

Texas Register

Volume 13, Number 51, July 1, 1988

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JUL 24 1988

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Texas Register

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

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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: "13 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 13 TexReg 3."

How To Research: The public is invited to research rules and information; of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found 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). "

Subscriptions—one year (96 regular issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues are available at \$3 per copy.

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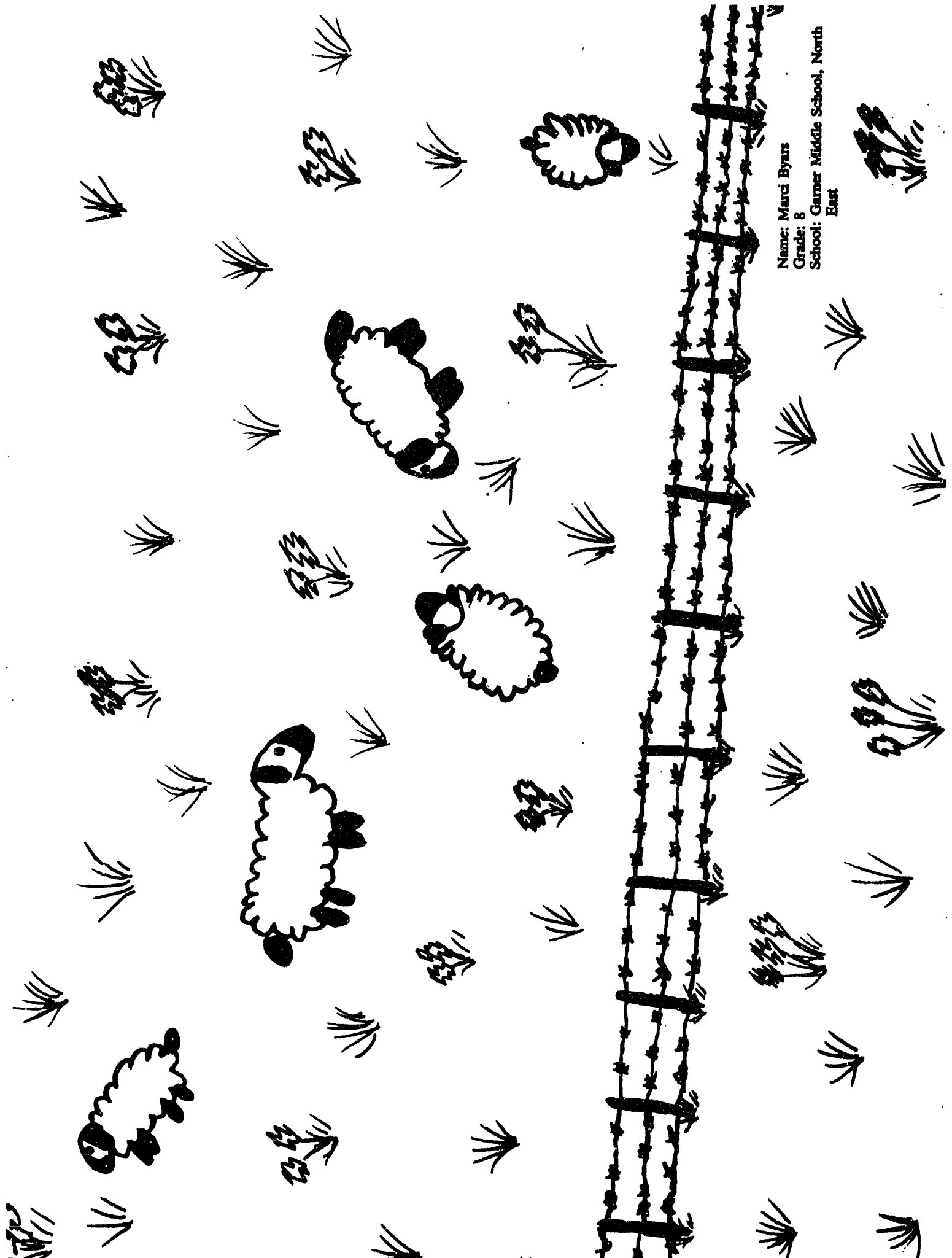
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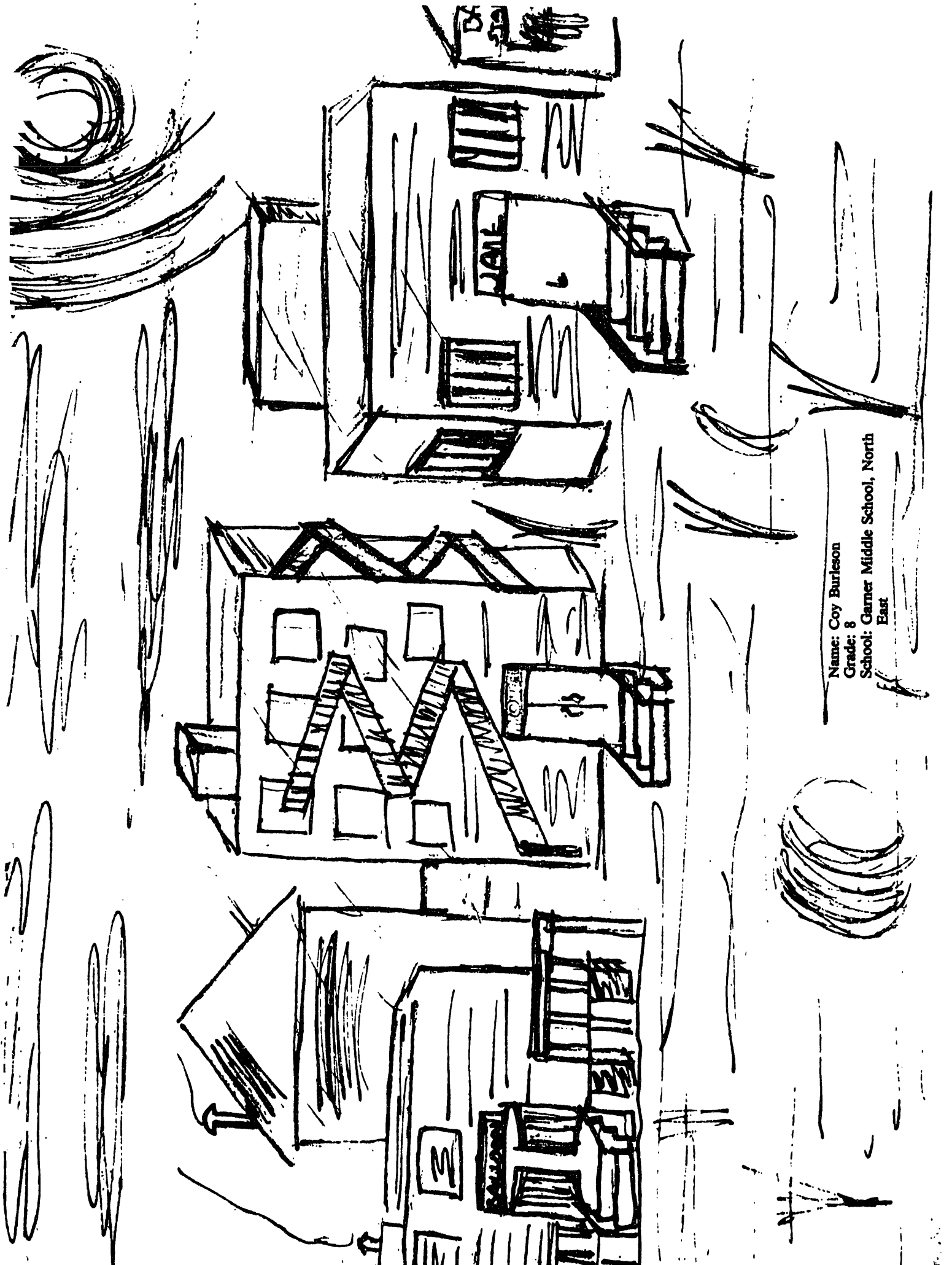
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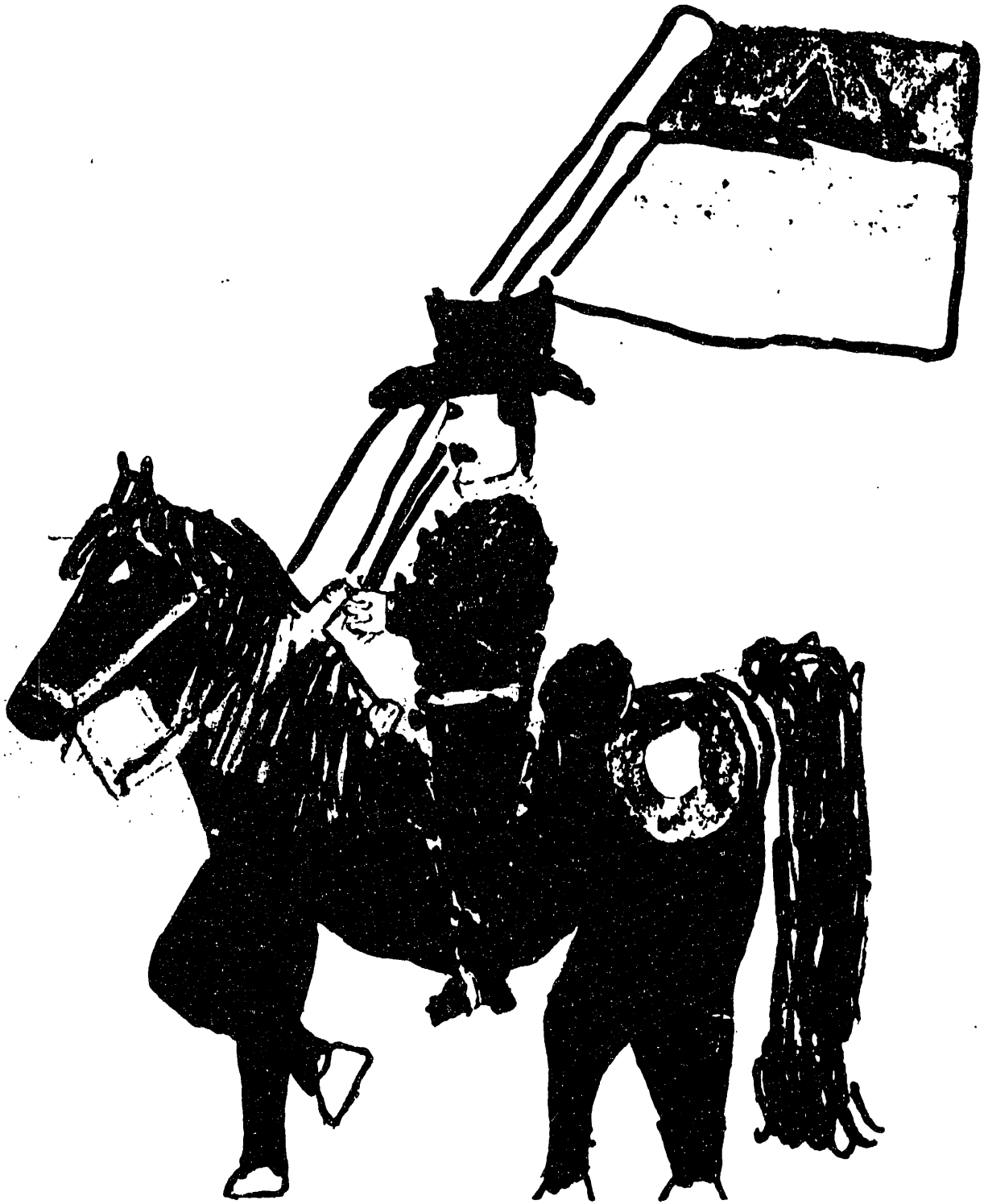
Name: Marci Byars
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East



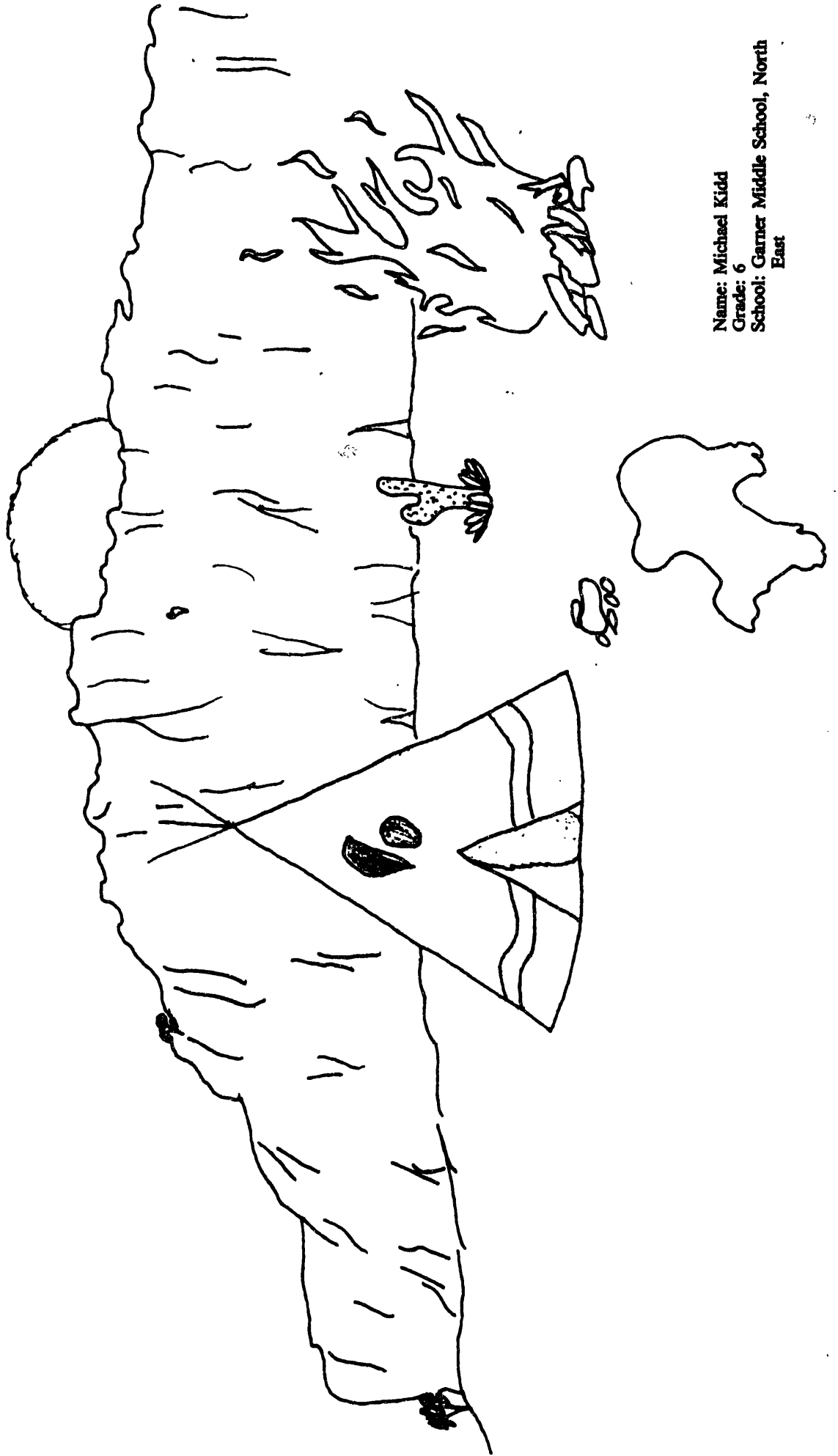
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Name: Minh Do
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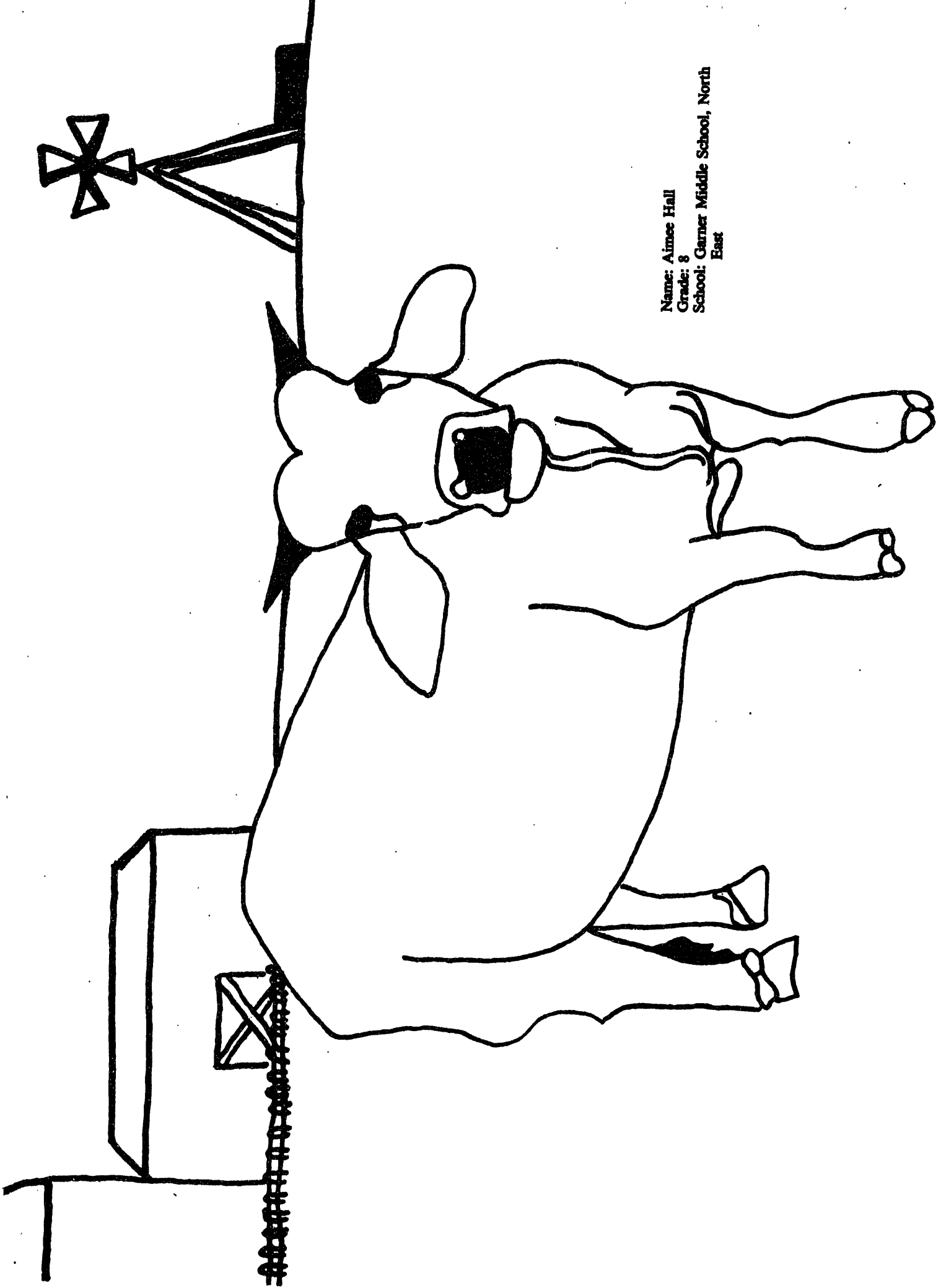
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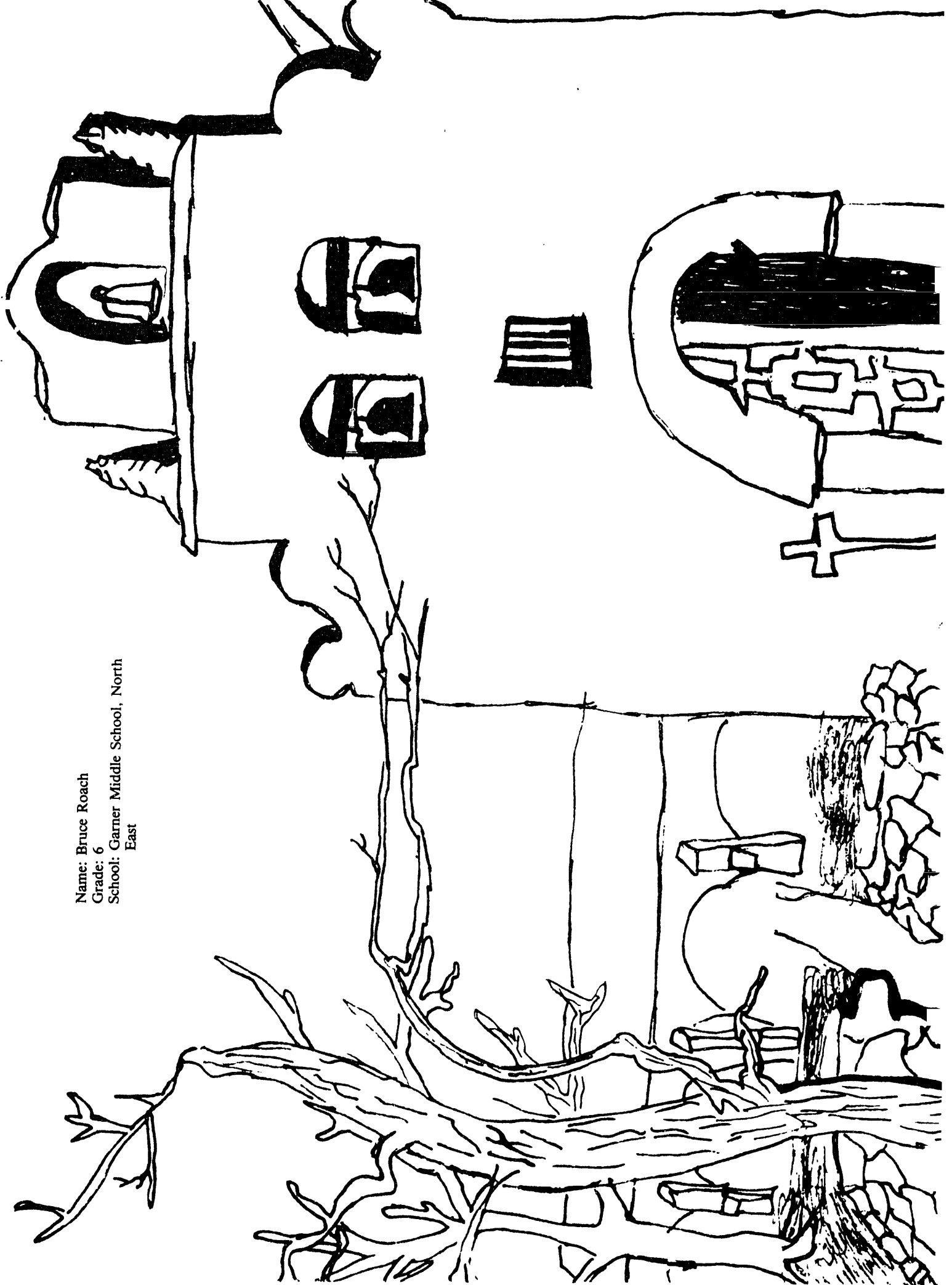
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School: Garner Middle School, North
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Name: Bruce Roach
Grade: 6
School: Garner Middle School, North
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TAC Titles Affected

