Austin, Texas (512) 463-3127.

Filed: July 3, 1989, 11:05 a.m.

TRD-8905827

Wednesday, July 19, 1989, 9 a.m. The Labor, Licensing & Enforcement Division will meet to consider suspension, revocation, denial, or a civil penalty of Respondent's William Burl Woolard, Auctioneer's license, for violation of the Departments Auctioneering rules and regulations

Contact: Elvis G. Schulze, 920 Colorado, Austin, Texas (512) 463-3127.

Filed: July 3, 1989, 11:05 a.m.

TRD-8905830

Wednesday, July 26, 1989, 9 a.m. The Labor, Licensing & Enforcement Division will meet to consider suspension, revocation, denial, or a civil penalty of Respondent's Woody Jrs., Tow Truck and Vehicle Storage license(s) for violation of the Department's Tow Truck Vehicle Storage rules and regulations

Contact: Elvis G. Schulze, 920 Colorado, Austin, Texas (512) 463-3127.

Filed: July 3, 1989, 11:05 a.m.

TRD-8905833

Thursday, July 27, 1989, 9 a.m. The Manufactured Housing Division will meet to consider suspension, revocation, denial, or a civil penalty of Respondent's Frank Castro, license, for violation of the Department's Manufactured Housing rules and regulations.

Contact: Jack Shriver, 920 Colorado, Austin, Texas (512) 463-3127.

Filed: July 3, 1989, 11:04 a.m.

TRD-8905832

Board for Lease of State-owned Lands

Monday, July 10, 1989, 4 p.m. The board met in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will discuss approval of minutes of the previous board meeting; consider nominations, terms, conditions and procedures for the October 3, 1989 oil, gas and other minerals lease sale; pooling applications.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, (512) 463-5016.

Filed: June 30, 1989, 4:35 p.m.

TRD-8905814

Texas State Library and Archives Commission

Thursday, July 20, 1989, 10:30 a.m. The Texas State Library and Archives Commission will meet in Room 314, Lorenzo de Zavala Archives and Library Building, 1201 Brazos, Austin. According to the agenda summary, the Commission will approve minutes of the April 6, 1989 meeting; approve Library Services and Construction Act Long Range Plan and Annual Program; appointments to Library Systems Advisory Board and Library Services and Construction Act Advisory Council; review State Records Management Program; review Regional Historical Resource Depository and Local Records Program; White House and State Conference on Libraries; committee reports.

Contact: Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, (512) 463-5440.

Filed: July 3, 1989, 11:12 a.m.

TRD-8905824

Interagency Council on Mentally Retarded, Developmentally Disabled and Mentally Ill Offenders

Friday, July 7, 1989, 10 a.m. The Executive Committee met at Association for Retarded Citizens, 2818 San Gabriel, Aus.in. According to the agenda summary, the committee determined standing committee assignments; update on the special session; received an overview of planning committee process; reviewed the Council's budget and new business.

Contact: Cher Roquemore, 2818 San Gabriel, Austin, Texas 78705, (512) 476-7044

Filed: June 29, 1989, 3:43 p.m.

TRD-8905756

Texas Optometry Board

Wednesday and Thursday, July 12 and 13, 1989, 2:30 p.m. The Board will meet in the Doubletree Hotel at Campbell Centre, 8250 North Central Expressway, Dallas. According to the agenda summary, informal conferences will be held with licensees, followed by a grading session of the Board, beginning at 4 p.m. Continuing Education Committee will meet following the grading session. On the following morning, beginning at 8:30 a.m., the remainder of the committees will meet, followed by a special meeting of the board to consider reports of secretary-treasurer, legal counsel, executive director, and committee chairpersons. Old business to consider Attorney General Opinion Request No. 1667, if received, National Board Examination, and adoption of rule amendment 273.4 regarding fee increase; new business to consider report of IAB meeting in New York, duplicate license requests, committee assignment, and future meeting dates. An executive session will be held in compliance with Article 6252-17, (*) 2(e), re: litigation and matters referred to the Attorney General.

Contact: Lois Ewald, 9101 Burnet Road, #214, Austin, Texas 78758 (512) 835-1938.

Filed: July 3, 1989, 3:36 p.m.

TRD-8905863

Pan American University.

Tuesday, July 11, 1989. The Board of Regents of Pan American University will meet in the Board Room, Administration Building, Edinburg. Times and agendas follow.

10 a.m. The Buildings and Ground Committee will consider the following: reconsideration of student services parking lot bid; amendment to Coastal Studies Lab lease agreement; and informational items.

Contact: Miguel A. Nevarez, 1201 West

University Drive, Edinburg, Texas 78539 (512) 381-2100.

Filed: July 3, 1989, 11:01 a.m.

TRD-8905848

10:10 a.m. The Finance Committee will consider the following: budget changes; I.A. Contract; consideration of proposed investment policy; renewal and revision of Apple Computer Contract; audit of Pan American University financial condition with emphasis on accounts payable and accounts receivable; and informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539 (512) 381-2100.

Filed: July 3, 1989, 11:01 a.m.

TRD-8905847

10:20 a.m. The Development Committee will consider the following: acceptance of Robert A. Welch foundation gift - \$25,000; and informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539 (512) 381-2100.

Filed: July 3, 1989, 11:02 a.m.

TRD-8905846

10:30 a.m. The Student Affairs Committee will consider the following: informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539 (512) 381-2100.

Filed: July 3, 1989, 11:02 a.m.

TRD-8905845

10:40 a.m. The Board of Regents will consider the following: informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539 (512) 381-2100.

Filed: July 3, 1989, 11:02 a.m.

TRD-8905844

10:50 a.m. The Academic Affairs Committee will consider the following: approval of academic program - Master of Education in Early Childhood; executive session; call to order (announcement of date and time); (personnel; Article 6252-17, § 2(g); tenure - PAU; employment of faculty; leave of absence; faculty promotions - PAU-B; (contemplated litigation; Article 6252-17, §2(e); MAC/IA consultant contracts (status of settlement negotiations/litigation/contract); and informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539 (512) 381-2100.

Filed: July 3, 1989, 11:03 a.m.

TRD-8905843

11:00 a.m. The Board of Regents will consider the following: approval of minutes of

the May 12, 1989, meeting; approval of certified executive session agenda of May 12, 1989, meeting; discussion, consideration, and action on executive session items; set date for next meeting; and informational items.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539 (512) 381-2100.

Filed: July 3, 1989, 11:03 a.m.

TRD-8905842

Board of Pardons and Paroles

Monday-Friday, July 10-14, 1989, 1:30 p.m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles met at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board received, reviewed and considered information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: June 30, 1989, 10:54 a.m.

TRD-8905784

Tuesday, July 11, 1989, 9 a.m. The Board of Pardons and Paroles will consider minutes of June 6, 1989; budget update on revision of board rules; hazardous duty pay recommendations; personnel manual revisions; transfer policy; merit increases; work program contract; PPT certificate of agreement/warrants; tentative parole and disciplinary cases; recommendations for controlling prison population; intermediate sanctions facilities RFB; good time credits in county jail; supervision fees; public input/comments; executive director's report-file documentation; legal needs; resources; issuance of parole officer/employee badges; auditing procedures for handling receipt of money; status of smoking policy pilot; presentation of awards.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

Filed: June 30, 1989, 4:19 p.m.

TRD-8905812

Tuesday, July 11, 1989, 1:30 p.m. The Board of Pardons and Paroles 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 sentences; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: June 30, 1989, 10:54 a.m.

TRD-8905783

Wednesday, July 12, 1989, 10 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the purpose of conducting a Full Board interview with interested parties in connection with the following discharged case: James M. Wilkinson, TDC #2193305.

Contact: Daniel R. Guerra, 8610 Shoal Creek Boulevard, Austin, Texas 78711 (512) 459-2706.

Filed: July 3, 1989, 4:14 p.m.

TRD-89058871

The Polygraph Examiners Board

Friday, July 14, 1989, 9 a.m. The board will meet in the Pecos Room, Howard Johnson Plaza-Hotel North, 7800 North IH 35, Austin. According to the agenda, the board will consider the election of vice chairman; approval of April, 1989 meeting minutes; development of agency records retention policy; appearance of Martin Shaw representing Verimetrics; consideration of new fee structure for 1990 fiscal year; discussion of 1990 license renewal procedures; Disciplinary Hearing Complaint No. C-02-FY89; consideration of any other polygraph related business that may come before the board.

Contact: Deborah Speicher, P.O. Box 4087, Austin, Texas 78773, (512) 456-2058.

Filed: July 5, 1989, 10:20 a.m.

TRD-8905892

Texas Racing Commission

Saturday, July 8, 1989, 8 a.m. The Texas Racing Commission met in Room 101, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the commission conducted administrative hearings on applications for greyhound racetrack license in Galveston County; Lone Star Greyhound Park, Inc., Galveston Bay Greyhound Racing Association Ltd., Galveston Greyhound Racing Associates, Bay Greyhound Racing Associates Limited Partnership, Gulf Greyhound Partners, Ltd.; Convene in executive session to consider management and concession agreements on pending applications; vote to award or deny greyhound racetrack license in Galveston County.

Contact: Paula Cochran Carter, 400 West

15th Street, Austin, Texas 78701, (512) 476-7223.

Filed: June 30, 1989, 1:32 p.m.

TRD-8905801

Railroad Commission of Texas

Monday, July 10, 1989, 9 a.m. The Railroad Commission of Texas met in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission considered and acted upon the division director's report on division administration, budget procedure, and personnel matters. Discussion of the development of a natural gas clearing house that would match companies that need gas to fuel new plants with producers that have gas to sell-possible action.

Contact: Roger Dillon, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7257.

Filed: June 30, 1989, 11:07 a.m.

TRD-08905800

The commission considered and acted upon the division director's report on division administration, budget procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7251.

Filed: June 30, 1989, 11:05 a.m.

TRD-08905794

The commission considered and acted upon the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission met in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

Contact: Ciri Payne, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

Filed: June 30, 1989, 11:05 a.m.

TRD-08905793

The commission considered and acted upon the division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fosler, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6787.

Filed: June 30, 1989, 11:06 a.m.

TRD-08905791

The commission considered and acted upon the division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6828.

Filed: June 30, 1989, 11:05 a.m.

TRD-08905792

The commission considered and acted upon the Legal Division report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation including the following matters: cause 465,506 Parkway Transport Inc., et al. v. Railroad Commission of Texas. Report to commission on gas storage.

Contact: Cue Boykin, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6921.

Filed: June 30, 1989, 11:01 a.m.

TRD-08905798

The commission considered and acted upon the division director's report on division administration, budget, procedures, and personnel matters. Consideration of proposal for public comment amendment to §13.13 and proposed new §13.100 pertaining to the regulations for compressed natural gas of the Liquefied Petroleum Gas Division of the commission.

Contact: Meredith Kawaguchi, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7009.

Filed: June 30, 1989, 11:01 a.m.

TRD-08905799

The commission considered various matters within the jurisdiction of the Railroad Commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Andy Taylor, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6924.

Filed: June 30, 1989, 11:07 a.m.

TRD-08905789

The commission will consider category determinations under §§102 (c)(1)(B), 102 (c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1988.

Contact: Margie L. Osborn, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6755.

Filed: June 30, 1989, 11:06 a.m.

TRD-08905790

The commission considered and acted upon the Division Director's report on division

administration, budget, procedures and personnel matters. The commission will meet in Executive Session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6830.

Filed: June 30, 1989, 11:02 a.m.

TRD-8905796

The commission considered and acted upon the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark Bogan, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6830.

Filed: June 30, 1989, 11:02 a.m.

TRD-8905795

The commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission considered items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission took various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Jerry Hill, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6900.

Filed: June 30, 1989, 11:02 a.m.

TRD-08905797

The commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission considered items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission took various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date. Considered a declaratory order to interpret the certificates listed in Appendix A.

Contact: Raymond Bennett, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7122.

Filed: June 30, 1989, 11:08 a.m.

TRD-08905787

Thursday, July 20, 1989 10 a.m. The commission will meet at San Antonio Marriott/North, 611 Northwest Loop 410, San Antonio to hold a statewide hearing on oil and gas.

Contact: Paula Middleton, P.O. Drawer 12970, Austin, Texas 78711; (512) 463-6729.

Filed: June 30, 1989, 11:08 a.m.

TRD-08905787

Structural Pest Control Board

Monday, July 10, 1989, 2 p.m. The board submitted an emergency revised agenda for a meeting to be held in Suite 201, 9101 Burnet Road, Austin. According to the agenda, the board approved minutes of May 22 and 23, 1989 board meetings. Held executive session to discuss pending litigation. Considered request for rehearing on Juanita Abbott dba Abbott Pest Control case. Considered request for rehearing on George Wynne dba Apcco Pest and Termite Services. The emergency status was necessary because the revised agenda was necessary since the William Cohn case was canceled and we didn't need to have an all day meeting. We also needed to add two cases to be reconsidered for rehearing since a decision would need to be made before the next scheduled board meeting.

Contact: David A. Ivie, 9101 Burnet Road, #201, Austin, Texas, (512) 835-4066.

Filed: July 5, 1989, 10:19 a.m.

TRD-8905893

Texas Turnpike Authority

Thursday, July 13, 1989, 2:00 p.m. The Board of Directors will meet in Salon F, Dallas Marriott Quorum, 14901 Dallas Parkway, Dallas. According to the agenda, the Board includes consideration of the following items: approval of minutes of the last Board meeting; amendment to TTA Buy-Laws; with respect to the Dallas North Tollway project, purchase of right-of-way parcels, authorizing issuance of Series 1989 Revenue Bonds, exercising the option to redeem Series 1985 Revenue Bonds, authorizing investment of Authority bonds, proposal for section engineering services on Section 8, and Interagency Agreement with the State Department of Highways and Public Transportation. The meeting also includes an executive session. A complete agenda is attached.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219 (214) 522-6200.

Filed: July 3, 1989, 11:00 a.m.

TRD-8905840

University of Texas Health Center at Tyler

Thursday, July 6, 1989, 12 noon The Animal Research Committee met at Chaplain's Conference Room at University of Texas Health Center at Tyler, State Highway 155 and United States Highway 271, Tyler. According to the agenda, the committee will considered minutes of June meeting; chairman's report on activities since last meeting; reviewed of protocols-supplemental to

protocol 31: production of antibody for study of clot formation.