TAC Titles Affected—July

The following is a list of the administrative rules that have been published this month.

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1 TAC §§1.1, 1.3, 1.11-1.13, 1.21, 1.31-1.34, 1.41-1.45, 1.51-1.54—3337

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TITLE 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commissioner

7 TAC §81.20—3321

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §1.7—3337

16 TAC §5.506—3337

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

22 TAC §521.1—3321, 3325

22 TAC §521.3—3325

22 TAC §521.4—3323, 3326

22 TAC §535.162—3339

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §1.36—3326

28 TAC §§1.801-1.813—3327

28 TAC §5.6105—3331

28 TAC §7.56—3323

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

31 TAC §§114.1, 114.3-114.5—3332

Part IV. School Land Board

31 TAC §155.10—3334

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.548—3335

34 TAC §3.55—3336

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34 TAC §25.30—3339

34 TAC §27.1—3340

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40 TAC §10.1001, §10.1009—3340

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40 TAC §§15.3403, 15.3408, 15.3412, 15.3416-15.3417—3341





Name: Linda Artcondo
Grade: 7
School: Garner Middle School, North
East

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made June 21, 1988

To be a member of the **Energy Resources Committee of the Interstate Oil Compact Commission** for a term to serve at the pleasure of the governor: Edward M. Emmett, 1005 Congress Avenue, Suite 895, Austin, Texas 78701.

To be a member of the **Citizens Advisory Committee for the Gulf Initiative** for a term at the pleasure of the governor: Quenton Russell Dokken, Ph.D., 6921 Dundee, Corpus Christi, Texas 78413. Dr. Dokken is being appointed to a new position.

To be a member of the **Citizens Advisory Committee for the Gulf Initiative** for a term at the pleasure of the governor: Etta Gayle Runnels, 1600 Marigold, McAllen, Texas 78501. Mrs. Runnels is being appointed to a new position.

To be a member of the **Citizens Advisory Committee for the Gulf Initiative** for a term at the pleasure of the governor: Nora

Deyaun Boudreaux, #825 Beach Boulevard, Laguna Vista, Texas 78578. Mrs. Boudreaux is being appointed to a new position.

To be a member of the **Texas Historical Records Advisory Board** for a term to expire January 23, 1991: Jake Brisbin, Jr., P.O. Box 1388, Marfa, Texas 79843. Mr. Brisbin will be replacing Dr. Dorman Winfrey of Austin whose term expired.

To be a member of the **Texas Historical Records Advisory Board** for a term to expire January 23, 1990: Kent Keeth, 2326 Colcord Avenue, Waco, Texas 76707. Mr. Keeth is being reappointed.

To be a member of the **Motorcycle Operator Training and Safety Advisory Committee** for a term to serve at the pleasure of the governor: Fred Oscar Barney, Jr., 320 Hillview, Hurst, Texas 76054. Mr. Barney is being reappointed.

To be a member of the **State Committee of Examiners for Speech Pathology and Audiology** for a term to expire August 31, 1993: Marilyn S. Duncan, 15008 Cypress

Hills Drive, Dallas, Texas 75248. Mrs. Duncan will be replacing Sara M. Haynes of Dallas whose term expired.

To be a member of the **Teachers' Professional Practice Commission** for a term to expire August 31, 1989: Carroll Bert Lockett, 3207 79th Street, Lubbock, Texas 79423. Mr. Lockett will be replacing Jose Salgado of El Paso whose term expired.

To be a member of the **Coastal Water Authority Board of Directors** for a term to expire April 1, 1989: Terry D. Williamson, 5210 West Road, Baytown, Texas 77521. Mr. Williamson will be replacing Johnnie Glen Jennings of Chambers County whose term expired.

To be a member of the **On-Site Wastewater Treatment Research Council** pursuant to House Bill 32, 70th Legislature, 1987, for a term to expire September 1, 1988: William W. Tenison, 6022 Joyce Way, Dallas, Texas 75225.

Issued in Austin, Texas on June 22, 1988

TRD-8806421

William P. Clements, Jr.
Governor of Texas





Name: Kuz Kuzmich
Grade: 10
School: Midland High, Midland

KUZ

Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes, Article 4399, and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*.

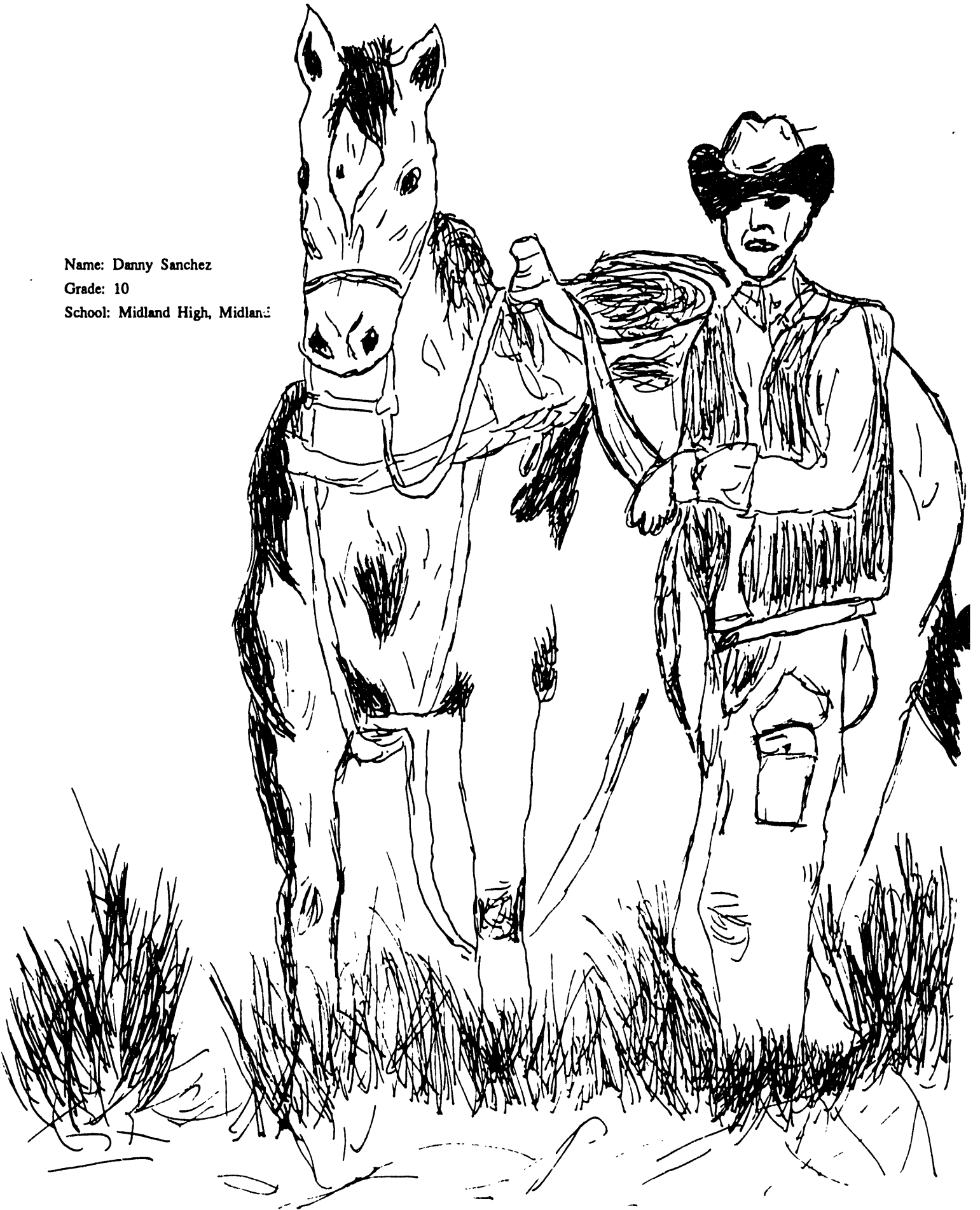
Opinions

JM-917 (RQ-1427). Request from Hugh Farmer, Chairman, Intergovernmental Relations Committee, Texas State Senate, Austin, concerning the constitutionality of Texas Civil Statutes, Article, 6701h, §1C(e), requiring payment of a \$10 fee to dismiss proceedings for failure to maintain proof of financial responsibility.

Summary of Opinion. The Motor Vehicle Safety-Responsibility Act, Article 6701h, §1C(e), is unconstitutional. Criminal defendants innocent of a charge may not be required to pay a fee in order to have the charge dismissed. TRD-8806444



Name: Danny Sanchez
Grade: 10
School: Midland High, Midland



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 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commissioner

Chapter 81. Consumer Credit Commission

• 7 TAC §81.20

The Office of Credit Commission adopts on an emergency basis an amendment to §81.20, Practice and Procedure, concerning allowable reimbursement for expenses of witnesses or deponents who are not a part and who are subpoenaed or otherwise appear at any hearing or proceeding at the instances of the Office of Consumer Credit Commissioner. The amendment changes §81.20 by designating §81.20(a) and adding §81.20(b) which authorizes the Office of Consumer Credit Commissioner to reimburse a witness or deponent who is not a part and who is subpoenaed or otherwise appears at any hearing or proceeding at the instances of the Office of Consumer Credit Commissioner for expenses incurred by such witness or deponent for transportation, lodging, and meals.

The amendment is adopted on an emergency basis in order for it to be effective immediately. It is necessary to adopt this section on an emergency basis to protect the welfare of those members of the public who are called upon to attend a public hearing or to give a deposition on behalf of the Office of Consumer Credit Commissioner by allowing for the reimbursement of their expenses.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, which provide the Office of Consumer Credit Commissioner with the authority

to prescribe rules for practice and procedure. §81.20. *Public Hearings.*

(a) All hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Austin, unless for good and sufficient cause the commissioner shall designate another place of hearing in the interest of the public.

(b) Any witness or deponent who is not a party and who is subpoenaed or otherwise appears at any hearing or proceeding at the instances of the Office of Consumer Credit Commissioner is entitled to receive as reimbursement for expenses incurred the transportation allowance(s) as prescribed by the travel regulations in the General Appropriations Act for state employees at the time the travel expenses incurred for going to and/or returning from the place of the hearing or the place where the deposition is to be taken. Such witness or deponent may receive a meals and lodging allowance also as prescribed by the travel regulations of the General Appropriations Act for state employees in effect at the time the travel expenses are incurred. Travel expense reimbursement is only applicable if the place of hearing or deposition is greater than 25 miles from the witness' or deponent's residence.

Issued in Austin, Texas, on June 23, 1988.

TRD-8806485 Al Endsley
Commissioner
Office of Consumer Credit
Commissioner

Effective date: June 24, 1988

Expiration date: October 22, 1988

For further information, please call: (512) 479-1280



TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 521. Fee Schedule

• 22 TAC §521.1

The Texas State Board of Public Accountancy adopts on an emergency basis the repeal of §521.1, concerning annual license fees in the various categories. The section is being repealed on an emergency basis in order to propose a new section based on the attached substantive rules as per the rider to the board's appropriation bill, which mandates the raising of fees, in order to cover increases in the administration line item.

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to licensing fees.

§521.1. *License Fees.*

Issued in Austin, Texas, on June 14, 1988.

TRD-8806514 Bob Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 27, 1988

Expiration date: October 25, 1988

For further information, please call: (512) 450-7066



The Texas State Board of Public Accountancy adopts on an emergency basis new §521.1, concerning annual license fees in the various categories. The section is being adopted on an emergency basis to cover increases in the administration line item.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to licensing fees.

§521.1. *License Fees. Application.* The annual fee for a license issued pursuant to the Act shall be \$26; however, the initial license fee may be prorated as shown:

Certificate or registration

obtained in:		Fee Payable
January 1 - March	31	\$ 26.00
April 1 - June	30	19.50
July 1 - September	30	13.00
October 1 - December	31	6.50

Issued in Austin, Texas, on June 14, 1988.

TRD-8806515

Bob Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 27, 1988

Expiration date: October 25, 1988

For further information, please call: (512)
450-7066

◆ ◆ ◆
• 22 TAC §521.3

The Texas State Board of Public Accountancy adopts on an emergency basis the repeal of §521.3, concerning annual fees charged for certification by reciprocity. The reason for the repeal of this section is to allow for the emergency adoption of a new section which will reflect the legislation mandating new fees.

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to licensing fees.

§521.3. Fee for Certification by Reciprocity.

Issued in Austin, Texas, on June 14, 1988.

TRD-8806506

Bob Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 27, 1988

Expiration date: October 25, 1988

For further information, please call: (512)
450-7066

◆ ◆ ◆
The Texas State Board of Public Accountancy adopts on an emergency basis new §521.3, concerning the fees charged for reciprocity. The section is adopted on an emergency basis to cover increases in the administration line item.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to licensing

fees.

§521.3. Fee for Certification by Reciprocity. The fee for the issuance of a certificate as a certified public accountant to a person under the provisions for reciprocity shall be \$100.

Issued in Austin, Texas, on June 14, 1988.

TRD-8806507

Bob Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 27, 1988

Expiration date: October 25, 1988

For further information, please call: (512)
450-7066

◆ ◆ ◆
• 22 TAC §521.4

The Texas State Board of Public Accountancy adopts on an emergency basis the repeal of §521.4, concerning fees charged for registration of foreign accounts. The reason for the repeal of this section is to allow for the emergency adoption of a new section which will reflect the legislation mandating new fees.

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to licensing fees.

§521.4. Registration Fee for Foreign Accountants.

Issued in Austin, Texas, on June 14, 1988.

TRD-8806502

Bob Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 27, 1988

Expiration date: October 25, 1988

For further information, please call: (512)
450-7066

◆ ◆ ◆
The Texas State Board of Public Accountancy adopts on an emergency basis new §521.4, concerning the fees charged for registration of foreign accountants. The section is adopted on an emergency basis to cover increases in the administration line item.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to licensing fees.

§521.4. License Fees. The fee for the registration of a certified public accountant of another state or territory or the holder of a certificate, license, or degree issued by a foreign country shall be \$100.

Issued in Austin, Texas, on June 14, 1988.

TRD-8806503

Bob Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 27, 1988

Expiration date: October 25, 1988

For further information, please call: (512)
450-7066

◆ ◆ ◆
TITLE 28. INSURANCE
Part I. State Board of
Insurance

Chapter 7. Corporate and
Financial

Subchapter A. Examination
and Corporate Custodian and
Tax

• 28 TAC §7.56

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §7.56, for a 60-day period effective June 27, 1988. The text of new §7.56 was originally published in the March 8, 1988, issue of the *Texas Register* (13 TexReg 1174).

Issued in Austin, Texas on June 24, 1988.

TRD-8806493

Nicholas Murphy
Chief Clerk
State Board of Insurance

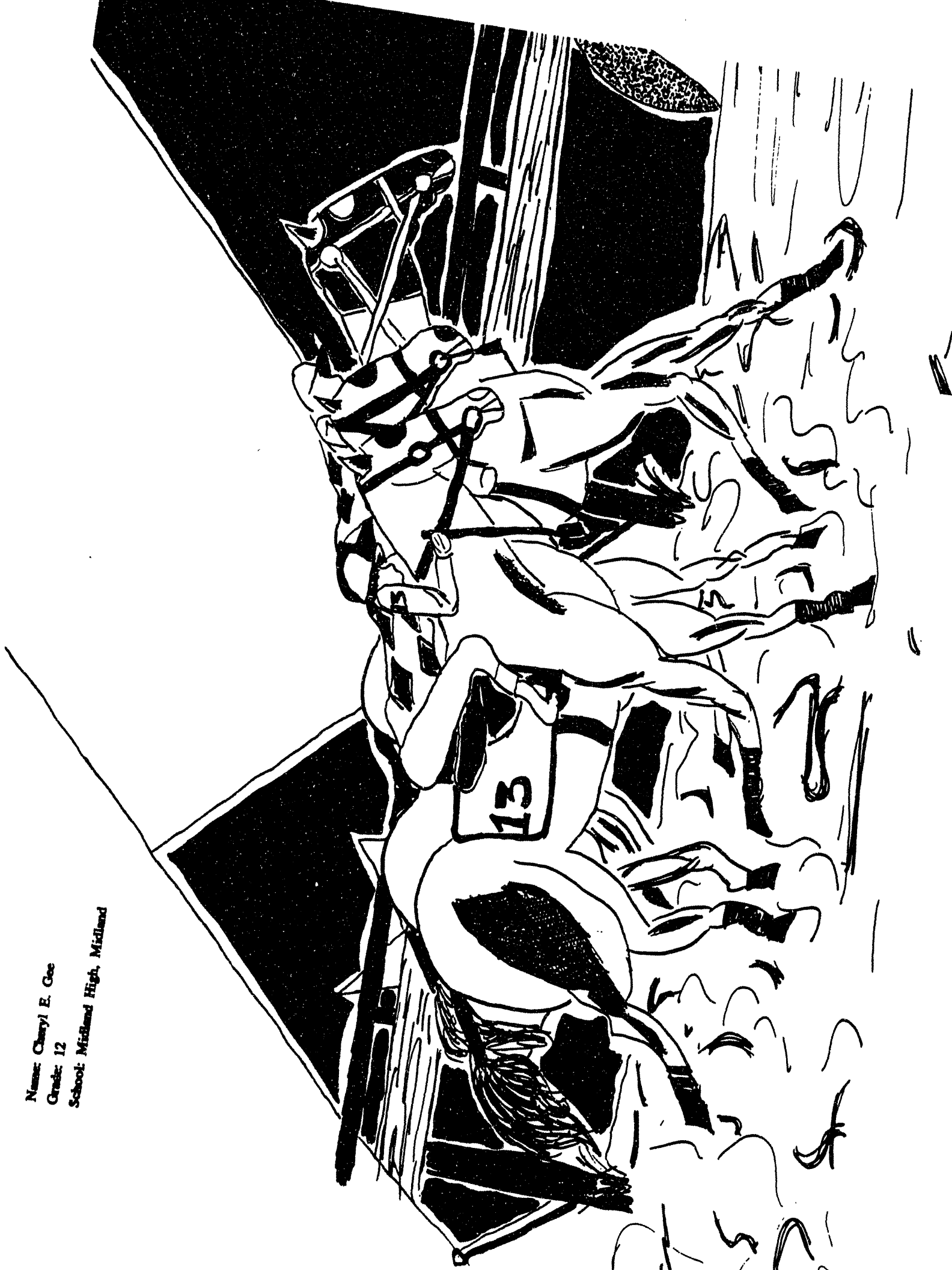
Effective date: June 27, 1988

Expiration date: August 26, 1988

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

Name: Cheryl E. Gee
Grade: 12

School: Midland High, Midland



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 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 521. Fee Schedule

• 22 TAC §521.1

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Public Accountancy or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas State Board of Public Accountancy proposes the repeal of §521.1, concerning annual license fees in the various categories.

Bob E. Bradley, 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. Bradley 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 allow for the adoption of a new section which will enact the increase in fees mandated by the state legislature. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The repeal is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding renewal of license fees.

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 14, 1988.

TRD-8806516 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: August 1, 1988

For further information, please call: (512) 450-7066

(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas State Board of Public Accountancy proposes new §521.1, concerning the annual license fee in the various categories.

Bob Bradley, 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. Bradley 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 enact the increase in fees mandated by the state legislature. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding annual license fees.

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 14, 1988.

TRD-8806517 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: August 1, 1988

For further information, please call: (512) 450-7066

• 22 TAC §521.3

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Accountancy or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent

adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas State Board of Public Accountancy proposes the repeal of §521.3, concerning fees charged for certification by reciprocity.

Bob Bradley, executive director, has determined that for the first five-year period the proposed repeal 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 repeal.

Mr. Bradley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to allow for the adoption of a new section which will include the fees mandated by the state legislature. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding fees charged for certification by reciprocity.

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 14, 1988.

TRD-8806512 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: August 1, 1988

For further information, please call: (512) 450-7066

(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas State Board of Public Accountancy proposes the new §521.3, concerning the annual license fees charged for certification by reciprocity.

Bob Bradley, 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. Bradley 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 implement the fees mandated by the state legislature. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding fees charged for certification by reciprocity.

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 14, 1988.

TRD-8806513
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: August 1, 1988

For further information, please call: (512) 450-7066

◆ ◆ ◆
• 22 TAC §521.4

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Public Accountancy or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas State Board of Public Accountancy proposes the repeal §521.4, concerning the annual license fee in the various categories.

Bob Bradley, executive director, has determined that for the first five-year period the proposed repeal 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 repeal.

Mr. Bradley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to allow for the adoption of a new section to include the new fee for registration of foreign accountants mandated by the state legislature. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding fees charged for registration of foreign accountants.

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 14, 1988.

TRD-8806504
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: August 1, 1988

For further information, please call: (512) 450-7066

◆ ◆ ◆
(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas State Board of Public Accountancy proposes the new §521.4, concerning fees charged for registration of foreign accountants.

Bob Bradley, 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. Bradley, 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 include the fee for registration of foreign accountants mandated by the state legislature. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding fees charged for registration of foreign accountants.

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 14, 1988.

TRD-8806505
Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: August 1, 1988

For further information, please call: (512) 450-7066

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 1. General Administration

Subchapter A. Rules of Practice and Procedure

• 28 TAC §1.36

The State Board of Insurance proposes an amendment to §1.36, concerning the subpoenaing of witnesses and materials. This amendment is necessary in order to facilitate investigations and other administrative actions concerning possible violations of the Insurance Code. The amendment sets specifications for agency employees who may sign and issue subpoena in the course of an investigation, for the form or a subpoena, for service, execution, and return of a subpoena, for receipt of testimony and materials, and for designation of a representative by entities from whom testimony or materials are required.

John F. Hamje, senior deputy insurance commissioner for compliance, 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. Hamje 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 facilitation of investigations and other administrative actions concerning possible violations of the Insurance Code. 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 Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state, and under the Insurance Code, Article 1.19-1, and Texas Civil Statutes, Article 6252-13a, §14, which provide the commissioner of insurance, the State Board of Insurance, or a designated representative with subpoena authority.

§1.36. Subpoenaing Witnesses and Materials.

(a) **Contested Cases.** The subpoenaing of witnesses and materials in contested cases shall be in accordance with [is governed by] the Act, [(see) §14 ()]. A witness may make originals available for copying [instead of supplying originals. Originals must be made available for comparison. Witnesses may make materials available for copying] by the party causing the subpoena to be issued [.] Instead of relinquishing them, provided that the originals remain available for comparison.

(b) **Investigations.** the deputy insurance commissioner for legal and com-

pliance, the director of legal services, the general counsel to the board, and the chief clerk may sign and issue subpoenas in the course of an investigation. A subpoena includes a subpoena duces tecum.

(1) Form of subpoena. A subpoena shall include the following information:

(A) the name and address of the witness;

(B) the date, time, and place where the person is to appear and give testimony;

(C) a detailed description of any books, accounts, records, papers, correspondence, or other materials the witness will be required to produce; and

(D) a statement showing date of execution and return.

(2) Service of subpoena. A subpoena shall be addressed to and served by any sheriff, constable, or State Board of Insurance investigator of the State of Texas. For the purposes of this paragraph, a State Board of Insurance investigator includes any insurance specialist or insurance director employee in the legal services or unauthorized insurance divisions of the State Board of Insurance.

(3) Execution and return of subpoena. Upon serving the named witness with a copy of a subpoena, the person executing such service shall promptly complete the execution and return statement on the original subpoena. Such statement shall include the date and time the addressee received the subpoena; the name of the witness; the date, time, and place of service; and the name, title, and county of residence of the person executing such service. Such person shall then mail or hand-deliver the original subpoena to the person designated in the subpoena.

(4) Receipt of testimony and materials. The testimony of a subpoenaed witness shall be taken in the presence of a certified shorthand reporter having the authority to lawfully administer an oath pursuant to Government Code §52.025(b). The shorthand reporter's fee shall be paid by the State Board of Insurance. Any materials received from a witness shall be properly marked and noted by the shorthand reporter. A witness may make originals available for copying instead of relinquishing originals, provided that the originals remain available for comparison.

(5) Designated representatives. Where testimony or materials are required from a firm, corporation, partner-

ship, organization, association, trust, or other legal entity, the subpoena shall direct such entity to designate one or more officers, directors, managers, or partners to testify and produce materials on its behalf. The person or persons so designated shall testify as to matters known or reasonably known to the organization and shall produce requested materials in the actual and constructive possession of the organization.

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 24, 1988.

TRD-8806491 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: August 1, 1988

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

◆ ◆ ◆ Subchapter G. Notice and Processing Periods for Permit Applications

• 28 TAC §§1.801-1.813

The State Board of Insurance proposes new §§1.801-1.813, concerning notice and processing periods for permit applications. Sections 1.801-1.813 were adopted on an emergency basis and became effective on February 12, 1988. Notice of the emergency adoption appeared in the February 19, 1988, issue of the *Texas Register* (13 TexReg 864). Notice of renewal of the effectiveness of the emergency adoption appeared in the June 17, 1988, issue of the *Texas Register* (13 TexReg 3002). These new sections are necessary to comply with the provisions of the Acts of the 70th Legislature, Chapter 375. New §1.801 states that the purpose and scope of these new sections is to provide for the efficient processing of permit applications. New §1.802 defines certain terms used in these sections. New §1.803 provides for computation of time under these proposed sections, and new §1.804 provides for manner of notice. Section 1.805 states that written notice is not required if a permit is issued during the specified notice period. Sections 1.806-1.812 set out notice and processing periods for applications for agents' licenses; company licenses; foreign admissions; HMO certificates of authority for health maintenance organizations (HMOs); premium finance licenses; life or health and accident policies; and State Fire Marshal permits. Section 1.813 establishes an appeals procedure, whereby an applicant may establish entitlement to relief as a result of the agency's failure to achieve these established periods.

The Acts of the 70th Legislature, Chapter 375, §3(b) and §7, require the State Board of Insurance to publish certain data with these proposed sections. The board must state the maximum, minimum, and median times for processing a permit, from the date the initial application was received, to the date of the final permit decision. Data must be based on

applications received, and for which final permit decisions were made, during the period beginning June 1, 1987, and ending August 31, 1987. With the exception of applications for an insurance agent's license, there were no applications meeting this criterion. Therefore, the processing times listed for other types of permits contained in these proposed sections are based on applications received and processed to final decisions during a 12-month period preceding this calculation. The agency's maximum, minimum, and median times for processing an application for agent's license were for a life insurance agent's license, 101 days, 7 days, and 44 days respectively; for a property and casualty insurance agent's license, 141 days, 4 days, and 49 days respectively; and for a miscellaneous lines insurance agent's license, 81 days, 2 days, and 31 days respectively. The agency's maximum, minimum, and median times for processing an application for a company license are 210 days, 22 days, and 124 days respectively. The agency's maximum, minimum, and median times for processing an application for foreign admission are 510 days, 60 days, and 206 days respectively. The agency's maximum, minimum, and median times for processing an application for an HMO certificate of authority are 540 days, 420 days, and 435 days respectively. The agency's maximum, minimum, and median times for processing an application for an insurance premium finance license are 90 days, 30 days, and 53 days respectively. The agency's maximum, minimum, and median times for processing a life or health and accident insurance form are 60 days, 9 days, and 38 days respectively. The agency's maximum, minimum, and median times for processing an application for a permit issued by the state fire marshal are 90 days, 5 days, and 12 days respectively. Insofar as the time frames proposed for these new sections reasonably comport with these figures, such data serves as justification for the time frames established for processing permits under these proposed new sections.

Nicholas Murphy, chief clerk, 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. Murphy has also 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 expeditious action by the State Board of Insurance in the review and processing of applications and the issuance of permits. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new sections are proposed under the Acts of the 70th Legislature, Chapter 375, which require that each state administrative agency shall adopt rules and procedures to expedite the efficient processing of applications and the issuance of permits.

§1.801. Purpose and Scope. In order to minimize delays which hamper small businesses and other enterprises, this

subchapter establishes time periods within which the State Board of Insurance shall review and process permit applications efficiently and provides for an appeal process should the agency violate these periods.

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

Agency—The State Board of Insurance, consisting of the board, the commissioner, all divisions and departments, including the Fire Marshal's Office, and employees thereof.

Applicant—Any individual, proprietorship, partnership, association, cooperative, corporation, nonprofit organization, or any other organization that has made a permit application with the State Board of Insurance.

Board—The three-member State Board of Insurance.

Commissioner—The commissioner of insurance.

Filing fee—The fee paid for filing a permit application with the agency.

Fire Marshal—The state fire marshal.

HMO—Health maintenance organization.

Permit—Any license, certificate, registration, permit, or other form of authorization issued by the State Board of Insurance that must be obtained by a person to engage in a particular business.

§1.803. Computation of Time. In computing any period of time prescribed or allowed by this subchapter, the date of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

§1.804. Manner of Notice.

(a) Posting.

(1) Complete application or form. Written notice that an application or form is complete and accepted for filing may be given under this subchapter by posting, provided that required processing and disapproval information, if any, has been furnished to the applicant.

(1) Location. Posting requires display in a conspicuous place accessible to the public in the agency's office at 1110 San Jacinto Boulevard in Austin, Texas, except for notice under §1.812 of this title (relating to State Fire Marshal Permits)

which shall be in the State Fire Marshal's Office at 7901 Cameron Road, Building 2, Austin.

(b) Notice. Except as provided in subsection (a) of this section, written notice that an application is complete or deficient must be mailed to the applicant or delivered by such means as will reasonably provide actual notice.

§1.805. Written Notice Not Required. Written notice that an application is complete shall not be required under this subchapter if an application is approved and a permit issued during the notice period.

§1.806. Agent's License.

(a) Notice to applicant. Within 40 days from receipt of an application for an agent's license, the agency shall determine an application to be complete or deficient and shall immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsections (b) and (c)(2) of this section, unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and include the information contained in subsection (c) (1) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application.

(1) No examination required. Within 40 days after receipt of a complete application for which no examination is required, the agency shall grant the license or give notice of denial to the applicant.

(2) Examination required. Within 40 days after the filing of an applicant's passing examination score, the agency shall grant the license or give notice of denial to the applicant, except as pro-

vided in paragraph (3) of this subsection.

(3) HMO agent's license. Pursuant to —11.404 of this title (relating to Application for License Prior to Certificate of Authority), an applicant for an HMO agent's license shall not be issued a license until after a certificate of authority has been granted to the applicant's appointing HMO.

(c) Application disapproved.

(1) An application which is not complete within 180 days of the date of its receipt may be disapproved.

(2) An application for which an examination is required may be disapproved if a passing examination score is not on file with the agency within 180 days from receipt of the application.

§1.807. Company License.

(a) Notice to applicant. Within 120 days from receipt of an application for a company license, the agency shall determine an application to be complete or deficient and issue written notice to the applicant regarding the status of the application. For the purposes of this section, license means any certificate of authority granted by the agency pursuant to authority under the Insurance Code, Article 1.14.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and include the information contained in subsection (c) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 180 days after receipt of a complete application, the agency shall grant or deny the company license.

(c) Application disapproved. An application for a company license which is not complete within one year of the date of its receipt may be disapproved.

§1.808. Application for Foreign Admission.

(a) Notice to applicant. Within 60 days from receipt of an application for admission to do business in the state of Texas, the agency shall determine an application to be complete or deficient and shall immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and include the information contained in subsection (c) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 180 days after receipt of a complete application, the agency shall approve or deny the application for admission.

(c) Application disapproved. An application for admission which is not complete within one year of the date of its receipt may be disapproved.

§1.809. HMO Certificate of Authority.