Contact: Dr. Barry Patterson, P.O. Box 2003, Tyler, Texas 75710

Filed: June 29, 1989, 1:15 p.m.

TRD-8905744

University System of South Texas

Thursday, July 6, 1989, 6 p.m. The Board will meet in the Founders Room, Lewis Hall, Texas A&I University in Kingsville. According to the agenda, the Board will call to order in executive session: interview candidate for presidency at Texas A&I University in open session: and remarks from President of the Board.

Contact: Dr. Alan Sugg, P.O. Box 1238, Kingsville, Texas (512) 595-2215.

Filed: July 3, 1989, 4:03 p.m.

TRD-895867

Public Utility Commission of Texas

The Public Utility Commission of Texas will meet at Suite 450N, 7800 Shoal Creek, Austin. Dates, times, and agendas follow.

Wednesday, July 12, 1989, 10 a.m. The Hearings Division will discuss Docket 8899 - complaint of Pat Widner against Pedernales Electric Cooperative, Inc.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1989, 2:40 p.m.

TRD-8905861

Thursday, July 13, 1989, 9 a.m. The board will consider the following dockets: 8164, 7630, 7330, 8710, 8628, 8368, 8624, 8804, and 8816. The commission will also consider proposed amendments to Procedural Rule §21.106 - Interim Orders (Project no. 8903).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin Texas 78757, (512) 458-0100.

Filed: July 5, 1989, 1:54 p.m.

TRD-8905900

Thursday, July 13, 1989, 2 p.m. The Administrative Division will discuss: reports, discussion and action on budget and fiscal matters, report on MARC summer meetings, discussion of congressional Nuclear Decommissioning Reserve Fund Act of 1989, House Ruling 1317, and possible let-

ter to Texas Congressional Delegation, approval of TECA expenses relating to administration of Universal Service Fund, update on establishing requirements for annual financial reporting, for regulatory purposes, by all utilities regulated by the PUC, approval of second amendment to contract among Resource Management International, Central Power and Light, and PUC, approval of change in designation of project director in contract among Decision Management Company, Gulf States Utilities, and PUC. Adjournment for executive session to consider litigation and personnel matters. Reconvene for discussions and decisions considered in executive session set time and place for next meeting and final adjournment.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 5, 1989, 1:54 p.m.

TRD-8905899

Friday, July 14, 1989, 1:30 p.m. The Hearings Division will discuss Docket 8892-Application of El Paso Electric Company to establish performance standards for the Palo Verde Nuclear Generating Station.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 30, 1989, 2:44 p.m.

TRD-8905806

Monday, July 17, 1989 1:30 p.m. The Hearings Division will discuss Docket 8893-complaint of Hershel J. Williams against AT&T.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 30, 1989, 2:44 p.m.

TRD-8905808

Wednesday, July 19, 1989, 10 a.m. The Hearings Division will discuss Docket 8868-Application of Brazos Electric Power Cooperative, Inc. to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 30, 1989, 2:43 p.m.

TRD-8905807

Tuesday, July 21, 1989, 10 a.m. The Hearings Division will discuss Docket 8094-complaint of Paycom Systems Corporation against Southwestern Bell Telephone Company regarding the use of Linesaver(R).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 29, 1989, 3:11 p.m.

TRD-8905776

Tuesday, July 25, 1989, 10 a.m. The Hearings Division will discuss Dockets 8660, 8684, and 8719: application of Alenco Communications, Inc. to amend certificate of convenience and necessity within Webb County; application of southwestern bell telephone company to amend certificate of convenience and necessity within Webb County; and application of Valley Telephone Cooperative Inc. to amend certificate of convenience and necessity within Webb County.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 29, 1989, 3:11 p.m.

TRD-8905777

Friday, August 4, 1989, 10 a.m. The Hearings Division will discuss Docket 8640 complaint of Compaq Computer Corporation against Southwestern Bell Telephone Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 29, 1989, 3:09 p.m.

TRD-8905779

Friday, October 27, 1989, 10 a.m. The Hearings Division will discuss Docket 8640 complaint of Compaq Computer Corporation against Southwestern Bell Telephone Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 29, 1989, 3:09 p.m.

TRD-8905778

Texas Water Commission

The Texas Water Commission will meet at William B. Travis Building, 1701 North Congress Avenue, Austin. Dates, times, rooms, and agendas follows.

Wednesday, July 12, 1989, 9:30 a.m. The Texas Well Drillers Board will meet in emergency session, in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider the approval of the minutes of its May 3, 1989, meeting; consider the certification of applicants for registration; consider the applications for driller-trainee registration; consider whether to set the following complaints for formal public hearing before the board or other appropriate legal action K. J. Edmonds, B.T. Operation Systems, W.W. Clem Estates, Clay Earle, Fernando E. Galindo, Michael Lavy, Johnnie Marsh, James McGee, William M. Mullen, Earnest R. Reynolds, Walter Rutherford, Jr., Sammy Smith, Preston Smith, Don Troxell, Raymond Whisenant, and Wesley Woods,

the board will consider staff reports. The emergency status was necessary due to late complaints.

Contact: Larry Persky, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Filed: July 5, 1989, 9:17 a.m.

TRD-8905877

Wednesday, July 12, 1989, 1:30 p.m. The Texas Water Well Drillers Board will meet in emergency session, in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider the revocation or suspension of the water well drillers license or imposition of an administrative penalty in the following: WWDB-89-10 Eldon Leon Lyda, Jr. License No. 2561-W (continuation). The emergency status was necessary due to deadline and holiday schedule.

Contact: Larry Persky, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Filed: July 5, 1989, 9:17 a.m.

TRD-8905877

Thursday, August 17, 1989, 10 a.m. The commission will meet in Room 1-111, to determine whether to affirm, modify or set aside an emergency order issued June 15, 1989 to Four Seasons Industrial Services, Inc., 207 Robbins Street, Greensboro, North Carolina 27416-0590. The emergency order permits four seasons to store and dispose of certain explosive and reactive chemicals located in an abandoned chemistry building at the Bishop College site at 3837 Stewart Simpson Road in Dallas. The emergency order, if affirmed, is to be subject to the terms and conditions set forth in emergency order 89-27E. Authorization for disposal pursuant to the order shall remain in effect for ninety days unless modified, set aside or renewed by the Commission.

Contact: Michelle A. McFaddin, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: June 29, 1989, 1:35 p.m.

TRD-8905775

Tuesday, September 26, 1989, 10 a.m. The commission will meet in Room 118, Stephen F. Austin State Office Building, 1700 North Congress, Austin. According to the agenda summary, Alton Leroy East, Application 5245, applicant seeks to divert and use 100 acre-feet of water per annum from Brush Creek, tributary of the San Gabriel River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin, to irrigate 50 acres of land within three tracts totaling 117.75 acres in the J.J.

Liendo Survey, Abstract No. 31, approximately 18.7 miles southwest of Cameron, Milam County.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78711, (512) 463-8260.

Filed: July 3, 1989, 2:48 p.m.

TRD-895862

Regional Meetings

Meetings Filed June 29, 1989

The Austin-Travis County MHMR Center, Executive Committee Meeting held an emergency meeting at 4210 Spicewood Springs Road, Austin on June 30, 1989 at 11 a.m. The emergency status was necessary because needed approval of the committee is needed by July 1, on issues not know about until now. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 447-4141.