(a) Notice to applicant. Within 180 days from receipt of an application for an HMO certificate of authority, the commissioner shall determine an application to be complete or deficient and shall immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing

and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the Texas Health Maintenance Organization Act, §4.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete and shall set out what specific additional information is required for completion. Such notice shall further state that the process prescribed in subsection (b) of this section shall not begin until written notice for a complete application is issued and shall also state that an application which remains deficient may be disapproved under subsection (c) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application as needed within the period established in this subsection.

(b) Processing of application.

(1) Upon determination that an application is complete, the agency shall send a copy of the application to the State Board of Health for certification under the Texas Health Maintenance Organization Act, §5(a)(3).

(2) The Texas Health Maintenance Organization Act, §5(a)(3) requires that, within 45 days of receipt of the application, the State Board of Health shall certify to the commissioner of insurance that the proposed health maintenance organization meets or does not meet the requirements of the Texas Health Maintenance Organization Act, §5.

(3) Within 75 days from receipt of certification by the State Board of Health, the commissioner, after notice and hearing, shall issue or deny the certificate of authority, except as provided in subsection (d) of this section.

(c) Application disapproved. Unless a delay is granted under subsection (d) of this section, an application that is not complete within the period prescribed in subsection (a) of this section may be disapproved.

(d) Delay of action. On written request of the applicant, the commissioner may grant a delay of final action on the application pursuant to the Texas Health Maintenance Organization Act, §5(b).

§1.810. Insurance Premium Finance Li-

cense.

(a) Notice to applicant. Within 15 days from receipt of an application for an insurance premium finance license, the agency shall determine an application to be complete or deficient and shall immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, shall set out the specific additional information that is required for completion, and shall include the information contained in subsection (c) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 90 days after receipt of an application, the agency shall notify the applicant that:

(1) the application has been approved and a license will be issued on payment of the appropriate license fee; or

(2) the application has been denied.

(c) Application denied. An application which is not complete within 90 days from the date of its original receipt shall be denied.

§1.811. Policy Approval.

(a) Notice. Within 25 days of receipt of a form from a company for which no forms have been approved by the agency, the agency shall determine a filing to be complete or deficient and shall immediately issue written notice to the company regarding the status of the form. For purposes of this section, a form is a policy, contract, certificate of insurance, or other form set out in Insurance Code, Article 3.42.

(1) Complete filing.

(A) The written notice for a complete filing shall state that the form is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the company.

(B) For purposes of this section, a form is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient filing.

(A) The written notice for a deficient filing shall state that the form is deficient and not accepted for filing and shall set out the specific items that must be corrected to make the form complete. After one written notice of deficiency has been issued, another is not required for a filing resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the company, in any manner, of problems with the form.

(b) Processing of forms. Within 60 days after a form is accepted for filing, the agency shall approve or disapprove it; provided that the insurer may request in writing that the period for approving or disapproving a form be extended for an additional period of time, not to exceed 60 days. The request for extension shall be considered granted upon its receipt by the agency.

§1.812. State Fire Marshal Permits.

(a) Notice to applicant. Within 30 days from receipt of an application for a certificate of registration or license issued pursuant to Insurance Code, Articles 5.43-1 through 5.43-4, the agency shall determine a filing to be complete or deficient and immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsection (b) and subsection (c)(1) of this section unless such information has previously been provided to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and include the information contained in subsection (c) (2) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 60 days after receipt of a complete application, the agency shall:

(1) issue the certificate of registration or license on payment of the appropriate fees and successful completion of all required examinations and practicals; or

(2) deny the certificate of registration or license.

(c) Application disapproved.

(1) The fire marshal may disapprove an application for a certificate of registration or license if the applicant fails to successfully complete all required examinations and practicals within one year of the receipt of the original application.

(2) The fire marshal may disapprove an application that is not complete within 90 days of its original receipt by the agency.

§1.813. Appeal.

(a) Hearing.

(1) Notice. An applicant who does not receive notice as to the complete or deficient status of a permit application within the period established in this subchapter for such application may petition for a hearing to review the matter.

(2) Processing. An applicant whose permit is not approved or denied within the period established in this subchapter for such permit may petition for a hearing to review the matter.

(3) Procedure. A hearing under this section shall be in accordance with the Insurance Code, the Administrative Procedure and Texas Register Act, and Subchapter A of this chapter (relating to Rules of Practice and Procedure).

(b) Petition. A petition filed under this section must be in writing and directed to the commissioner; except that, for periods established in §1.812 of this title (relating to State Fire Marshal Permits), a petition shall be made to the fire marshal. The petition shall identify the applicant, indicate the type of permit sought and the date of the application, specify each provi-

sion in this subchapter that the agency has violated, and describe with particularity how the agency has violated each provision. The petition shall be filed with the docket clerk of the agency's hearings section.

(c) Decision. An appeal filed under this section shall be decided in the applicant's favor if the commissioner or fire marshal, as the case may be, finds that:

(1) the agency exceeded an established period under this subchapter; and

(2) the agency failed to establish good cause for exceeding the period.

(d) Good cause. The agency is considered to have good cause for exceeding a notice or processing period established for a permit if:

(1) the number of permits to be processed exceeds by 15% or more the number of permits processed in the same calendar quarter of the preceding year;

(2) the agency must rely on another public or private entity for all or part of its permit processing, and the delay is caused by the other entity;

(3) the hearing and decision-making process results in reasonable delay under the circumstances;

(4) the applicant is under administrative review; or

(5) any other conditions exist giving the agency good cause for exceeding a notice or processing period.

(e) Board review. A permit applicant aggrieved by a final decision or order of the commissioner or the fire marshal concerning a period established by these rules may appeal to the board in writing after the decision or order complained of is final. To the extent not superseded by the Administrative Procedure and Texas Register Act, the procedures specified in the Insurance Code, Article 1.04(d), apply to appeals to the board from decisions of the commissioner and are adopted for appeals to the board from decisions of the fire marshal. An appeal under this subchapter shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable; but, for good cause shown, the board may allow an appeal after that date.

(f) Relief.

(1) Complete or deficient status. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to issue notice as to the complete or deficient status of an application shall be entitled to notice of application status.

(2) Permit approval or denial. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to approve or deny a permit shall be entitled to such approval or

denial of the permit and to full reimbursement of all filing fees that have been paid to the agency in connection with the application.

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 24, 1988.

TRD-8806490

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: August 1, 1988

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

Chapter 5. Property and Casualty Insurance

Subchapter G. Worker's Compensation

Standards for Accident Prevention Services

• 28 TAC §5.6105

The State Board of Insurance proposes new §5.6105, concerning inspections to be conducted to determine the adequacy of accident prevention services being provided by any insurer writing workers' compensation insurance in the state of Texas. This new section is necessary to set forth standards and procedures under which the inspection will be conducted and reports processed. The inspections are required by statute and are intended to gather information to determine if accident prevention services are being rendered to insureds and if these services are reasonably commensurate with risks, exposures, and experience of policyholders. The new section describes the procedures under which the State Board of Insurance will conduct periodic evaluations of the accident prevention facilities of each insurer writing workers' compensation insurance in the state of Texas. The new section prescribes records and procedures which each insurer must make available for review and evaluation.

Robert L. Halverson, director of loss control regulation, 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. Halverson 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 compliance by insurers with statutory requirements of accident prevention services. There is no anticipated economic cost to individuals who are required to comply with the section as proposed. The new section explains requirements already imposed by the Insurance Code, Article 5. 76-1.

Comments on the proposal may be submitted to Robert L. Halverson, Director of Loss Con-

trol Regulation, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. Comments on the proposal may also be submitted at a public hearing which the State Board of Insurance will conduct beginning at 10 a. m. on Wednesday, August 3, 1988. The public hearing will be in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin, Texas.

The amendment is proposed under the Texas Insurance Code, Article 5.76-1(e), which authorizes the State Board of Insurance to promulgate reasonable rules and regulations for the enforcement of requirements that any insurer writing workers' compensation insurance in the state of Texas shall provide accident prevention facilities and shall render accident prevention services for policyholders.

§5.6105. *Evaluation and Inspection of Accident Prevention Facilities and Services.* At least every two years, the State Board of Insurance will conduct an evaluation of the accident prevention facilities and services of each insurer writing workers' compensation insurance in the state of Texas.

(1) Location of evaluations.

Evaluations will be conducted at the insurer's home office, division office, regional office, or office closest to Austin, unless otherwise arranged through mutual consent between the Director of Loss Control Regulation for the State Board of Insurance and a representative of the insurer. Companies out of state with no office in Texas will be required to bring necessary files to Austin. The insurer shall bring all account files selected by the Director of Loss Control Regulation from all company offices to the selected evaluation location. All affiliated companies of an insurer shall be evaluated at the same time and place.

(2) Notification/preparation.

(A) The director of loss control regulation will notify each company of a proposed date 60 days in advance of the evaluation for that company.

(B) At least 45 days prior to the date set for the evaluation, the insurer must provide the director of loss control regulation with a list of policyholder accounts, by premium grouping, based on the individual company's most current experience rating data. The list must be separated by affiliated insurance companies.

(C) Upon receipt of this list, the director of loss control regulation or a State Board of Insurance inspector will select those accounts to be evaluated, notify the company, and specify each account for which an evaluation worksheet must be prepared by the company. Worksheet forms will be provided to the company at the time the accounts to be evaluated are identified.

(D) The company will have

at least 30 days from the time the accounts are selected to complete the worksheets. Information on the worksheet will include the following identification:

(i) identification of account and location;

(ii) governing classification and best hazard index;

(iii) estimated annual premium;

(iv) description of operations;

(v) date of last visit;

(vi) accident data;

(vii) loss potential of risk;

(viii) recommendations submitted for loss control;

(ix) training program information; and

(x) industrial hygiene/health services.

(E) The insurer must make the completed worksheets available to the inspector with account files during the evaluation.

(F) If considered necessary, the inspector may visit a job site to make further evaluation of the accident prevention services provided. If requested by the inspector, the representative of the insurer shall make the necessary notifications and arrangements, and shall accompany the inspector. If the director of loss control regulation for the State Board of Insurance considers it appropriate, the inspector will make the visit without notifying the insurer.

(3) Conduct of the evaluation. The inspector will work with a responsible management member or a designated representative in the evaluation of the adequacy of the accident prevention services provided to policyholders. The evaluation will be conducted in two parts. Part One will consist of the review and analysis of company records and a determination of how accident prevention services are made available to policyholders. Part Two will consist of an exit briefing on the preliminary results of the evaluation.

(4) Records and procedures to be reviewed. The following are necessary records and procedures which the insurer must make available for review and evaluation.

(A) Qualifications of field safety representatives. The insurer shall make available, at the beginning of the evaluation, a list of personnel performing the duties of a field safety representative. The list will include the name, office location, designation as employee or contractor,

and statement of qualifications pursuant to the provisions of this subchapter. The inspector will review the qualifications of all personnel performing duties of a field safety representative.

(B) Availability of services. The insurer shall make available examples of procedures by which policyholders are informed of the availability of accident prevention services. Also to be reviewed are the procedures followed by the company regarding requests for accident prevention services by insureds.

(C) Accident prevention facilities. The inspector will review the adequacy of facilities available to render accident prevention services required pursuant to §5.6101 of this title (relating to Facilities and Field Representatives).

(D) Accident prevention services. The inspector will review the mechanisms and procedures by which the appropriate accident prevention service is determined under the guidelines outlined in §5.6102 of this title (relating to Accident Prevention Services). The insurer shall maintain a record of all accident prevention services rendered to each policyholder.

(E) Other data. The inspector may review other data or information in the evaluation of the adequacy of accident prevention services. Such information may include but is not limited to: accident/claims notification procedures, accident investigation and analysis, examples of cost savings for policyholders as a result of safety practices, and follow-up efforts on recommendations made to policyholders.

(F) Worksheets/policyholder files. A detailed review of completed worksheets will be made to ascertain the adequacy and quality of accident prevention services.

(5) Accident prevention reports. Upon completion of the inspection, the inspector will prepare a written report and forward the report to each company. The report will reflect the inspector's observations, conclusions, and analysis of the adequacy of the company's accident prevention services as required by the Insurance Code, Article 5.76-1. When appropriate, recommendations for improvement will be a part of the report.

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, 1988.

TRD-8806519 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption: August 1,

1988

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 114. Motor Vehicles

• 31 TAC §§114.1, 114.3-114.5

The Texas Air Control Board (TACB) proposes to amend §§114.1, and 114.3-114.5, concerning control of air pollution from motor vehicles. The proposed amendment to §114.1 specifies the conditions for the acceptable removal and or installation of vehicle engines and catalytic converters. The proposed amendments prohibit the leasing, as well as the sale or offer for sale, of motor vehicles which have tampered emission control equipment. Sign-posting requirements which currently apply to motor vehicle sales facilities; motor vehicle fuel dispensing facilities; and motor vehicle parts, supply, repair, and service facilities in Dallas, El Paso, Harris, and Tarrant counties are proposed to be expanded to include all such facilities statewide. These proposals also clarify that consignment lots and any other businesses which sell or offer for sale motor vehicles must comply with applicable sign-posting provisions. A motor vehicle fuel dispensing facility will be required to post signs regarding the prohibition on the use of leaded gasoline only if leaded gasoline is available at the facility. The proposed amendments to §114.3 prohibit any person from operating a motor vehicle which does not comply with applicable emission control inspection requirements as evidenced by a currently valid inspection certificate affixed to the windshield. The proposed amendments also prohibit any person from issuing an inspection certificate unless all emission related requirements of the annual inspection procedures are completely and properly performed. The proposed amendment to §114.4 updates the reference to the specifications for vehicle exhaust gas analyzer systems for use in the Texas vehicle idle emissions inspection or maintenance (I/M) program. The proposed revisions to these specifications are necessary for the implementation of the vehicle idle I/M program in Dallas and Tarrant counties by requiring vehicle emission standards for hydrocarbons and improved computer software to be included in the analyzers used in the program. Copies of the proposed specifications are available from the TACB, upon request. The proposed amendment to §114.5 specifies that, while some exemptions from the provisions regarding the operation or alteration of a motor vehicle may be available, no vehicle may be exempted from the prohibitions concerning vehicle sales or leasing, or from the requirements or the annual vehicle I/M program administered by the Texas Department of Public Safety (DPS). The proposed amendments provide exemptions for vehicles belonging to persons being transferred to a foreign country and specify associated documentation requirements. The proposed

amendments provide exemptions from the prohibitions regarding the sale or offer for sale of a motor for wholesale transactions and for sales or trade-ins from an individual to a vehicle dealer. The proposed amendments provide an exemption to allow all federal, state, and local governmental agencies to sell abandoned, confiscated, or seized vehicles and any commercial vehicle auction to sell vehicles with tampered emission control equipment if specific conditions are satisfied. These conditions include a requirement that all buyers sign a written acknowledgement which documents they were informed that deficiencies in the vehicle's pollution control equipment may be present and that all appropriate repairs must be made before the vehicle is operated on public roadways.

Bennie L. Engelke, director of management and staff services, has determined that for the first five-year period the sections are 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 sections as proposed. Several of the proposed amendments would provide for more efficient enforcement which may result in an undetermined economic benefit to air pollution control agencies. The possible economic cost to individuals required to comply with the sections as proposed is associated with the statewide sign-posting would be as follows.

The estimated cost on a per facility basis, at a cost of \$2.00 per sign and four signs per facility, will be \$8.00 per year for fiscal years 1989-1993.

The total cost for all facilities affected by these rules statewide has been estimated to be \$105,800 for fiscal year 1989 and \$1,700 each for fiscal years 1990-1993.

Les Montgomery, director of technical support and regulation development program, has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be more effective and consistent enforcement of controls regarding motor vehicles. In addition, the proposed amendments will allow the DPS to apply the enforcement penalties provided under the Texas Clean Air Act to ensure proper operation of vehicle inspection stations. The proposed amendments to the specifications for vehicle exhaust gas analyzers referenced in §114.4 are necessary to satisfy the commitments 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. July 26, 1988, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin. July 26, 1988, 7 p.m., Public Library, 101 East Abrams Street, Arlington. July 27, 1988, 7 p.m., City Council Chambers, Second Floor, Two Civil Center Plaza, El Paso.

Copies of the proposed sections 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. Public comment, both oral and written, on the proposed changes is invited at the hearing. The TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written testimony received by 4 p.m.

on July 29, 1988, 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.

§114.1. Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles.

(a) (No change.)

(b) No person may remove or make inoperable any system or device used to control emissions from a motor vehicle or motor vehicle engine or any part thereof, except where the purpose of removal of the system or device, or part thereof, is to install another system or device, or part thereof, which is equally effective in reducing emissions from the vehicle. Acceptable removal and/or installation practices include:

(1) replacement of the engine of a vehicle if:

(A) the design of the replacement engine has received prior approval of the United States Environmental Protection Agency;

(B) the design of the replacement engine is compatible with the vehicle chassis such that all applicable pollution control systems and devices are properly installed and operable; and

(C) the resulting vehicle is identical with regard to all emission related parts, engine design parameters, and engine calibrations to the same or a newer model year vehicle, as originally equipped.

(2) replacement of a catalytic converter on a vehicle which has failed the annual vehicle inspection program specified in §114.3 of this title (relating to Inspection Requirements) because of a missing catalyst, a tampered fuel inlet restrictor, or a positive test for lead in the tailpipe, if:

(A) the replacement catalyst is an original equipment manufacturer's catalyst or an aftermarket catalyst accepted by the United States Environmental Protection Agency; and

(B) conformance with subparagraph (A) of this paragraph is properly documented during the reinspection of the vehicle.

(c) No person may sell, [or] offer for sale, lease or offer to lease in the State of Texas any motor vehicle [which was originally equipped with a control system in accordance with federal requirements] unless all of the following conditions are met.

(1) The motor vehicle shall be equipped with either the control systems or devices that were originally a part of the motor vehicle or motor vehicle engine [when sold by the manufacturer] in accordance with federal emission control requirements or an alternate control system or device as designated in subsection (b) of this subsection.

(2) The control systems [system] or devices [device] required in paragraph (1) of this subsection shall be in good operable condition.

(3) A notice of the prohibition and requirements of this subsection shall be displayed at all [any] commercial motor vehicle sales facilities, vehicle consignment lots, and other businesses [facility] in Texas [Dallas, El Paso, Harris, and Tarrant Counties] which sell [sells] or offer [offers] for sale more than three used vehicles per year. The notice shall be displayed in a conspicuous and prominent location near each customer entrance way and in each sales office. The notice shall read, "State law prohibits any person from selling or offering for sale any vehicle not equipped with all emission control systems or devices in good operable condition. Violators are subject to penalties under the Texas Clean Air Act of up to \$25,000 per violation." This notice shall be no smaller than eight inches by 10 inches (20.32 cm by 25.4 cm) and shall be clearly visible to all customers.

(d) (No change.)

(e) No person may introduce leaded gasoline into a motor vehicle certified by the Environmental Protection Agency for use of unleaded gasoline. A notice of the prohibitions and requirements of this subsection shall be prominently displayed at all motor vehicle fuel dispensing facilities in Texas [Dallas, El Paso, Harris, and Tarrant Counties] which dispense leaded gasoline [motor vehicle fuel]. The notice shall be displayed in the immediate area of each gasoline pump island which provides leaded gasoline, and shall be posted in a prominent and conspicuous location. The notice shall read, "State law prohibits any person from introducing any gasoline containing lead into any motor vehicle certified for use of "unleaded gasoline only." Violators are subject to a penalty of up to \$25,000 per violation." This notice shall be no smaller than eight inches by 10 inches (20.32 cm by 25.4 cm) and shall be clearly visible from each refueling location.

(f) No person may sell, offer for sale, or use any system or device for the purpose of circumventing any system or device, or any part thereof, installed by a

vehicle manufacturer to comply with the Federal Motor Vehicle Control Program. A notice of the prohibitions and requirements of this subsection shall be displayed at all motor vehicle parts, supply, repair, or service facilities in [Dallas, El Paso, Harris, and Tarrant Counties] Texas which sell, offer for sale, install, or offer to install any vehicle emission control or exhaust system or device. The notice shall be displayed in a prominent and conspicuous location near each customer entrance way and service counter. The notice shall read, "State law prohibits any person from selling, offering for sale, or using any system or device for the purpose of circumventing any emission control device on a vehicle or vehicle engine. State law also prohibits any person from removing or disconnecting any part of the emission control system of a motor vehicle except to install replacements parts which are equally effective in reducing emissions. Violators are subject to penalties under the Texas Clean Air Act of up to \$25,000 per violation." This notice shall be no smaller than eight inches by 10 inches (20.32 cm by 25.4 cm) and shall be clearly visible to all customers.

§114.3. Inspection Requirements.

(a) No person may operate any motor vehicle which does not [All motor vehicles must] comply with air pollution emission control related requirements included in the annual vehicle safety inspection requirements administered by the Texas Department of Public Safety as evidenced by a currently valid inspection certificate affixed to the vehicle windshield.

(b) No person may issue a vehicle inspection certification, as authorized by the Texas Department of Public Safety, unless all air pollution emission control related requirements of the annual vehicle safety inspection are completely and properly performed in accordance with the rules and regulations adopted by the Texas Department of Public Safety. The Texas Air Control Board shall consult with the Texas Department of Public Safety prior to taking any enforcement action regarding this provision.

§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 or 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 or Maintenance Program revised, 1988 [dated September 26, 1986] which is herein

adopted by reference. Copies of this document are available at the Texas Air Control Board (TACB) 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) [This chapter does not apply to] Motor vehicles or motor vehicle engines which are registered as farm vehicles with the Motor Vehicle Division of the Texas Department of Highways and Public Transportation and are intended solely or primarily for legally sanctioned motor competitions, for research and development uses, or for instruction in a bona fide vocational training program where the use of a system or device would be detrimental to the purpose for which the vehicle or engine is intended to be used are exempt from the provisions of §114.1(a), (b), and (d) of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions From Motor Vehicles).

(b) Vehicles belonging to members of the United States Department of Defense (DOD) participating in the DOD Privately Owned Vehicle Import Program or other persons [federal government employees] being transferred to a foreign country [overseas] are exempt from the provisions of §114.1(a), (b), and (d) of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles) if the following conditions are met:

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

(4) Documentation shall be kept with the vehicle at all times while the vehicle is operated in Texas which provides sufficient information to demonstrate compliance with all appropriate qualifications and conditions of this exemption, including the following:

(A) the unique vehicle identification number (VIN) of the subject vehicle;

(B) the agency, company, or organization which employs the owner of the subject vehicle;

(C) the country to which the owner of the subject vehicle is being transferred;

(D) the dates when applicable alterations were performed on the subject vehicle;

(E) the date when the subject vehicle is scheduled to be delivered to the appropriate port for shipment out of the United State; and

(F) the date when the subject vehicle is picked up from the port of importation upon returning to the United States.

(c) The owner or operator of a vehicle [Vehicles] equipped to operate on ethane, butane, propane, liquefied petroleum gas (LPG), or compressed natural gas (CNG) are exempt from the provisions of §114.1 of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles) [and §114.3 of this title (relating to Inspection Requirements)] if the vehicle [their] design precludes the use of gasoline, gasohol, or diesel fuel without modification.

(d) (No change.)

(e) A motor vehicle is exempt from §114.3 of this title (relating to Inspection Requirements) if the vehicle is registered with the Motor Vehicle Division of the Texas Department of Highways and Public Transportation as a farm vehicle or has been granted a waiver from the executive director in accordance with subsection (d) of this section.]

(e) The following vehicle transactions 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) sales or transfers from one wholesale vehicle dealer to another;

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

(3) sales, transfers, or trade-in from an individual to a wholesale or retail vehicle dealer.

(f) Federal, state, and local agencies or their agents which sell [Municipalities selling] abandoned, confiscated, or seized vehicles and any commercial vehicle auctions are exempt from the provisions 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) if the following conditions are met.

(1) (No change.)

(2) All potential buyers of the vehicle must be informed that [of all] deficiencies may be present in the vehicle pollution control systems on the vehicle. The buyer must also be informed of the [and all] liabilities to the buyer under §114.1 of this title (relating to Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles) and §114.3 of this title (relating to Inspection Requirements) of operating the vehicle prior to the adequate restoration of all pollution control

systems or devices on the vehicle in compliance with federal emission control requirements [motor vehicle rules.] The buyer of the vehicle shall sign a written acknowledgement provided by the seller of the receipt of this information. The seller shall retain a copy of this signed acknowledgement and shall make it available, upon request.

(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 21, 1988.

TRD-8806473

Allen Ell Bell
Executive Director
Texas Air Control Board

Earliest possible date of adoption: October 21, 1988

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

Part IV. School Land Board

Chapter 155. Land Resources

• 31 TAC §155.10

The School Land Board proposes an amendment to §155.10, concerning fees associated with structure permits. The amendment increases the late penalty fee and aligns the fee schedule to reflect the elimination of assignments of structure permits. The amendment will equitably apply these changes to the large volume of new and renewal structure permit contracts that will be issued due to the cycle of contract issuance.

Sally Davenport, director of the Coastal Section of the Land Management Division of the General Land Office, has determined that for the first five-year period the section will be in effect there will be fiscal implications as a result of enforcing or administering the amendment. The impact on the state of the implementation hereof will be an increase in additional revenue of approximately \$470 annually collected in late payment penalties, and \$4,000 for new contract issuance fees in lieu of assignment fees. Ms. Davenport also has determined that for the first five years the proposed amendment 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. Davenport also has determined that for each year of the first five years the proposed amendment is in effect the public benefits anticipated as a result of enforcing the section is that it allows more efficiency and insures effective administration of the structure permit program. The anticipated economic cost to individuals who are required to comply with the proposed amendment will be approximately \$30 on the average for late payment of annual rental, an increase of \$200 should the individual accept a transfer of a structure permit contract, and approximately \$7,500 should relocation of a structure be required under the new section.

Comments on the proposal may be submitted to Dan Miller, Assistant General Counsel, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §33.064, which provides the School Land Board with authority to adopt procedural and substantive rules for the implementation of the Coastal Public Land Management Act.

§155.10. Coastal Public Land Fees.

(a) (No change.)

(b) Coastal fees. The School Land Board will charge the following fees for coastal leases, coastal easements, and structure registrations. On coastal easement fees, the School Land Board will charge a fee based on either the fixed fee schedule or the alternate commercial and industrial formulas as delineated in paragraphs 1(A) and (B) of this subsection. In the event that the fixed fee schedule is applied on a coastal easement, the alternate commercial and industrial formulas will not be applied to the same coastal easement. Only one easement will be issued for each project. The alternate commercial and industrial formulas may only be applied to commercial or industrial activity. The fill formula will be allowed to any fill activity.

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

(4) Cabin permits.

(A) Fees:

(i) (No change.)

(ii) annual fee for all structures excluding piers, docks, and walkways calculated at—\$.60 per square foot; [, per square foot of floor space (roofed and unroofed) excluding piers, docks, and walkways—\$.60];

(iii) (No change.)

(iv) new contract issuance—\$325 [assignment—\$125];

(v)/(vi) late payment penalty—25% of past due amount [permit reissuance—\$325];

(vi) minimum annual payment—\$175 [10% of annual rent].

(B)-(C) (No change.)

(c)-(f) (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 22, 1988.

TRD-8806441

Garry Mauro
Chairman
School Land Board

Earliest possible date of adoption: August 1, 1988

For further information, please call: (512) 463-5009

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter V. Bingo Regulation Tax

• 34 TAC §3.548

The Comptroller of Public Accounts proposes an amendment to §3.548, concerning general restrictions on the conduct of bingo. The amendment amends subsection (a) to allow a commercial lessor who has been a member of an organization for three years to assist in the conduct of bingo and to allow a licensed organization which is also a commercial lessor to assist licensed organizations to which it leases premises in the conduct of bingo; amends subsection (d) to prohibit the advertising of prize amounts; amends subsection (g) to remove the prohibition on conducting bingo between 6 p.m. and midnight and also between midnight and 6 a.m. the next day; deletes the present subsection (i) dealing with other games of chance; rennumbers subsequent subsections; and adds a reference in the renumbered subsection (i) to §3.562, concerning unauthorized prizes.

The amendment is proposed to avoid penalizing a commercial lessor who is a long-standing member of an organization and wishes to assist that organization on an unpaid basis to implement provisions of House Bill 1043, and to delete a provision which duplicates a provision in the Bingo Enabling Act.

Jim Shear, director of the comptroller's economic analysis center, 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. Shear 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 amendment would allow commercial lessors to aid licensees on an unpaid basis, would discourage the commercialization of the games, and would make the bingo rules clearer and more easily understandable for the use of licensees. 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 Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.548. General Restrictions on the Conduct of Bingo.

(a) Who may conduct bingo.

(1) (No change.)

(2) All callers, cashiers, ushers, bookkeepers, and accountants who assist in conducting, promoting, or administering bingo games must be members of the authorized organization or hired by and acting under the supervision of the authorized organization.

(A) (No change.)

(B) A commercial lessor which is an organization licensed to conduct bingo and which leases premises it owns or occupies to another [an] authorized organization [which is an auxiliary of the lessor, or to which the lessor is an auxiliary,] may assist in the conduct of bingo games by that [the related] organization except that a member, employee, or agent of the lessor may not act as an operator for the lessee organization.

(C) A commercial lessor who has been an active bona fide member of the licensed organization for at least three years actively engaged in carrying out the purposes of the organization may assist that organization in the conduct of bingo at the lessor's premises but may not receive compensation for so assisting and may not act in the capacity of operator.

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

(d) Advertising. All advertisements for bingo games, whether in newspapers, fliers, pamphlets, brochures, or other circulars, billboards, sign, or recordings, must clearly identify the name of the licensed authorized organization [bingo operator], its bingo license number, and the days and times of the occasions it will operate. Only a licensed authorized organization may advertise or promote bingo. No licensed authorized organization may include in any advertisement or promotion the amount of a prize or prizes offered at a bingo occasion. A reference to the prize limits allowed by the Bingo Enabling Act, so long as no specific amount is mentioned, is allowed.

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

(g) Frequency of bingo occasions. No more than two organizations may be licensed to conduct bingo at the same location, as that term is defined in §3.544 of this title (relating to Definitions), on the same day. If two organizations are licensed to conduct bingo at the same location on the same day, there must be a minimum 30 minute break or intermission between each organization's occasion. The operator or caller must announce prior to the start of the occasion the name of the organization that will be conducting bingo for that session. If two or more licensed organizations are conducting bingo at the same location, a person may not at any time be required to purchase cards for more than one bingo

session. [If bingo is conducted at a location between the hours of 6 p.m. and midnight on a calendar day, then bingo may not be conducted at that same location between the hours of 12:01 a.m. and 6 a.m. on the next succeeding calendar day. The restrictions in the immediately preceding sentence apply to initial or renewal applications, to applications for amendments relating to changes in times of bingo occasions submitted on or after May 18, 1987, and to bingo games conducted at a location as defined in §3.544 of this title (relating to Definitions) even though the initial application for a commercial lessor's license for that location was issued prior to May 4, 1987.]

(h) Continuation games. A game or series of games played on one card face, without clearing the regular card or discarding the disposable card, is considered a single game. Total prizes awarded in a continuation game may not exceed \$500.

(i) Other games prohibited. No unlawful games of chance of any kind other than bingo, whether any separate or additional charge is required or not, may be conducted or allowed on the premises, as that term is defined in §3.544 of this title (relating to Definitions), during any occasion when bingo is played. A raffle or lottery is an example of an unlawful game of chance. A drawing where no payment of any kind is necessary to be eligible to win is not an unlawful game of chance. Bingo proceeds may not be used to purchase any prize given at a drawing.]

(l)(j) Gifts prohibited. No licensee or holder of a temporary authorization may offer, distribute, or give any service, thing of value, or opportunity to play bingo without charge, unless all players are offered or given the service, thing of value, or opportunity to play without charge. Bingo proceeds may not be used to purchase any such service or thing of value. **This subsection does not apply to additional prizes which are prohibited by §3.562 of this title (relating to Unauthorized Prizes).**

(j)(k) Workers as players. No licensee or holder of a temporary authorization may permit any person who is conducting or assisting in the conduct of bingo to participate as a player when the person is conducting or assisting in the conduct of bingo.

(k)(l) No licensed organization may reserve, or allow to be reserved, any bingo card or cards for use by a particular individual.

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 22, 1988.

TRD-8806428

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: August 1, 1988

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

◆ ◆ ◆
• 34 TAC §3.555

The Comptroller of Public Accounts proposes a new §3.555, concerning minimum charitable distribution. The new section combines §3.555 with §3.556, concerning minimum charitable distribution, provides for certain tax and expense credits toward the minimum charitable distribution in lieu of previous credits for rent and mortgage payments, places a limit on these credits, ends further distributions to dedicated funds, and provides for uses of existing dedicated funds. It is also proposed to repeal the existing §3.555, due to substantial changes.

Jim Shear, director of the comptroller's economic analysis center, 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. Shear 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 amendment will make the bingo rules clearer and more easily understandable for the use of licensees. 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 Claudia Stravato, Deputy for Tax Enforcement, Regulatory Taxes, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.555. *Minimum Charitable Distribution.*

(a) For the purposes of this section, the term "adjusted gross receipts" means gross receipts less the amount awarded as prizes.

(b) By the end of each quarter, each licensed, authorized organization shall disburse for charitable purposes an amount not less than 35 % of the organization's ad-

justed gross receipts from the last preceding quarter, less the credits allowed under subsection (c) of this section.

(c) The amount paid as bingo taxes for the last preceding quarter and an amount for basic fixed expenses equal to 2.75% of the gross receipts for the last preceding quarter shall be allowed as a credit toward the required 35% charitable distribution. However, the total of all credits, both for bingo gross receipts taxes and for expenses may not exceed \$11,000 per quarter.

(d) In reviewing a situation where a licensed authorized organization has failed to meet the requirements of this section for a particular quarter, the comptroller may consider whether, taking the amount required to be distributed during that quarter and the three preceding quarters and the charitable distributions and credits for each of those quarters under the rules in effect during each quarter, the organization has distributed a total amount sufficient to have met the 35% requirement for the quarter in question and the three preceding quarters combined.

(e) Contributions made on or after January 1, 1988 to dedicated building funds are not considered to be charitable distributions. However, amounts contributed to dedicated building funds prior to January 1, 1988, must, by January 1, 1989, be distributed to the organizations's general fund building account or, if prior written approval is obtained from the comptroller, may be distributed for any allowable charitable purpose.

(f) Contributions made on or after April 1, 1988, to other dedicated funds are not considered to be charitable distributions. However, amounts contributed to other dedicated funds prior to April 1, 1988, must, by April 1, 1989, be distributed to the organization's general fund.

(g) This section is effective for reporting periods beginning on or after April 1, 1988.

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 22, 1988.

TRD-8806427

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: August 1, 1988

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

◆ ◆ ◆

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 1. ADMINISTRATION

Part I. Officer of the Governor

Chapter 1. Office of Traffic Safety

- 1 TAC §§1.1, 1.3, 1.11-1.13,
1.21, 1.31-1.34, 1.41-1.45, 1.51-
1.54

(Editor's note: The following rules have been administratively transferred from the Office of the Governor, Title One, Chapter One, to the Texas Department of Highways and Public Transportation, Title 43, Chapter 25 in compliance with Executive Order, WPC-12, August 12, 1979.)

The Office of the Governor has withdrawn from consideration for permanent adoption proposed repeals of §§1.1, 1.3, 1.11-1.13, 1.21, 1.31-1.34, 1.41-1.45, 1.51-1.54, concerning Office of Traffic Safety, which appeared in the May 10, 1988, issue of the *Texas Register* (13 TexReg 2207). The effective date of this withdrawal is June 24, 1988.

Issued in Austin, Texas, on June 24, 1988.