The Brazos River Authority, Lake Management Committee held a meeting at Lake Supervisor's Office, Possum Kingdom Lake, on July 6, 1989 at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Brazos River Authority, Lake Management Committee held a meeting at 4400 Cobbs Drive, Waco, on July 10, 1989 at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Brazos River Authority, Water Utilization Committee held a meeting at 4400 Cobbs Drive, Waco, on July 10, 1989 at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Dawson County Central Appraisal District, Board of Directors, held a meeting at 920 North Dallas Avenue, Lamesa, on July 5, 1989, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Gonzales County Appraisal District, Appraisal Review Board, held a meeting at 928 St. Paul Street, Gonzales, on July 5, 1989, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hansford Appraisal District, Appraisal Review Board, will meet at 709 West Seventh Street, Spearman, on July 12, 1989, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Hansford Appraisal District, Appraisal Review Board, will meet at 709 West Seventh Street, Spearman, on July 14, 1989, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567,

Spearman, Texas 79081, (806) 659-5575.

The Lower Neches Valley Authority, Board of Directors, held a meeting at 7850 Eastex Freeway, Beaumont, on July 3, 1989 at 10 a.m. Information may be obtained from A. T. Hebert, P. O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Neches River Authority, Board of Directors, held a meeting at Wyndham Hotel, 900 North Shoreline, Corpus Christi, on July 6, 1989, at 11 a.m. Information may be obtained from Con Mims, P.O. Box 349, Uvalde, Texas 78802, (512) 278-6810.

The South Texas Development Council, Review Committee, will meet in Commissioner's Courtroom Courthouse, Rio Grande City, on July 19, 1989 at 2 p. m. Information may be obtained from Juan Vargas, P.O. Box 2187, Laredo, Texas 78044-2187.

TRD-8905739

Meetings Filed June 30, 1989

The Texas Association of Regional Councils, Board of Directors, met in Lone Star Room, Radisson Plaza Hotel, 700 San Jacinto, Austin, on July 7, 1989, at 9 a.m. Information may be obtained from Sheila Jennings, 508 West 12th Street, (512) 478-4715.

The Burnet County Appraisal District, Appraisal Review Board, met at 215 South Pierce, Burnet, on July 5 & 6, 1989, at 8:30 a.m. Information may be obtained from Melissa Cude, P.O. Drawer E, Burnet, Texas 78611.

The Burnet County Appraisal District, Appraisal Review Board, will meet at 215 South Pierce, Burnet, on July 11-15, 17-19, 1989, at 8:30 a.m. Information may be obtained from Melissa Cude, P.O. Drawer E, Burnet, Texas 78611.

The Central Appraisal District of Rockwall County, Appraisal Review Board, met at 106 North San Jacinto, Rockwall, on July 6 & 7, 1989, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034.

The Erath County Appraisal District, Board of Directors, will meet in Board Room, 1390 Harbin Drive, Stephenville, on July 11, 1989 at 9 a.m. Information may be obtained from Jerry Lele, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Gonzales County Appraisal District, Appraisal Review Board, met at 928 St. Paul Street, Gonzales, on July 6, and July 10-11, 1989, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The High Plains Underground Water Conservation District No. 1, Board of Directors, will meet in Conference Room, 2930 Avenue Q, Lubbock, on July 11, 1989

at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Kendall County Appraisal District, Appraisal Review Board, held a meeting in Grand Jury Room, Second Floor, 203 East San Antonio Street, Boerne, on July 6, 1989 at 9 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lower Neches Valley Authority, Board of Directors, held a meeting at 7850 Eastex Freeway, Beaumont, on July 3, 1989, at 10:30 a.m. Information may be obtained from A. T. Hebert, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Texas Council Risk Management Fund, Executive Committee Meeting met at Riverside Cafe, Four Seasons Hotel, Austin, on July 6, 1989, at 7:30 p.m. Information may be obtained from Spencer McClure, 7700 Chevy Chase Drive, Suite 310, Austin, Texas (512) 458-9062.

The Texas Council Risk Management Fund, Executive Committee Meeting met at Stones Crossing Room, Four Seasons Hotel, Austin, on July 7, 1989, at 8 a.m. Information may be obtained from Spencer McClure, 7700 Chevy Chase Drive, Suite 310, Austin, Texas (512) 458-9062.

TRD-8905772

Meetings Filed July 3, 1989

The Bexar Appraisal District, Appraisal Review Board, met at 535 South Main, San Antonio, on July 7, 1989, at 8:30 a.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on July 17, 1989, at 5 p.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk Avenue, Brownwood, on July 10, 1989, at 7 p.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas (915) 643-5676.

The Central Texas Council of Governments, Transportation Planning Committee, will meet at The Fabulous West, 1614 South FM 116, Copperas Cove on Wednesday, July 19, 1989, at 10 a.m. Information may be obtained from Gerald B. Bunker, P.O. Box 729, Belton, Texas (817) 939-1801.

The Canadian River Municipal Water Authority, Board of Directors, will meet at Canadian River Municipal Water Authority Headquarters Building, Sanford Dam, Sanford, on July 12, 1989, at 11 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325.

The Dallas Area Rapid Transit, Administrative Law Judge Task Force, met at 601 Pacific Avenue, Dallas, on July 6, 1989, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Deep East Texas Private Industry Council, Inc. will meet at Rodeway Inn, Highway 59, Lufkin, on July 12, 1989 at 2 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-2247.

The Erath County Appraisal District, Appraisal Review Board, will meet in the Board Room, 1390 Harbin Drive, Stephenville, on Wednesday-Friday, July 12-14, 1989, at 9 a.m. Information may be obtained from Trecia Perales, 1309 Harbin Drive, Stephenville, Texas 76401.

The Henderson County Appraisal District, Appraisal Review Board, will meet at 1751 Enterprise, Athens on Thursday-Friday, July 6-7, 1989, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Texas (214) 675-9296.

The Central Appraisal District of Johnson County, Appraisal Review Board, will meet in Room 202, 109 North Main, Cleburne, on July 17 & 18, 1989 at 9 a.m. Information may be obtained from Jackie Gunter 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Kendall County Appraisal District, Appraisal Review Board, will meet in Grand Jury Room, Second Floor, Kendall County Courthouse, 204 East San Antonio Street, Boerne, on July 11-12, 1989, at 9 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lampasas County Appraisal District, Board of Directors, will meet at 109 East Fifth, Lampasas, on July 12, 1989, at 9:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lee County Appraisal District, Appraisal Review Board will meet at 218 East Richmond Street, Giddings on Wednesday, July 12, 1989, 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942 (409) 542-9618.

The Swisher County Appraisal District, Appraisal Review Board, met at 130 North Armstrong, Tulla, on July 7, 1989 at 8:30 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulla, Texas 79088, (816) 995-4118.

The Tarrant Appraisal District, Appraisal Review Board, will meet at 2309 Gravel Road, Fort Worth, on July 17, 1989 at 8:30 a.m. Information may be obtained from Coordinators, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The West Central Texas Council of Governments, Regional Review Committee, will meet at 1025 East North Tenth Street, Abilene, on July 21, 1989, at 10 a.m. Information may be obtained from Jim Compton, P.O. Box 3195, Abilene, Texas 79604.