TRD-8806497

D. R. Millard
Assistant General Counsel
Office of the Governor

Effective date: June 24, 1988

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



TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter W. Registration of Commercial Carriers

- 16 TAC §5.506

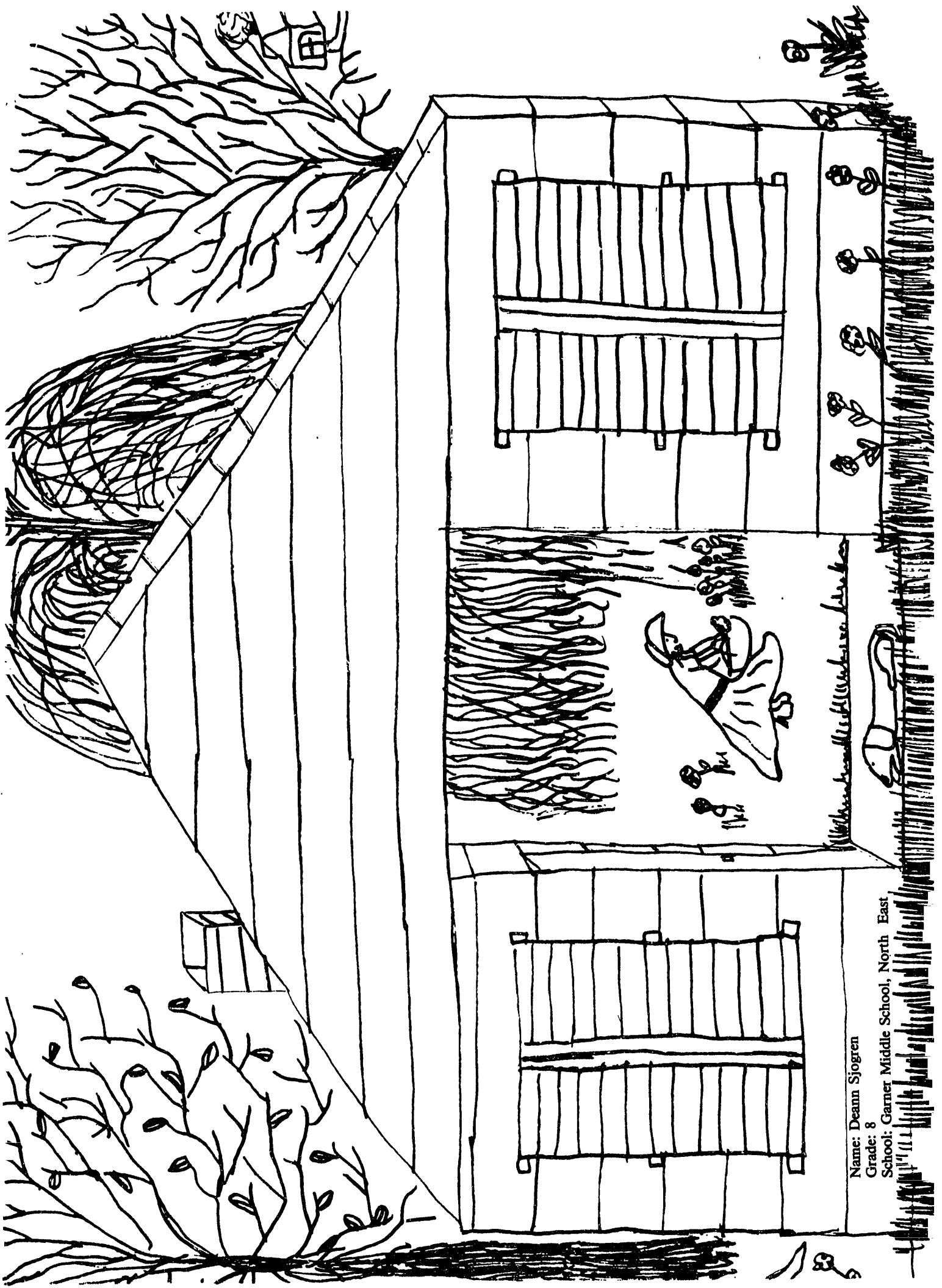
Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed amendment to §5.506, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective June 28, 1988. The amendment as proposed appeared in the December 25, 1987, issue of the *Texas Register* (12 TexReg 4885).

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.

TRD-8806559

Filed: June 28, 1988





Name: Deann Sjogren

Grade: 8

School: Garner Middle School, North East

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 1.

ADMINISTRATION

Part I. Governor's Office

Chapter 5. Budget and Planning

Subchapter A. Federal and Inter Governmental Coordination

- 1 TAC §§5.2-5.5, 5.7, 5.8, 5.21-5.25, 5.31, 5.41-5.45, 5.71, 5.91-5.93, 5.101-5.110, 5.121-5.131

The Governor's Office adopts the repeal of §§5.2-5.5, 5.7, 5.8, 5.21-5.25, 5.31, 5.41-5.45, 5.71, 5.91-5.93, 5.101-5.110, and 5.121-5.131, without changes to the proposed text as published in the May 10, 1988, issue of the *Texas Register* (13 TexReg 2207-2208).

The programs which gave rise to these provisions are no longer in place, and so the provisions are unnecessary.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Constitution, Article IV, §10; Texas Civil Statutes, Article 4413 (32a) and 6252-13a, which provides the Governor's Office with the authority to adopt and therefore repeal and make available for public inspection rules setting the formal and informal procedures of the office.

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 24, 1988.

TRD-8806488 D. R. Millard III
Assistant General Counsel
Office of the Governor

Earliest possible date of adoption: July 15, 1988

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

Chapter 7. Greater South Texas Cultural Basin Commission

Grants In Aid

- 1 TAC §§7.1-7.5

The Governor's Office adopts the repeal of §§7.1-7.5, without changes to the proposed

text as published in the May 10, 1988, issue of the *Texas Register* (13 TexReg 2208).

The commission is no longer in existence; therefore, the regulations are unnecessary.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Constitution, Article IV, §10; Texas Civil Statutes, Article 4413(32a) and 6252-13a, which provides the Governor's Office with the authority to adopt and therefore repeal and make available for public inspection rules setting the formal and informal procedures of the office.

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 24, 1988.

TRD-8806487 D. R. Millard, III
Assistant General Counsel
Office of the Governor

Effective date: July 15, 1988

Proposal publication date: July 15, 1988

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

TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

- 22 TAC §535.162

The Texas Real Estate Commission adopts the repeal of §535.162, concerning disclosure of agency in residential real estate transactions, without changes to the proposed text published in the April 5, 1988, issue of the *Texas Register* (13 TexReg 1595).

This action is necessary because §535.162 has been replaced by another section dealing with disclosure of agency.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 6573a, §5(e), which provide the Texas Real Estate Commission with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 21, 1988.

TRD-8806429 Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Effective date: July 13, 1988

Proposal publication date: April 5, 1988

For further information, please call: (512) 465-3960

TITLE 34. PUBLIC FINANCE

Part III. Teacher Retirement System of Texas

Chapter 25. Membership Credit Compensation

- 34 TAC §25.30

The Teacher Retirement System of Texas (TRS) adopts an amendment to §25.30, without changes to the proposed text as published in the May 10, 1988, issue of the *Texas Register* (13 TexReg 2210).

The section provides that TRS members who receive compensation in noncreditable form such as an expense allowance during most of their career cannot subsequently convert compensation to a creditable form in the last years before retirement in order to receive a larger benefit under the TRS statutory benefit formula, which provides benefits based on a member's best three years' average compensation. In some cases, however, an employer may provide a benefit that is assumed to be creditable for retirement purposes but is subsequently ruled not to have been paid in a creditable form. The employer often wants to quickly change it to creditable form. Because the TRS anticonversion rule applies for the eight years prior to retirement, employees will not be able to use the newly creditable compensation in retirement benefit calculations for that length of time even though the noncreditable compensation had been paid for a much shorter period of time before the employer converted it to a creditable form. Usually an employer who intends for an item of compensation to be paid in creditable form makes the change from the noncreditable form within the first year of its implementation. To apply the anticonversion rules in such instances seems to impose an undesirable hardship and does little to protect the retirement fund from manipulation.

The amendment provides that the anticonversion rules will not apply where noncreditable compensation is changed to creditable compensation after no more than a year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.110, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules to prevent conversion of noncreditable compensation to creditable compensation in benefit calculations.

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 22, 1988.

TRD-8806443 Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: July 13, 1988

Proposal publication date: May 10, 1988

For further information, please call: (512) 397-6400

Chapter 27. Termination of Membership and Refunds

Termination Because of Absence

• 34 TAC §27.1

The Teacher Retirement System of Texas (TRS) adopts an amendment to §27.1, without changes to the proposed text as published in the May 10, 1988, issue of the *Texas Register* (13 TexReg 2211).

Texas Civil Statutes, Title 110B, §35.110, regarding termination of membership, require membership termination for absence from covered employment for five consecutive years in a six year period.

The amendment removes a purported exception to membership termination in this section for persons disabled at the time the absence begins.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §35.110, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, to administer the funds of the retirement system, and to conduct its business.

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 22, 1988.

TRD-8806442 Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: July 13, 1988

Proposal publication date: May 10, 1988

For further information, please call: (512) 397-6400

Chapter 45. Franchise Tax

• 34 TAC §45.01, §45.02

The Teacher Retirement System of Texas (TRS) adopts new §45.01 and §45.02, without changes to the proposed text as published in the May 10, 1988, issue of the *Texas Register* (13 TexReg 2211).

The new sections comply with the law requiring corporations contracting with state agencies to have paid their franchise taxes.

The new sections require corporations contracting with TRS to certify their franchise tax status and provides that a false certification is a material breach of contract for which TRS may cancel the contract.

No comments were received regarding adoption of the amendments.

The sections are adopted under Texas Civil Statutes, Title 110B, §35.102, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules necessary to transact its business.

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 22, 1988.

TRD-8806441 Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: July 13, 1988

Proposal publication date: May 10, 1988

For further information, please call: (512) 397-6400

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self-support Services

Eligibility Determination

The Texas Department of Human Services (DHS) adopts amendments to §§10.1001 and 10.1009, and the repeal of §10.1002, without changes to the proposed text as published in the May 17, 1988, issue of the *Texas Register* (13 TexReg 2312).

The amendments and repeal are justified to

enable low-income working parents to achieve a more stable level of self-support before they assume the total cost of their children's day care.

The amendments and repeal will function by increasing the maximum income level for client eligibility for day care services from the current 130% of federal poverty level, which is the ceiling for the Food Stamp Program, to 150%.

The department received one comment on the proposed sections. Austin Community Nursery Schools supported the change, but noted that one effect of it is to create separate income level categories for programs that receive both Title XX and Child Care Food Program funding.

The department is aware that the change will result in the possibility that some income-eligible children receiving Title XX day care services will qualify for a reduced price rather than a free meal under the Child Care Food Program guidelines. The department agrees with the commenter, however, that the benefits of the change outweigh this potential difficulty.

• 40 TAC §10.1001, §10.1009

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance 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 24, 1988.

TRD-8806466 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: July 15, 1988.

Proposal publication date: May 17, 1988.

For further information, please call: (512) 450-3765

• 40 TAC §10.1002

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs. *§10.1002. Determination and Redetermination of Income Eligibility.*

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 24, 1988.

TRD-8806467 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: July 15, 1988.

Proposal publication date: May 17, 1988.

For further information, please call: (512) 450-3765

Chapter 15. Medicaid Eligibility

Subchapter U. Eligible Recipients for Title XIX (Medicaid)

The Texas Department of Human Services (TDHS) adopts amendments to §§15.2001, 15.3001, 15.3323, 15.3403, 15.3408, 15.3412, 15.3416, and 15.3417 in its Medicaid Eligibility chapter. The amendments are adopted to comply with provisions of the Omnibus Budget Reconciliation Act of 1987.

The Omnibus Budget Reconciliation Act (OBRA) made two changes to Medicaid eligibility requirements. First, disabled persons who were denied supplemental security income (SSI) because they received early aged widow's or widower's benefits may continue to receive Medicaid until they are eligible for Medicare, as long as they would otherwise meet SSI eligibility criteria. Second, OBRA increased the personal needs allowance to \$30 for an individual and to \$60 for a couple. The amendments are adopted July 1, 1988, to comply with federal requirements.

• 40 TAC §15.2001

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§15.2001. Categorically Needy. The Texas Medical Assistance Program, under the provision of Title XIX (Medicaid) of the Social Security Act, provides certain benefits to all individuals who meet the department's definition of categorically needy. The categorically needy are defined as:

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

(11) Disabled individuals who were denied SSI benefits because of receipt of social security early aged widow's or widower's benefits may continue to be eligible for Medicaid until they are eligible for Medicare. Medicaid benefits cannot begin before July 1, 1988, regardless of when an individual became eligible for or was denied SSI. To be eligible, an individual must:

(A) be at least 60; and

(B) continue to meet current SSI eligibility criteria if the early aged widow's or widower's benefit is excluded.

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, 1988.

TRD-8806509 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: July 1, 1988.

Proposal publication date: N/A

For further information, please call: (512) 450-3765

Subchapter EE. Individuals for Whom SSI Eligibility Criteria Are Used

• 40 TAC §15.3001

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§15.3001. Types of Applicants. The eligibility criteria of the federal Supplemental Security Income (SSI) Program are used in determining Medicaid eligibility for the following categories of assistance:

(1)-(5) (No change.)

(6) receipt of early aged widow's or widower's benefits (Type Program 22). Disabled individuals who were denied SSI benefits because of receipt of social security early aged widow's or widower's benefits may continue to be eligible for Medicaid until they are eligible for Medicare. Medicaid benefits under Type Program 22 cannot begin until July 1, 1988, regardless of when an individual became eligible for or was denied SSI. To be eligible, an individual must:

(A) be at least 60; and

(B) continue to meet current SSI eligibility criteria if the early aged widow's or widower's benefit is excluded.

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, 1988.

TRD-8806510 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: July 1, 1988

Proposal publication date: N/A

For further information, please call: (512) 450-3765

Subchapter HH. Income for Individuals Related to the SSI Program

• 40 TAC §15.3323

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§15.3323. Special Income Exclusions for Type Programs 18 and 22.

(a) Type Program 18. Individuals 18 and older who were denied SSI benefits on or after July 1, 1987, because of entitlement to or an increase in RSDI disabled children's benefits may be eligible for

Medicaid if they would meet all current SSI eligibility criteria in the absence of those disabled children's benefits. Eligible individuals are also entitled to the exclusion of any subsequent increase in those benefits.

(b) Type Program 22. Disabled individuals 60 and older who were denied SSI benefits because of entitlement to early aged widow's or widower's benefits may be eligible for Medicaid if they would meet all current SSI eligibility criteria in the absence of those early aged widow's or widower's benefits. They may continue to receive Medicaid until they are eligible for Medicare. Medicaid benefits under Type Program 22 cannot begin before July 1, 1988, regardless of when an individual became eligible for or was denied SSI.

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, 1988.

TRD-8806511 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: July 1, 1988.

Proposal publication date: N/A

For further information, please call: (512) 450-3765

Subchapter II. Budgeting for Individuals Related to the SSI Program

• 40 TAC §§15.3403, 15.3408, 15.3412, 15.3416-15.3417

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§15.3403. Nonvendor Living Arrangements.

(a) The department determines eligibility for individuals in nonvendor living arrangements when:

(1) (No change.)

(2) an individual or couple living in a nonvendor situation applies for or has eligibility redetermined under Type Program 03;

(3) an individual or couple living in a nonvendor situation applies for or has eligibility redetermined under Type Program 18; or

(4) an individual or couple living in a nonvendor situation applies for or has eligibility redetermined under Type Program 22.

(b) (No change.)

§15.3408. Budget Steps for Nonvendor Living Arrangements. The caseworker uses the following steps to prepare a budget for an individual or an eligible couple in a

nonvendor living arrangement. The caseworker follows this procedure at application and for every redetermination.

(1)-(7) (No change)

(8) For Type Program 22 cases, deduct the amount of the appropriate social security early aged widow's or widower's benefit.

(9) The remainder is the countable income.

(10) Subtract countable income from the appropriate SSI payment standard or income limit. If an unmet need of \$.01 or more exists, the individual or couple is eligible.

§15.3412. Budget To Determine Applied Income.

(a) Individuals living in non ICF-MR facilities. If an individual(s) living in a non ICF-MR Title XIX long-term care facility is eligible for medical assistance only, the caseworker must determine the amount of personal income or applied income the individual(s) must pay for nursing care. The caseworker must follow the procedure at the time of application and for every redetermination.

(1) The caseworker uses the following budget steps to determine applied income for individuals and couples:

(A)-(B) (No change.)

(C) subtract the personal needs allowance of \$30 from available income for an individual budget. The remainder is the applied income;

(D) subtract the personal needs allowance of \$60 from available income for a couple. Divide the remainder by two to determine the applied income for each spouse.

(2) The caseworker uses the following budget steps to determine applied income for a companion case:

(A) For the month of separation:

(i) (No change.)

(ii) subtract the personal needs allowance of \$30 for the applicant;

(iii) (No change.)

(B) For the month(s) after the month of separation:

(i) (No change.)

(ii) if the income of the ineligible spouse equals or exceeds the full SSI standard payment amount for an individual, but is equal to or less than the fair standard income level, disregard the income of the spouse. Subtract the personal needs

allowance of \$30 from the individual's own income. The remainder is the applied income;

(iii) if the income of the ineligible spouse is less than the full SSI standard payment amount for an individual, add the spouse's income to the income of the applicant/recipient. Subtract the personal needs allowance of \$30 for the eligible individual from the combined income. Subtract the full SSI standard payment amount for an individual as an allowance for the ineligible spouse. The remainder is the applied income;

(iv) (No change.)

(b) Individuals living in ICF-MR facilities. The caseworker uses the following budget steps to determine the applied income for an applicant or recipient living in an approved public or private ICF-MR facility. The difference in the applied income calculation for this group is that an additional protected earned income allowance is granted to the individual if the individual has earned income in excess of \$30 per month. The purpose of the additional allowance is to provide the ICF-MR recipient, who has a short-term or long-term objective of semi-independent or independent living, the additional resources to make the transition possible.

(1) The caseworker uses the following steps to determine applied income for individuals.

(A) (No change.)

(B) Determine the personal needs allowance as follows for an individual.

(i) If the individual has no earned income, the personal needs allowance is \$30.

(ii) If the individual has monthly gross earned income equal to or less than \$30, the personal needs allowance is \$30.

(iii) If the individual has monthly gross earned income greater than \$30, the personal needs allowance is \$30 plus 1/2 of the earned income in excess of \$30 (rounded to the next highest cent) up to a maximum of an additional \$45. Total maximum personal needs allowance including protected earned income is \$75.

(C) (No change.)

(2) The caseworker uses the following steps to determine applied income for a couple.

(A) Determine the personal needs allowance for a couple as follows.

(i) If neither spouse has earned income, or if the only spouse with

earned income does not have an ICF-MR level of care, the personal needs allowance for the couple is \$60.

(ii) If either spouse is an ICF-MR recipient who has monthly earned income, the personal needs allowance for each must be determined separately based on their individual monthly income using the steps outlined in paragraph (1) of this subsection. If one spouse has a level of care other than an ICF-MR level of care, the personal needs allowance for that individual is \$30, regardless of whether the individual has earned income. Combine the individual personal needs allowance for the couple.

(B) (No change.)

(3) (No change.)

§15.3416. Applied Income for SSI Cases.

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

(g) The caseworker uses the following steps to determine an SSI recipient's applied income for the month of entry into a Title XIX facility and subsequent months.

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

(3) Deduct \$30 as a personal needs allowance for the individual in the Title XIX facility. Deduct \$60 if both members of an eligible SSI couple live in a Title XIX facility. If only one member of an eligible couple enters a Title XIX facility, for the month of entry only, deduct \$30 for the personal needs allowance of the spouse in the facility and the full SSI payment standard for an individual for the spouse at home.

(4)-(5) (No change.)

§15.3417. Medicare Skilled Nursing Facilities (Medicare Eligibles Only).

(a) (No change.)

(b) A recipient of SSI cash benefits who enters an SNF has his countable income measured against the reduced SSI payment standard per month beginning with the month Title XIX begins to pay more than 50% of the cost of care. If his countable income is less than \$30 per month, he may continue to receive SSI cash benefits and may be eligible for Medicaid benefits, including Title XVIII co-insurance vendor payments beginning on the twenty-first day, on that basis.

(c) A recipient of SSI cash benefits whose countable income equals or exceeds \$30 per month has his SSI benefits terminated. He may continue to be eligible under Base Plan 15 as an SSI-related MAO recipient beginning with the 21st day in the SNF.

(d) (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 27, 1988.

TRD-8806508

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: July 1, 1988.

Proposal publication date: N/A

For further information, please call: (512)
450-3765





Name: David Ruhlmann
Grade: 8
School: Garner Middle School, North
East

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 billeting 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 Adult Probation Commission

The Texas Adult Probation Commission will meet in Suite 600, Building B, 8100 Cameron Road, Austin. Dates, times, and agendas follow.

Thursday, July 7, 1988, 9 a.m. The Program Committee will consider standard conditions for fiscal year 1989, grant adjustments for fiscal year 1988, and various counties; consider grant applications for restitution centers concerning various counties, court residential treatment centers concerning various counties, contract residential services concerning various counties, specialized caseloads concerning various counties, surveillance probation concerning various counties, and supplemental funding applications for Jasper and Wheeler County; and consider waivers and commendations for Bexar County.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Austin, Texas 78753, (512) 834-8188.

Filed: June 24, 1988, 1:49 p.m.

TRD-8806481

Thursday, July 7, 1988, 1 p.m. The Audit Review Committee will hear fiscal audit reports; consider final review on the following counties: Anderson, Angelina, Bastrop, Brazoria, Comanche, Deaf Smith, Erath, Gregg, Harris, Hood, Hopkins, Lamar, McCullough, Midland, Orange, Tarrant, Tom Green, and Van Zandt; consider initial review on the following counties: Bailey, Brazos, El Paso, Fort Bend, Harrison, Hockley, Hunt, Jasper, Lamb, Lubbock, Panola, Parker, Pecos, San Patricio, and Webb.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Austin, Texas 78753, (512) 834-8188.

Filed: June 24, 1988, 1:49 p.m.

TRD-8806480

Thursday, July 7, 1988, 3 p.m. The Planning and Development Committee will hold an open forum on probation issues.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Austin, Texas 78753, (512) 834-8188.

Filed: June 24, 1988, 1:49 p.m.

TRD-8806479

Friday, July 8, 1988, 9 a.m. The commission will approve minutes of the previous meeting; hear financial report; consider Claude E. Hill, deputy inspector general, Texas Department of Human Services; hear program services report; consider standard conditions fiscal year 1989, grant adjustments fiscal year 1988 concerning various counties; consider grant applications for restitution centers concerning various counties, court residential treatment centers concerning various counties, surveillance probation concerning various counties, and supplemental funding applications concerning various counties; consider waiver, commendations-Bexar County; hear presentation of the Advisory Committee on Probation Department Management; hear data services report, statistical report, fiscal services report, and Audit Review Committee report; consider budget; hear executive division report; consider legal issues, standards, resolution, service awards, other business, and next meeting. The commission will also meet in executive session.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Austin, Texas 78753, (512) 834-8188.

Filed: June 24, 1988, 1:49 p.m.

TRD-8806478

Texas Board of Architectural Examiners

Friday, June 8, 1988, 10 a.m. The Rules Committee for the Texas Board of Architectural Examiners will meet Suite 107, 8213 Shoal Creek Boulevard, Austin. According to the agenda, the committee will review landscape architecture and architecture status, and review landscape architect and architect rules and regulations.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

Filed: June 23, 1988, 1:40 p.m.

TRD-8806456

Texas Commission for the Arts

Tuesday, June 28, 1988, noon. The Assistance Review Committee for the Texas Commission on the Arts met for an emergency agenda revision in Capitol Ballroom B, Radisson Plaza Hotel, 700 San Jacinto Street, Austin. According to the agenda, the committee introduced guests; held a public hearing; discussed consent agenda; reviewed fiscal year 1989 grant requests; and considered advisory panel recommendations. The emergency status was necessary as minutes from the previous meeting needed to be approved and were not included on the agenda.

Contact: Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: June 27, 1988, 9:52 a.m.

TRD-8806518

Texas Commission for the Blind

Wednesday, June 19, 1988, 1 p.m. The Finance Committee of the Board for the Texas Commission for the Blind met in emergency session, rescheduled from June 24, 1988, in the Third Floor Conference Room, TCB Administrative Building, 4800 North Lamar Boulevard, Austin. According to the agenda, the committee held a work session on the agency's upcoming legislative appropriation request. The emergency status was necessary as there was a lack of quorum for the originally scheduled date.

Contact: Jean Wakefield, P.O. Box 12866, Austin, Texas 78711, (512) 459-2600.

Filed: June 23, 1988, 3:44 p.m.

TRD-8806461

Texas Department of Community Affairs

Friday, July 8, 1988, 10 a.m. The Advisory Council on Community Affairs for the Texas Department of Community Affairs will meet in Room 1-96, 8317 Cross Park Drive, Austin. According to the agenda, the council will select council chairperson; approve minutes of the April 29, 1988, meeting; hear executive director's report; discuss annual agency audit for state fiscal year 1987; consider agency budget request for state fiscal years 1990-1991; and consider other business.

Contact: Larry Crumpton, 8317 Cross Park Drive, Austin, Texas 78754, (512) 834-6000.

Filed: June 23, 1988, 1:45 p.m.

TRD-8806454

Texas State Board of Examiners of Dietitians

Friday, July 8, 1988, 9 a.m. The Texas State Board of Examiners of Dietitians will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the board will review and act on applications for individual preplanned professional experience program; discuss board approved experience requirements; and set next meeting date.

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

Filed: June 24, 1988, 2:08 p.m.

TRD-8806482

Texas Employment Commission

Tuesday, July 5, 1988, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission will hear public comment; consider TEC state budget for 1990-1991 biennium; consider policy regarding waivers of Trade Readjustment Act overpayments; approve expenditures to rework air conditioning cooling tower, Austin annex, replace floor tile, Galveston, rework parking area, Galveston, reroof building, Amarillo, rework parking area, Amarillo, interior renovation, Abilene, and correct site soil erosion, Denton; and set date and agenda items for next commission meeting.

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

Filed: June 24, 1988, 1:05 p.m.

TRD-8806474

Governor's Office

Wednesday-Thursday, July 6-7, 1988, 8:30 a.m. The Select Committee on Education, Whole Committee, for the Governor's Office will meet in the Senate Chamber, Capitol Complex, Austin. According to the agenda for Wednesday, the committee will consider committee business, discuss public hearing travel schedule; presentation on energy conservation in public schools; and hear report of financial considerations subcommittee deliberations: structural options (operations), capital outlay options, property tax alternatives-resumption of financial considerations discussion and deliberations. On Friday the committee will hear report on student performance and quality considerations, subcommittee deliberations: curriculum modifications (change in essential elements), changes in rules and statute for state compensatory education and state bilingual education, teacher professionalism and career ladder, and incentives for performance.

Contact: Margaret La Montagne, 707 Sam Houston Building, Austin, Texas 78711, (512) 463-1834.

Filed: June 27, 1988, 1:30 p.m.

TRD-8806538

Tuesday, July 12, 1988, 5:30 p.m. The Office of the the Governor on behalf of the State of Texas will meet in the Council Meeting Room, City Hall, 107 South Elizabeth, Kirbyville. agendas follow.

The state will consider proposed issuance by the Kirbyville Health Facilities Development Corporation under its Texas fixed rate health facilities program II of obligations in one or more issues (or in combination with other obligations of an issue) (the Bonds) for the purposes more fully described in the complete agenda attached hereto. The bonds are being issued to provide funds to finance or refinance all or part of the cost of certain health facilities described in the complete agenda attached hereto to be acquired by Heartway-III Corporation, to pay capitalized interest on the Bonds, to make deposits into various funds and to pay certain costs of issuing the Bonds. The maximum principal amount of the Bonds to be issued with respect to the health facilities described in the complete agenda attached hereto is \$75,000,000.

Contact: Tyrell L. Garth, 285 Liberty, Suite 1900, Beaumont, Texas 77001.

Filed: June 27, 1988, 12:42 p.m.

TRD-8806563

Tuesday, July 12, 1988, 5:30 p.m. The state will consider proposed issuance by the Kirbyville Health Facilities Development Corporation under its Texas fixed rate health facilities financing program II of obligations in one or more issues (or in combination with other obligations of an issue) (the bonds) for the purposes more fully described in the complete agenda. the bonds

are being issued to provide funds to finance or refinance all or part of the cost of certain health facilities described in the complete agenda attached hereto to be acquired by Heartway-III Corporation, to pay capitalized interest on the bonds, to make deposits into various funds and to pay certain costs of issuing the bonds. The maximum principal amount of the bonds to be issued with respect to the health facilities described in the complete agenda is \$75,000,000.

Contact: Tyrell L. Garth, 285 Liberty, Suite 1900, Beaumont, Texas 77001.

Filed: June 27, 1988, 12:43 p.m.

TRD-8806562

Governor's Office of Budget and Planning

Friday, July 8, 1988, 9 a.m. The Governor's Welfare Reforms Task Force of the Office of Budget and Planning will meet in Room 104, Reagan Building, Austin. According to the agenda, the task force will hold briefing on aid to families with dependent children program; discuss refocused employment services pilot project; hold briefing on federal welfare reform legislation; discuss role of the task force; and set future meeting dates.

Contact: Hazel Baylor, Sam Houston Building, Room 706G, Austin, Texas, (512) 463-1752.

Filed: June 27, 1988, 3:49 p.m.

TRD-8806543

Texas Department of Health

Tuesday, July 5, 1988, noon. The Respiratory Care Practitioners Advisory Board of the Texas Department of Health will meet in the Bosque Room, Stouffer Austin Hotel, 9721 Arboretum Boulevard, Austin. According to the agenda summary, the board will approve minutes of the April 13, 1988, meeting; hear program administrator's report and chairperson's report; consider comments on proposed amendments to rules and regulations 25 TAC §§123.1-123.14; review resumes submitted to the board for appointment to the respiratory care practitioner advisory board; consider matters relating to the certification of respiratory care practitioners (not requiring advisory board action); and set of next meeting date.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7631.

Filed: June 27, 1988, 4:12 p.m.

TRD-8806550

State Department of Highways and Public Transportation

Tuesday and Wednesday, June 28 and 29, 1988, at 10 and 9 a.m., respectively. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation submitted an emergency revised agenda for a meeting held in Room 101-A, First Floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission considered final action implementing the local match for rural transit providers (LMRT) program, to be funded with oil overcharge monies and urban mass transportation administration \$3 grant funds. The emergency status was necessary because the public hearing item was shown incorrectly and reworded to meet filing application deadlines.

Contact: Lois Jean Turner, 11th and Brazos Streets, Austin, Texas, (512) 463-8616.

Filed: June 27, 1988, 9:12 a.m.

TRD-8806499

Industrial Accident Board

Friday, July 1, 1988, 8:30 a.m. The Industrial Accident Board will meet in Room 255, Second Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board will approve minutes of the previous meeting; hear public testimony on proposed repeal of undesignated head "General Medical Provisions" of Chapter 41 rules and adoption of identical sections as subchapter A, "General Medical Provisions", of new Chapter 42 rules; consider fee guidelines as proposed in new §§42.105 (medical), 42.110 (hospital), and 42.115 (pharmaceutical), comprising new subchapter B of new Chapter 42 rules; consider adoption of carriers report of initiation and suspension of compensation payments proposed in 28 TAC §53.43; and review and discuss board activities. The board will also meet in closed session pursuant to workers compensation statute to review board files.

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

Filed: June 27, 1988, 4:04 p.m.

TRD-8806548

State Board of Insurance

The State Board of Insurance will meet in the Insurance Building, 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Tuesday, July 5, 1988, 9 a.m. The Commissioner's Hearing Section will meet in

Room 353, to consider Docket 9971-Approval of the Articles of Agreement of Allstate Texas Lloyd's, Irving.

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

Filed: June 27, 1988, 10:21 a.m.

TRD-8806529

Tuesday, July 5, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9951-Whether disciplinary action should be taken against Brian Scott House, Irving/Greenville/Dallas, who holds a group I, legal reserve issuance agent's license issued by the board.

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

Filed: June 27, 1988, 10:21 a.m.

TRD-8806528

Tuesday, July 5, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9941-Whether disciplinary action should be taken against Magdaleno Medrano, San Juna/Edinburg, who holds a group I, legal reserve life insurance agent's license, a group II, health and accident insurance agent's license and a local recording agent's license issued by the board.

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

Filed: June 27, 1988, 10:21 a.m.

TRD-8806527

Tuesday, July 5, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9940-Whether disciplinary action should be taken against Harold Ray Palmer and Palmer Insurance Agency, Gladewater, who holds a group I, legal reserve life insurance agent's license, a group II, health and accident insurance agent's license and a local recording agent's license issued by the board.

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

Filed: June 27, 1988, 10:21 p.m.

TRD-8806526

Wednesday, July 6, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9946-Application of Charles David Cox, Fort Worth, to acquire control of Commercial Life and Accident Insurance Company, Denton.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: June 27, 1988, 10:21 a.m.

TRD-8806525

Wednesday, July 6, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9957-Whether disciplinary action should be taken against Harry Philip Simsarian, Galveston, who holds a group I, legal reserve life insurance agent's license issued by the board.

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

Filed: June 27, 1988, 10:23 a.m.

TRD-8806524

Wednesday, July 6, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9912-Whether disciplinary action should be taken against Norman Wendell Edwards, Beaumont, who holds a local recording agent's license issued by the board.

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

Filed: June 27, 1988, 10:23 a.m.

TRD-8806523

Wednesday, July 6, 1988, 2 p.m. The board will meet in Room 414, to consider board orders on several different matters; consider motion for dismissal in the appeal of J. Bruce Allen from action of the Texas Catastrophe Property Insurance Association, proposal for decision in the appeal of San and Surf Condominium Council of Co-Owners from action of the Texas Catastrophe Property Insurance Association; consider personnel matters concerning Fire Marshal, Statistical and Rate Development, Information Services, and Commissioner; consider litigation matters concerning Fire Marshall and Commissioner, matters pertaining to market assistance program, plan of operation for health maintenance organization solvency surveillance committee, and hiring of director of data processing and director of statutory implementation.

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

Filed: June 28, 1988, 9:44 a.m.

TRD-8806561

Thursday, July 7, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9913-Application of Jack Floyd Fowler, Jr., Houston, for a group I, legal reserve life insurance agent's license.

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

Filed: June 27, 1988, 10:23 a.m.

TRD-8806522

Friday, July 8, 1988, 9 a.m. The Commis-

sioner's Hearing Section will meet in Room 342, to consider Docket 9952-Whether disciplinary action should be taken against Melvin E. Copeland, Tyler, who holds a group I, legal reserve life insurance agent's license and a local recording agent's license issued by the board.

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

Filed: June 27, 1988, 10:23 a.m.

TRD-8806521

Friday, July 8, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9964-Whether disciplinary action should be taken against Melchor Galindo, Del Rio, who holds a group I, legal reserve life insurance agent's license and a group II, life, health, and accident insurance agent's license issued by the board.

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

Filed: June 27, 1988, 10:23 a.m.

TRD-8806520

Wednesday, July 6, 1988, 8:30 a.m. The board will meet in Room 414 to consider Docket 1592-Issuance of an interpretive rule with directions as to appropriate reporting of statistics to the Texas Insurance Advisory Association for determination of member participation in the Texas Catastrophe Property Insurance Association.

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

Filed: June 24, 1988, 4:27 p.m.

TRD-8806494

Wednesday, July 6, 1988, 8:30 a.m. The board will meet in Room 414, to consider Docket 1593-Adoption on an emergency basis and authorization for publication of proposed amendment to a rule under 28 TAC §5.4001, concerning the plan of operation of the Texas Catastrophe Property Insurance Association.

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

Filed: June 24, 1988, 4:27 p.m.

TRD-8806495

Texas Department of Labor and Standards

Monday, July 6, 1988, 9:30 a.m. The Labor, Licensing and Enforcement Division for the Texas Department of Labor and Standards will meet on the Second Floor, City Council Chambers, City Hall, Two Civic Center Plaza, El Paso. According to the agenda, the division will receive public

comments on changes to Texas Tow Truck rules.

Contact: Joseph L. Huertas, P.O. Box 12157, Austin, Texas 78711, (512) 463-2906.

Filed: June 27, 1988, 12:53 p.m.

TRD-8806535

Friday, July 15, 1988, 9 a.m. The Labor, Licensing and Enforcement Division for the Texas Department of Labor and Standards will meet in Room 109, Reagan Building, Austin. According to the agenda, the division will receive public comments on changes to Texas Tow Truck rules.

Contact: Joseph L. Huertas, P.O. Box 12157, Austin, Texas 78711, (512) 463-2906.

Filed: June 27, 1988, 12:53 p.m.