The Wood County Appraisal District, Appraisal Review Board, met in Conference Room, 217 North Main, Quitman, on July 5-6, 1989, at 9 a.m. Information may be obtained from Carson Wages.

TRD-8905815

Meetings Filed on July 5, 1989.

The Brazos Valley Development Council, Executive committee meeting will be held in Suite #2, Council Offices, 3006 East 29th Street, Bryan, July 13, 1989, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805.

The The Cass County Appraisal District, Board of Directors met at 400 North Main Street, Linden, on July 10, 1989, at 7 p.m. Information may be obtained from Janelle Clements, Box 1150, Linden, Texas 75563, (214) 756-7545.

The Education Service Center, Region XIII, Board of Directors, 5701 Springdale Road, Austin, met on July 10, 1989, at 12:45 p.m. Information may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723 (512) 929-1300.

The Central Appraisal District of Rockwall County, Board of Directors will meet at 106 North San Jacinto, Rockwall, July 11, 1989, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087.

The Greater South-San Antonio Corridor Council, Inc., Executive committee met at Corridor Council office, Riverhouse, San Marcos, on July 7, 1989, at 10 a.m. Information may be obtained from Dana Douglas, P.O. Box 1618, San Marcos, Texas 78667-1618.

The Nolan County Central Appraisal District, Board of Directors will meet at Suite 317A, Nolan County Courthouse, Sweetwater, on July 11, 1989, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Nolan County Central Appraisal District, Board of Review will meet in Suite 317A, Nolan County Courthouse, Sweetwater, on July 11, 1989, at 9 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas, 79556, (915) 235-8421.

The North Regional Planning Committee, General Membership and Executive Committee will meet at 100 Central Freeway, Wichita Falls, on July 13, 1989, at 1:00 p.m. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas, (817) 322-5281.

TRD-8905875

Meetings Filed July 6, 1989

The Bastrop County Appraisal District, The Appraisal Review Board will meet at 1200 Cedar Street, Bastrop, July 10, 1989, at 7 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Region VIII Education Service Center, The Board of Directors will meet at the Ramada Inn Restaurant, Mt. Pleasant, July 12, 1989, at 11:30 a.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75455.

The Sulphur River Basin Authority, The Board of Directors will meet at the Mt. Pleasant Chamber of Commerce Building, 1604 North Jefferson, Mt. Pleasant, at 1:30 p.m. Information may be obtained from William O. Morris, P.O. Box 240, Texarkana, Texas 75504.

TRD-8905919



The Hop!

Quickly,

Quietly,

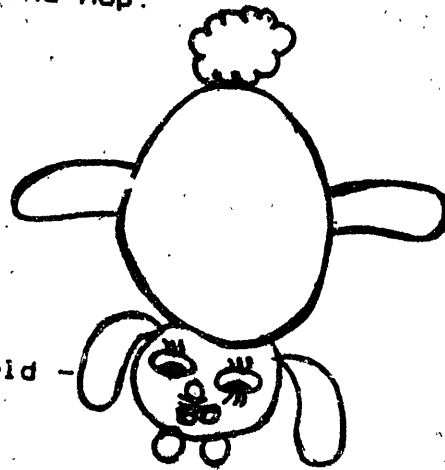
Happily,

The bunny

Hops.

In the field -

Look!



Name: Summer Fitzgerald

Grade: 4

School: McKinney Elementary, McKinney

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board Notice of Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act, Article 4477-5, §3.09; 40 Code of Federal Regulations, §51.102 of the Environmental Protection Agency Regulations concerning State Implementation Plans; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and the Texas Air Control Board (TACB) Procedural Rules, §103.11(4), the TACB will conduct public hearings to receive testimony on proposed revisions to TACB Regulation IV, concerning control of air pollution from motor vehicles.

The proposed amendment to § 114.4, concerning equipment evaluation procedures for vehicle exhaust gas analyzers, updates the reference to specifications to be used in the vehicle idle inspection/maintenance (I/M) program scheduled to be implemented in Dallas and Tarrant counties on January 1, 1990. Changes to the specifications, incorporated by reference, include improvements in analyzer technology recently adopted by the California Bureau of Automotive Repair, primarily to expand the computer capabilities of the systems. This will require analyzers to utilize personal computer (PC) technology and associated software programming to enhance inspection procedures, to assist in monitoring the effectiveness of the program, and to provide the flexibility to incorporate future changes to the I/M program. Several provisions to improve the performance of the analyzers have also been proposed, including requirements of barometric pressure compensation and more frequent calibrations. Specific information regarding the state process for certifying analyzers sold or leased for use in the programs also been included.

The TACB also is requesting comments regarding two additional issues. First, the TACB is soliciting testimony that will help in ascertaining whether the additional analyzer expense and time necessary to complete the two span point calibration, as recommended by California, is justified through reduced errors in the vehicle inspection results. Second, the agency is requesting testimony concerning what problems may be anticipated in the operation of either the infrared analytical systems or the PC systems under the atmospheric conditions expected to be encountered in Texas. While the TACB is proposing that analyzers be certified at operating conditions up to 110 degrees farenheit and 100% relative humidity, the agency is specifically interested in information regarding the feasibility and cost associated with satisfying these criteria and in recommendations for alternate criteria which will still assure the proper operation and reliability of the analyzers in a typical garage environment.

The proposed amendment to §114.5, concerning exclusions and exemptions, revises the exemption regarding the prohibition on the sale of tampered vehicles to allow such sales between retail dealers and from retail to wholesale dealers. This revision was requested by the Texas Auto-

mobile Dealers Association to clarify that the TACB's original intent was to exempt all dealer transactions that did not result in the sale of a tampered vehicle to an individual for operation on a public roadway.

Public comments, both oral and written, on the proposals are invited at the following public hearings: August 3, 1989, 10 a.m., Downtown Central Library Auditorium, 1515 Young Street, Dallas; and August 3, 1989, 7 p.m., Fort Worth Public Health Department, 1800 University, Room 215, Fort Worth.

Hearings are structured for the receipt of narrative comments. Interrogation or cross-examination is not permitted. Persons desiring to testify should examine the materials on file beforehand and prepare statements for the hearing.

Written comments not submitted at a hearing may be submitted through 4 p.m. on August 4, 1989. Comments received by that time at the TACB central office in Austin will be considered prior to any final decision on the proposed revisions. Five copies of all written comments are requested.

Copies of the proposal are available for inspection at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. For further information, call Russell Baier at (512) 451-5711.

Issued in Austin, Texas on June 28, 1989.

TRD-8905802 Allen EH Bell
Executive Director
Texas Air Control Board

Filed: June 30, 1989

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

Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On June 27, 1989, the banking commissioner received an application to acquire control of State Bank and Trust Company, Dallas, by Richard Roland Russell, Daniel Wayne Cameron, Harold Inge Bryars, and Steve Mark Floyd, all of Dallas.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705 (512) 479-1200.

Issued in Austin, Texas, on June 27, 1989.

TRD-8905712 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 28, 1989

For further information, please call (512) 479-1200.

Texas Department of Commerce
Comments Related to the Proposed 1989
Texas Community Development
Program Final Statement

On April 30, 1989, the Texas Department of Commerce (Commerce) submitted the final statement of its community development objectives and projected use of Community Development Block Grant (CDBG) non-entitlement area funds for federal Fiscal Year 1989 to the United States Department of Housing and Urban Development (HUD). Commerce published a summary of the Texas Community Development Program in the March 14, 1989, issue of the *Texas Register* (14 TexReg 1379) and held a series of four public hearings throughout the state in March 1989 to solicit comments on the proposed final statement.

A total of 72 written comments were received from political subdivisions, organizations, and concerned citizens. Thirty-three cities, two counties, two consultants, and one concerned citizen expressed unqualified support for the 1989 proposed final statement. Seven cities, two counties, 13 regional councils of governments, nine consultants, and three concerned citizens recommended that Commerce make one or more changes to the 1989 proposed final statement. Pursuant to these recommendations, Commerce incorporated several changes before submitting the final statement to HUD for approval.

In accordance with Texas Civil Statutes, Article 6252-13e, §4, the categories of comments received are summarized as follows.

Distribution of funds. Listed below is the distribution of CDBG funds allocated by HUD to the state as declared in the proposed final statement:

<u>Fund</u>	<u>Percentage</u>
Community Development	64.3
Texas Capital Fund	20.0
Planning/Capacity Building	1.0
Emergency/Urgent Need	5.0
Special Impact	2.5
Affordable Housing Assistance	5.0
Administration	<u>2.0</u>
Total	99.8*

* Remainder (.2 percent) represents the additional \$100,000 allocated by HUD for administrative costs.

Three cities, six councils of governments, and one consultant proposed raising the percentage allocated to the community development fund to a range of 71.3 to 75%. One consultant stated that the allotment for the Texas capital fund should be decreased to 10%. Six councils of governments and one city recommended that the planning/capacity building fund be eliminated. Seventeen cities, one county, and two consultants supported the proposal by Commerce regarding the planning/capacity building fund. One consultant proposed raising the allocation to the planning/capacity building fund to 2.0%. Six councils of governments and one city recommended that the allocation for the emergency/urgent need fund be reduced from 5.0% to 4.0%. One consultant proposed increasing the allotment for the special impact fund. One consultant recommended that the special impact fund be replaced with a solid waste disposal fund. Six councils of governments and two consultants proposed eliminating the affordable housing fund.

One council of governments expressed support for the affordable housing assistance fund.

Upon consideration of the recommended changes, Commerce modified the final statement so that construction of permanent housing for low and moderate income persons through neighborhood-based nonprofit organizations will be considered as an eligible activity under the community development fund. The 5.0% of total funds that had been allotted for the affordable housing assistance fund was transferred to the community development fund. Thus, the allocation of funds from the fiscal year 1989 program for the community development fund was increased to 69.3%. The distribution to the other funds was not changed.

Regional review committees points for community development fund project selection. The proposed final statement states that scoring of community development fund applications will be divided equally between Commerce and the Regional Review Committee (RRC). The

Texas Association of Regional Councils (TARC) proposed that the total score be determined by the RRC. Six councils of governments and one city supported the TARC proposal. Twenty-nine cities, one county, and six consultants opposed the TARC proposal and favored retention of the existing 50-50 division between Commerce and the RRC. The opponents of the TARC proposal were generally satisfied with the fairness of the scoring by Commerce.

Based on the comments received, Commerce proposes no changes in the number of points to be determined by the regional review committees.

Other comments on selection factors for community development fund projects. The proposed final statement contained a detailed list of factors to be considered when rating applications for the community development fund. Two cities, four councils of governments, and seven consultants provided a diverse range of recommendations for changing these factors. Four respondents asked that the project impact factor be more specifically defined. One city asked that communities with numerous senior citizens receiving homestead exemptions be granted additional points. Two consultants suggested that less weight be given to the unemployment component of the community distress factor due to the lack of reliable unemployment data. One consultant asked that a local cash match be granted more points than a local match consisting of other grants.

Commerce utilized several of the suggestions when the final selection criteria for the community development fund were formulated. The maximum points for the unemployment rate under the community distress factor was decreased from 20 to 15 points. In addition, the points awarded for an application in which more than 60% of the beneficiaries are of low to moderate income was increased from 25 to 30 points. As for local match, the criteria were modified so that the population figure utilized for county water and sewer improvement applications in unincorporated areas will be based on the actual number of beneficiaries to be served by the project activities. Additionally, housing rehabilitation projects and new construction through neighborhood-based organizations will receive match points without injecting local funds.

Texas capital fund selection criteria. Three respondents offered a variety of comments on the selection criteria for the Texas capital fund. One city stated that the requirement for cities to guarantee business loans was too burdensome. One city suggested that low- and moderate-income employees should be determined on the basis of the individual income of the worker rather than family income and that service firms should not be eligible to participate in the program. One council of governments requested that loans from the Small Business Administration and Minority Enterprise Small Business Investment Corporations be considered equal to private lender participation.

Commerce proposes no changes in the Texas capital fund selection criteria.

Special impact fund selection criteria. Three respondents submitted varied comments concerning the selection criteria for the special impact fund. One county requested that cities, as well as counties, be eligible to apply to this fund. One county requested that more weight be given to counties with the lowest wealth as measured by per capita income and property tax base. One concerned citizen stated that prohibiting special impact fund applicants from applying for other CDBG funds was not equitable.

In an effort to promote equality in the competition, Commerce modified the local match criteria for the special

impact fund so that the population figure utilized for county water and sewer improvement applications in unincorporated areas will be based on the actual number of beneficiaries to be served by the project activities.

Administrative funding for regional review committees. Although the 1989 proposed final statement did not specify the amount of administrative funding for regional review committees, the Texas Association of Regional Councils proposed that the state distribute \$25,000 to each of the 24 RRC for staff support from the administrative funds allocated to Commerce by HUD. Many of the comments received were in reference to the TARC proposal.

Sixteen cities, one county, and five consultants opposed the TARC proposal. The major concern was that serious discrepancies in scoring could arise between regions. One common statement was that a conflict of interest could occur in regions where regional council of governments employees were involved in the preparation of some of the applications and in the scoring of all applications in the region. A concern shared by many was that this might effectively eliminate private sector consultants by having their duties accomplished by government employees. The consensus was that the net effect of the TARC proposal would be an increase in the total administrative cost burden for the program.

Ten councils of governments and one city favored the TARC proposal.

Commerce will adopt a scoring system which allows equal points between Commerce and the regional review committees, and will distribute \$212,000 to cover costs incurred by the councils of governments in providing staff support to the regional review committees.

Public hearing notice requirements. The proposed final statement required public notice of all hearings to be published in a local newspaper at least five calendar days prior to the scheduled hearing. Two cities stated that this requirement is burdensome in some rural areas where local newspapers are published weekly.

Commerce changed the final statement to reflect this concern so that the public notice must be published at least 72 hours prior to the scheduled hearing.

Program income recapture provision. The proposed final statement contained a provision which stated that all program income from Texas capital fund projects would be recaptured by the state unless the local governing body utilizes the program income for the originally funded development during the contract period. The recaptured funds would be put in a state-wide revolving loan fund and utilized by other eligible applicants for economic development projects. Six councils of governments and two cities objected to this recapture provision based on the fact that CDBG entitlement cities are not subject to this provision. One council of governments and one consultant proposed extending the time limit for recapturing funds to five to 10 years beyond the contract period. One consultant suggested that the recaptured funds on Texas capital fund projects be retained within the region rather than put in the state-wide revolving loan fund. One consultant expressed support for the program income recapture provision as stated.

In an effort to address public comments, Commerce made the following changes in the program income recapture provision: If the local governing body requests to use program income for the expansion of the originally funded development within the contract period, it may access all of its funds in a specifically designated revolving loan fund set up by Commerce only for economic development

projects. If the local governing body will not utilize program income for the originally funded development during the contract period, then 50% will be put in a statewide revolving loan fund only for economic development projects to be used by other eligible applicants at the state level and 50% will remain in the specially designated revolving loan fund for use by the local governing body. If program income has not been used or another project is not identified by the local governing body within three years of the original award date, all program income in the specially designated revolving loan fund for that contractor will revert to Commerce to be used as previously outlined. In order for the unit of local government to access the funds in the specifically designated revolving loan fund, it must first have an revolving loan fund plan approved in writing by Commerce and must also demonstrate that it has the ability to administer the program funds according to the United States Housing and Community Development Act of 1974, Title I. Communities that recapture program income at the local level will be limited to receiving one Texas capital fund contract award per program year. If a community does not want to participate in program recapture and returns the funds to Commerce, it may apply for as many economic development (Texas capital fund) awards as it has eligible projects. This determination must be made at the time the original award is made and cannot be changed with subsequent awards.

This completes the summary of comments related to the proposed 1989 final statement. A complete copy of the 1989 Texas Community Development Program final statement and a summary of the public comments received are available upon request. Please write or call Clara Torres or Cindy Garcia, Finance Division, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, (512) 320-0110.

Issued in Austin, Texas on June 28, 1989.

TRD-8906751 J. W. Lauderback
Executive Director
Texas Department of Commerce

Filed: June 29, 1989

For further information, please call (512) 320-9868

Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$839,250,000.

State legislation, Texas Civil Statutes, Article 5190.9(a), (the Act), established the allocation process for the State of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is avail-

able to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Pursuant to the Act, the aggregate amount for qualified mortgage bond subceiling is \$279,750,000, with \$186,500,000 available to the local housing authorities and \$93,250,000 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$209,812,500 and the amount for all other bonds requiring an allocation is \$349,687,500.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, June 19, 1989-June 23, 1989.

Weekly report on the 1989 allocation of the state ceiling on certain private activity bonds as pursuant to Texas Civil Statutes, Article 5190.9(a).

Total amount of state ceiling remaining unreserved for the \$279,750,000 subceiling for qualified mortgage bonds under the Act as of June 23, 1989: \$93,251,166.

Total amount of state ceiling remaining unreserved for the \$209,812,500 subceiling for state-voted issues under the Act as of June 23, 1989: \$164,812,500.

Total amount of state ceiling remaining unreserved for the \$349,687,500 subceiling for all other bonds under the Act as of June 23, 1989: \$2,500.

Total amount of the \$839,250,000 state ceiling remaining unreserved as of June 23, 1989: \$258,066,166.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from June 19, 1989-June 23, 1989: None

Comprehensive listing of bonds issued and delivered as pursuant to the Act from June 19, 1988-June 23, 1989: None

Issued in Austin, Texas, on June 27, 1989.

TRD-8905704 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: June 28, 1989

For further information, please call (512) 472-5089

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⁾ /Agri- cultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/03/89-07/09/89	18.00%	18.00%
Monthly Rate ⁽¹⁾ Art. 1.04(c)	07/01/89-07/31/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	07/01/89-09/30/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	07/01/89-09/30/89	17.31%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	07/01/89-09/30/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/89-09/30/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	07/01/89-07/31/89	10.00%	10.00%

- (1) For variable rate commercial transactions only.
(2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
(3) Credit for personal, family or household use.
(4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on June 28, 1989.

TRD-8905713 Al Endsley
Consumer Credit Commissioner

Filed: June 28, 1989

For further information, please call: (512) 478-1280

◆ ◆ ◆
Texas Department of Health
Notice of Extension of Request for
Public Comment and Notice of Public
Hearing

In the June 9, 1989, issue of the *Texas Register* (14 TexReg 2755), the Texas Department of Health proposed the repeal of §§229.141-229.149, concerning the synthetic narcotic drugs in the treatment of drug dependent persons, and proposed new §§229.291-229.298, concerning minimum standards for synthetic narcotic drug treatment programs. The Department extends the public comment period on the proposals until 5 p.m., August 4, 1989. Additionally, a public hearing on the proposals will be

conducted at 9 a.m., August 4, 1989, in the department's auditorium, 1100 West 49th Street, Austin.

Issued in Austin, Texas on June 28, 1989.

TRD-8905800 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 28, 1989

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

◆ ◆ ◆
Public Hearing

The department will conduct a public hearing on the following municipal solid waste disposal site.

Texas Disposal Systems Landfill, Inc., has filed Application 2123 with the Texas Department of Health for a permit to operate a proposed Type I municipal solid waste disposal site with a collocated recycling/reclamation facility to be located approximately five miles south of Austin near Creedmoor, three miles east of IH 35 on FM Road 1327, adjacent to and on the north side of FM Road 1327,

in the northwest quadrant of the intersection of FM Road 1327 and Carl Road, in Travis County.

The site consists of approximately 341.46 acres of land, and is to daily receive approximately 2,195 tons of solid wastes under the regulatory jurisdiction of the Department of Health when disposed of or otherwise processed in accordance with the department's municipal solid waste management regulations.

Pursuant to the provisions of the Texas Solid Waste Disposal Act (Texas Civil Statutes, Article 4477-7), the Department's said regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a), a public hearing on the aforesaid application will be held at Best Western South Motel, 3909 South IH-35, Austin, in the Longhorn Room, at 9 a.m. on Tuesday, August 1, 1989. The purpose of the hearing is to receive evidence for and against the issuance of a permit for the aforesaid application. The hearing will be conducted and the final decision will be rendered in accordance with the applicable rules contained in the department's said regulations, including all changes in effect as of May 10, 1988. All parties having an interest in this matter shall have the right to appear at the hearing, present evidence, and be represented by counsel. Pursuant to Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures, the cost of a written hearing transcript may be assessed against one or more of the designated parties.

A copy of the complete application may be reviewed at the Texas Department of Health, 1100 West 49th Street, Austin, or at the department's Public Health Region 1 office located at 2408 South 37th Street, Temple, Texas 76504-7168; (817) 778-6744.

Issued in Austin, Texas, on June 29, 1989.

TRD-8905728 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 29, 1989

For further information, please call (512) 458-7271.

The department will conduct a public hearing on the following municipal solid waste disposal site.

Fort Bend County presently holds Solid Waste Permit 1554 as heretofore issued by the Texas Department of Health for the operation of a Type I municipal solid waste site located west of Rosenberg, adjacent to and on the north side of Klauke Road, and approximately 0.5 mile west of the intersection of Klauke and Blume Roads, in Fort Bend County.

Said permit holder has now filed with the Texas Department of Health an application to amend the aforesaid permit as follows: To add 95.6627 acres to the west side of the existing 44.2475-acre Type I municipal solid disposal site.

Pursuant to the provisions of the Texas Solid Waste Disposal Act (Texas Civil Statutes, Article 4477-7), the department's said regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a), the purpose of the public hearing on the aforesaid application to amend the said permit will be held at the Jane Long Building, 501 Jackson Street, Richmond, in the Commissioner's Courtroom at 1:30 p.m. on Wednesday, August 2, 1989. The purpose of the hearing is to receive evidence for and against the issuance of a permit for the aforesaid application. The hearing will be conducted and the final decision will be rendered in ac-

cordance with the applicable rules contained in the department's said regulations, including all changes in effect as of May 10, 1988. All parties having an interest in this matter shall have the right to appear at the hearing, present evidence and be represented by counsel. Pursuant to Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures, the cost of a written hearing transcript may be assessed against one or more of the designated parties.

A copy of the complete application may be reviewed at the Texas Department of Health, 1100 West 49th Street, Austin, or at the department's Public Health Region 4 office located at 10500 Forum Place Drive, Suite 200, Houston, Texas 77036; (713) 995-1112.

Issued in Austin, Texas, on June 29, 1989.

TRD-8905729 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 29, 1989

For further information, please call (512) 458-7271.

Texas Higher Education Coordinating Board

Notice of Meeting

The Texas Higher Education Coordinating Board (the board), acting for itself and on behalf of the Attorney General of the State of Texas (representing the State of Texas), will hold a public hearing at 11:30 a.m. on July 14, 1989, at the Bevington Reed Building, 200 East Riverside Drive, Austin. Among the items to be discussed will be a proposal for the issuance of State of Texas College Student Loan Bonds, Series 1989 Bonds (the bonds). The maximum aggregate face amount of the proposed Series 1989 Bonds to be issued is anticipated to be \$79,500,000. All interested parties are invited to submit written comments to the board prior to the time set for the public hearing or to attend the public hearing and express any comments they may have regarding the proposed Series 1989 Bonds. For additional information please contact James McWhorter, Assistant Commissioner for Administration, at the Coordinating Board at (512) 462-6420.

Note: Will be open to the public.

Issued in Austin, Texas on June 28, 1989.

TRD-8905757 James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board

Filed: June 29, 1989

For further information, please call (512) 462-6420

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 name change by Motor Club of America Insurance Company, a foreign casualty insurance company. The home office is in Newark, New Jersey. The proposed new name is MCA Insurance Company.
2. Application for admission to do business in Texas of Paul Burke and Associates, Inc., a foreign third party administrator. The home office is in Minneapolis, Minnesota.

3. Application for admission to do business in Texas of Equicox, Inc., a foreign third party administrator. The home office is in Wilmington, Delaware.

Issued in Austin, Texas, on June 28, 1989.

TRD-8905718 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: June 28, 1989

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

The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for admission to do business in Texas of Bonneville Insurance Company, a foreign casualty insurance company. The home office is in Beaverton, Oregon.

2. Application for incorporation in Texas of The Prudential Lloyds, a domestic lloyds insurance company. The home office is in Houston.

3. Application for incorporation in Texas of Insurance Service Center, a domestic third party administrator. The home office is in San Antonio.

4. Application for incorporation in Texas of Multi-Flex Benefit Systems, Inc. a domestic third party administrator. The home office is in Amarillo.

Issued in Austin, Texas on June 28, 1989.

TRD-8905790 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: June 30, 1989

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

Public Utility Commission of Texas

Notice of Proceeding for Approval of Nonoptional Two-Way Extended Area Service Between the Aransas Pass and Ingleside Telephone Exchanges.

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint application. The application was filed on June 16, 1989, and seeks approval of extended area service pursuant to the Public Utility Commission of Texas substantive rules, §23.49(i). The following is a summary of the nature of the joint application.

Project Title and Number. Joint filing of the Cities of Aransas Pass and Ingleside for approval of nonoptional two-way extended area service, project 8895 before the Public Utility Commission of Texas.

The Joint Application. The application was submitted by the City of Aransas Pass and the City of Ingleside, and includes a joint agreement of the parties which was executed by the cities and by GTE Southwest Incorporated. The application includes separate documents executed by the commissioners' courts of San Patricio County and Aransas County. San Patricio County appointed both the mayor of Aransas Pass and the mayor of Ingleside to represent the county in this matter. Aransas County ap-

pointed the mayor of Aransas Pass to represent the county in this matter.

The application seeks approval of nonoptional two-way extended area service between the telephone exchanges serving the two cities. The plan, if approved, would not require that telephone numbers be changed. Telephone customers would not incur nonrecurring service charges. The Aransas Pass exchange customers would incur a monthly EAS rate additive (rate increase) according to the type of service they receive. Residential service would increase by \$1.10, business service by \$2.95, key-line service by \$3.50, and PBX trunk by \$5.15. The Ingleside exchange customers would also incur a monthly EAS rate additive. Residential service would increase by \$1.40, business service by \$3.65, key-line service by \$4.40, and PBX trunk by \$6.40. The above rates are set pursuant to the rates set for GTE Southwest Incorporated in Public Utility Commission of Texas Docket 5610. The rates set forth above are subject to change in any appeal of Docket 5610.

Persons who wish to intervene or otherwise participate in these proceedings should mail a request to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757. Further information may also be obtained by calling the Public Utility Commission Public Information Office at (512) 458-0223, or (512) 458-0221 teletypewriter for the deaf.

Issued in Austin, Texas on June 29, 1989.

TRD-8905809 Mary Ross McDonald
Secretary
Public Utility Commission of Texas

Filed: June 30, 1989

For further information, please call (512) 458-0100.

The University of Texas System Consultant Contract Award

In compliance with the Texas Civil Statutes, Article 6252-11c, the University of Texas Southwestern Medical Center at Dallas furnishes this notice of consultant contract award.

The consultant proposal request appeared in the May 19, 1989, issue of the *Texas Register* (14 TexReg 2482). The project requires the consultant to provide recommendations to improve the quality of data collected by Parkland Hospital and transmitted to the center's medical service plan.

The consultant selected to perform this evaluation is Coopers & Lybrand, 1100 Louisiana, Suite 4100, Houston, Texas 77002. Total value of the contract is \$70,000. The contract period extends from June 27, 1989-October 23, 1989. A final report, including recommendations, is due on October 23, 1989.

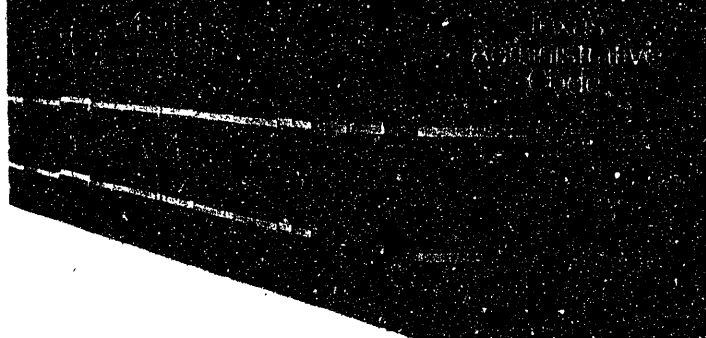
Issued in Austin, Texas on June 30, 1989

TRD-8905804 Arthur H. Dilly
Certifying Official
University of Texas System

Filed: June 30, 1989

For further information, please call (512) 499-4402

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