TRD-8806534

Texas Department of Mental Health and Mental Retardation

The Texas Board of MHMR of the Texas Department of MHMR will meet in the Auditorium, Central Office, 909 West 45th Street, Austin. Dates, times, and agendas follow.

Thursday, July 7, 1988, 9:30 a.m. The Asset Management Subcommittee, will consider status of facility master plan, ASH development plan, implementation of Senate Bill 52 pertaining to Austin state school annex and Leander Rehabilitation Center, and grazing lease-Abilene state school. Deaf interpreters will be available, but will be released if service not requested within first hour of meeting.

Contact: James A. Adkins, P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: June 27, 1988, 3:58 p.m.

TRD-8806545

Thursday, July 7, 1988, 11 a.m. The Ad Hoc Committee/Medicaid Issues will consider medicaid funding issues.

Contact: James A. Adkins, P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: June 27, 1988, 3:58 p.m.

TRD-8806544

Thursday, July 7, 1988, 1 p.m. The Business Committee will hold work session for fiscal year 1989 operating budget and fiscal year 1990-1991 budget request and fiscal year 1988 operating budget adjustments. Deaf interpreters will be available, but will be released if service is not requested within first hour of meeting.

Contact: James A. Adkins, P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: June 27, 1988, 3:58 p.m.

TRD-8806546

Friday, July 8, 1988, 9 a.m. The board will hear citizen's comments; approve minutes of the April 21 and 22, 1988, meeting; and consider issues. Deaf interpreters will be available, but will be released if service not requested within first hour of meeting.

Contact: James A. Adkins, P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: June 27, 1988, 3:58 p.m.

TRD-8806547

Special Committee on Organization of State Agencies

The Special Committee on Organization of State Agencies will meet in the John H. Reagan Building, Austin. Dates, times, rooms, and agendas follow.

Thursday, June 30, 1988, 9 a.m. The Subcommittee on Public Protection/Criminal Justice/and Corrections submitted an emergency revised agenda to a meeting held in Room 105, to hear public testimony concerning the organization, responsibilities, and operation of Texas state agencies involved with public protection, criminal justice, and corrections activities. The emergency status was necessary because the meeting schedule for the full committee requires that additional information from the affected organizations be submitted at this meeting.

Contact: Susan Hadley or Jay Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: June 27, 1988, 4:27 p.m.

TRD-8806557

Thursday, July 7, 1988, 10 a.m. The Subcommittee on Finance will meet in Room 109 to receive public testimony and consider the organization, responsibilities, and operation of Texas state agencies involved with regulation of finance institutions including the Banking Department, Savings and Loan Department, Credit Union Department, Consumer Credit Commissioner, and State Securities Board. The subcommittee may discuss and consider potential alternative organization structures for carrying out some or all of these functions.

Contact: Susan Hadley or Jay Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: June 27, 1988, 4:27 p.m.

TRD-8806556

Board of Pardons and Paroles

Tuesday, July 5, 1988, 1:30 p.m. The Board of Pardons and Paroles will meet at

8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: June 24, 1988, 10:45 a.m.

TRD-8806469

Tuesday-Friday, July 5-8, 1988, 1:30 p.m. A three-member panel for the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: June 24, 1988, 10:45 a.m.

TRD-8806470

State Board of Plumbing Examiners

Wednesday, July 6, 1988, 9:30 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the agenda, the board will hear minutes of previous meeting; financial report; discuss budget, hardship cases; hear report on building purchase; attorney general's letter of opinion of §9(e) of law; reconsider three year waiting period; inclusion of 5,000 population item in legislative program; hear report on contract with OTC home improvement stores; examination data; report on charts added to master examination; status report on examination revisions; follow-up of plumbing inspector training course; report of backflow-backsiphonage licensure; letter from How-To Productions, Inc., regarding training for journeyman plumbers; and election of chairman.

Contact: Lynn Brown, 929 East 41st Street, Austin, Texas 78765, (512) 458-2145.

Filed: June 23, 1988, 3:20 p.m.

TRD-8806460

Texas State Board of Public Accountancy

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

da, Austin. Dates, times, and agendas follow.

Wednesday, July 6, 1988, 9 a.m. The Enforcement Committee will hear status report for May and June; consider recommendations regarding specific complaints-licensees; discuss items; and review backlog of complaints.

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

Filed: June 24, 1988, 1:59 p.m.

TRD-8806484

Friday, July 8, 1988, 9 a.m. The Technical Standards Review Committee, will hear status report on May and June; consider recommendations regarding specific complaints-licensees; complaint 88-04-12L, 88-01-31L, 88-04-14L; discuss items; review financial statement; consider possible complaint, standard agenda items; and review backlog complaints.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

Filed: June 24, 1988, 1:59 p.m.

TRD-8806483

Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Wednesday, June 29, 1988, 9 a.m. The Hearings Division submitted an emergency revised agenda to consider Medina Electric Cooperative, Inc.'s motion for rehearing in Docket 6995-Petition of Lower Colorado River Authority, et al., for determination of wheeling impact of the transmission of bulk power for Oklaunion unit #1 to the Public Utilities Board of the City of Brownsville. The emergency status was necessary because prompt action is necessary to preserve commission jurisdiction over the subject matter of the motion for rehearing.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 23, 1988, 2:40 p.m.

TRD-8806458

Wednesday, June 29, 1988, 9 a.m. The Hearings Division submitted an emergency revised agenda for a meeting which considered general counsel's motion to strike Texas state agencies' motion for rehearing and motion to strike participation of the attorney general in Dockets 7195 and 6755-Application of Gulf States Utilities Company for authority to change rates and inquiry of the commission into the prudence and efficiency of the planning and management of the construction of the River Bend

Nuclear Generating Station. The emergency status was necessary to preserve jurisdiction over subject matter of the motion.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 27, 1988, 12:45 p.m.

TRD-8806541

Monday, September 12, 1988, 10 a.m. The Hearings Division will consider Docket 8191-Application of Cherokee County Electric Cooperative Association for authority to change rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 23, 1988, 2:40 p.m.

TRD-8806457

Texas Rehabilitation Commission

Wednesday, July 6, 1988, 9 a.m. The Texas Advisory Board of Occupational Therapy for the Texas Rehabilitation Commission will meet on the Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the board will approve minutes; recess to executive session; consider fiscal year 1989 operating budget; consider 1990-1991 legislative appropriation request; consider TABOT lectureship; hear office report; report from continuing education task force; and report from executive session.

Contact: Carolina Sanders, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8368.

Filed: June 27, 1988, 11:50 a.m.

TRD-8806530

Teacher Retirement System of Texas

Tuesday, July 12, 1988, noon. The Medical Board for the Teacher Retirement System of Texas will meet in the Investment Library, 1001 Trinity, Austin. According to the agenda, the board will discuss files of members who are currently applying for disability retirement and the files of disability retirees who are due a re-examination report.

Contact: Don Cadenhead, 1001 Trinity, Austin, Texas 78701, (512) 397-6400.

Filed: June 24, 1988, 3:25 p.m.

TRD-8806498

Secretary of State

Thursday, June 30, 1988, 11:30 a.m. The

Secretary of State met in the Speakers' Committee Room, Capitol Building, Austin. According to the agenda, the secretary drew the order of the proposed constitutional amendments that will appear on the November, 1988 general election ballot.

Contact: Randall Urben, Room 908, Sam Houston Building, Austin, Texas 78711, (512) 463-5650.

Filed: June 24, 198, 11:24 a.m.

TRD-8806477

Structural Pest Control Board

Monday, July 11, 1988, 8:30 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. According to the agenda, the board will approve minutes of the May 16, 1988, board meeting; hear the executive director's report; consider Antonio E. Suarez, doing business as Di-Tone Inspection Services request for rehearing at 9:30 a.m.; Ramiro R. Utley to appear at his request at 10 a.m.; final adoption of rules on license expiration and renewals; consider proposed regulations for continuing education; and discuss Robert Wayne McCurley to appear at his request at 10:30 a.m.

Contact: David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78758, (512) 835-4066.

Filed: June 23, 1988, 1:41 p.m.

TRD-8806455

Texas State Technical Institute

Sunday, July 17, 1988, 10 a.m. The Board of Regents for the Texas State Technical Institute will meet in the Central Administrative Building, TSTI System, Waco. According to the agenda, the board will review minute orders and reports to the board; and meet in executive session to review organizational and personnel matters in accordance with Article 6252-17, §2G and §2G.

Contact: Theodore A. Talbot, (817) 799-3600, ext. 3900.

Filed: June 23, 1988, 1:48 p.m.

TRD-8806453

Monday, July 18, 1988, 9 a.m. The Board of Regents for the Texas State Technical Institute will meet in the Central Administrative Building, TSTI System, Waco. According to the agenda, the board will approve and act on minute orders and reports submitted to the board.

Contact: Theodore A. Talbot, (817) 799-3600, ext. 3900.

Filed: June 23, 1988, 1:48 p.m.

TRD-8806452

Texas A&M University System

Wednesday, June 29, 1988, 1 p.m. The Presidential Selection committee for Texas A&M University System met in emergency session at the Hyatt Regency Hotel, DFW Airport, International Parkway, Dallas. According to the agenda, the committee considered any and all things leading to the selection of the president of Texas A&M University. The emergency status was necessary as this was the only time committee could arrange to interview the candidates that were scheduled to appear.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: June 27, 1988, 12:38 p.m.

TRD-8806539

University of Houston System

Wednesday, June 29, 1988, 8 a.m. The Board of Regents for the University of Houston System met in the Zodiac Room, Conrad Hilton College Hotel, 4800 Calhoun, University of Houston, Houston. According to the agenda, the board discussed and acted upon minutes, consent docket, system-wide development plan, various reports, personnel recommendations, faculty emeritus appointments, medical center office, promotion at academic rank, honors program, Ph.D. in social work, 1988-1989 holiday schedule, fiscal year 1989 operating budgets, legislative appropriations request-1990-1991 biennium, superconductivity various contracts, rental of Astrodome for 1988-1989, parking and transportation rules and regulations, research equipment, health and life insurance and benefits, banking resolutions, appointment of architects, athletic advisory board and policies and by-laws.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: June 23, 1988, 11:27 a.m.

TRD-8806446

Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, unless otherwise noted. Dates, times, rooms, and agendas follow.

Tuesday, June 28, 1988, 9 a.m. The commission submitted an emergency revised agenda to a meeting held in Room 118

concerning replacement by appointment of three directors for Harris County Water Control and Improvement District 99. The emergency status was necessary because the district is unable to obtain a quorum to conduct urgent business before the regularly scheduled election August 13, 1988.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: June 23, 1988, 4:11 p.m.

TRD-8806464

Tuesday, July 5, 1988, 9 a.m. The commission will meet in Room 118, to consider revenue bonds, release of escrowed funds, water rate matters, certificates of convenience and necessity, amendments, minor amendments, renewals, temporary permit, adoption of the repeal of 31 TAC Chapter 309 and §319.11, adoption of amendments to 31 TAC Chapter 305 and 335, and authorization of the executive director to amend the industrial transformers remedial investigation/feasibility study and all motions for rehearing on application by United Resources Recovery, Inc.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: June 23, 1988, 4:08 p.m.

TRD-8806462

Tuesday, July 5, 1988, 9 a.m. The commission made a revised agenda to a meeting held in Room 118, concerning a motion for rehearing of Chemical Waster Management, Inc. Proposed Permit HW-50212-001 and Proposed Compliance Plan CP-50212-001.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: June 24, 1988, 4:26 p.m.

TRD-8806496

Tuesday, July 12, 1988, 9 a.m. The commission will meet in Room 118 to consider application by Haile and Haile, Inc. for a temporary water use permit (Application TA-5989); and application by Arthur J. Milberger and Bryan M. Milberger for a temporary water use permit (Application TA-5979).

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: June 27, 1988, 4:18 p.m.

TRD-8806552

Wednesday, July 13, 1988, 9 a.m. The commission will meet in Room 118 to consider application of B&B Sewer Company, Inc. to increase retail sewage rates, application by Tyler Pipe Industries, Inc. to amend Permit 01793; hear executive director's preliminary report and petition of 3M Company and executive director's preliminary report and petition of Celanese Engineer-

ing Resins, Inc. (Permit WDW-210, WDW-211, and WDW-212).

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: June 27, 1988, 4:21 p.m.

TRD-8806554

Wednesday, July 13, 1988, 10 a.m. The commission will meet in Room 118, to consider application for creation of Wimberley Special Utility District, petition of First National Bank Austin and American Federal Savings Banks for Texas Water Code §26.177(c), review of City of Austin, and development plan approval for Bonita Vista Subdivision.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: June 27, 1988, 4:20 p.m.

TRD-8806553

Tuesday, August 23, 1988, 9 a.m. The commission will meet in Room 118, to determine whether emergency order 87-17E reissued by the commission on June 21, 1988, to Hoechst Celanese Chemical Group (Hoechst Celanese), P.O. Box 937, Pampa, Gray County, Texas 79066-0937 should be affirmed, modified, or set aside by the commission. The order permitted Hoechst Celanese to continue to store, process, and dispose of hazardous waste in its non-permitted, on-site wastewater treatment and disposal system and on-site incinerator and associated temporary tankage, at its plant in Pampa.

Contact: Lisa Nicholson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: June 27, 1988, 4:10 p.m.

TRD-8806549

Tuesday, August 30, 1988, 9 a.m. The commission will meet in Room 118 to consider application by Royal-LBJ Joint Venture for an extension of time (authorized by Permit 4110) to commence and complete construction of four dams and reservoirs on Grapevine Creek, tributary of Elm Fork Trinity River, tributary of Trinity River, Trinity River Basin about 16 miles northwest of Dallas, Dallas County, for recreational purposes due to current economic conditions in Dallas, the applicant now requests to extend the time to commence the project from May 3, 1988, to May 1, 1991, and to complete the project from May 3, 1989, to May 1, 1991.

Contact: Gloria Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: June 27, 1988, 4:11 p.m.

TRD-8806551

Texas Water Conservation Association Risk Management Fund

Thursday, June 30, 1988, 1 p.m. The Board of Trustees of the Texas Water Conservation Association Risk Management Fund met in Room 200, San Jacinto Building, Ninth and San Jacinto Streets, Austin. According to the agenda summary, the board approved minutes of the May 31, 1988, meeting; considered organization of board and election of officers, appointment and organization of committees, approval of miscellaneous contracts, agreements, reports, etc. and set date of next meeting.

Contact: Ronald Freeman, 816 Congress Avenue, Austin, Texas, (512) 495-7492.

Filed: June 23, 1988, 12:17 p.m.

TRD-8806447

West Texas State University

Friday, June 24, 1988, 8 a.m. The Board of Regents for West Texas State University met in emergency session in Room 211, Virgil Hensen Activity Center, West Texas State University, Canyon. According to the agenda, the board heard a report from the External Review Committee on academic freedom, and any action resulting thereon; and met in executive session (pursuant to Texas Civil Statutes, Article 6252-17, §2(g)), to consider personnel. The emergency status was necessary to comply with ruling of the attorney general.

Contact: Texas Smith, WTSU, Canyon, Texas 79016, (806) 656-2100.

Filed: June 23, 1988, 2:02 p.m.

TRD-8806449

Regional Meetings

Meetings Filed June 23, 1988

The Ark-Tex Council of Governments, Board of Directors, met in the Wildflower Restaurant, I-30 and Highway 271 bypass, Mount Peasant, on June 30, 1988, at 5:30 p.m. Information may be obtained from Betty Parrish, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.

The Bastrop County Appraisal District, Appraisal Review Board and Board of Directors, met at 1200 Cedar Street, Bastrop, on June 30, 1988, at 8:30 a.m. and 7:30 p.m., respectively. Information may be obtained from Lorraine Perry, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925.

The Brazos River Authority, Administrative Policy Committee, will meet at 4400 Cobbs Drive, Waco, on July 11, 1988, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas

76714-7555.

The Coryell County Appraisal District, Appraisal Review Board, met at 113 North Seventh Street, Gatesville, on June 30, 1988, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Deep East Texas Council of Governments, Minority Meeting, met in the Commissioner's Courtroom, Newton County Courthouse, Newton, on June 28, 1988, at 6:30 p.m., in the District Courtroom, Sabine County Courthouse, Hemphill, on June 29, 1988, at 6:30 p.m., in the District Courtroom, San Augustine County Courthouse, San Augustine, on June 30, 1988, at 6:30 p.m., and will meet in the District Courtroom, Trinity County Courthouse, Groveton, on July 11, 1988, at 6:30 p.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951.

The Golden Crescent Regional Planning Commission, Board of Directors, met in the Boardroom, Regional Airport, Building 102, Victoria, on June 29, 1988, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P. O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Hamilton County Appraisal District, will meet in the boardroom, 119 East Henry (north side of square), Hamilton, on July 7, 1988, at noon. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945/8946.

The Hunt County Tax Appraisal District, Board of Directors and Appraisal Review Board, met at 4801 King Street, Greenville, on June 30, 1988, at 9 a.m. Information may be obtained from Joe Pat Davis or Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Jack County Appraisal Review Board, Appraisal Review Board, met in the Agriculture Science and Technology Building, 819 West Belknap, Jacksboro, on June 27, 1988, at 10 p.m. and at 216 D South Main, Jacksboro, on June 28 and 29, 1988, at 9 a.m. daily. Information may be obtained from Linda Williams, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Kendall County Appraisal District, Appraisal Review Board, met at 207 East San Antonio Street, Boerne, on June 27, 1988, at 1 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Leon County Central Appraisal District, Board of Directors, met at Centerville, on June 27, 1988, at 7:30 p.m. Information may be obtained from Robert Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

TRD-8806451

Meetings Filed June 24, 1988

The Tax Appraisal District of Bell County, Appraisal Review Board, will meet at 411 East Central, Belton, on July 7 and 8, 1988, at 9 a.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29.

The Brazos River Authority, Lake Management Committee, met at the Lake Supervisor's Office, Possum Kingdom Lake, on June 29, 1988, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555.

The MHMR Authority of Brazos Valley, Board of Trustees, met in the Brazos Center, 3232 Briarcrest Drive, Bryan, on June 30, 1988, at 1:30 p.m. Information may be obtained from Leon Bawcom, 3232 Briarcrest Drive, Bryan, Texas (409) 822-6467.

The Capital Area Rural Transportation System, Board of Directors, met in the Conference Room, 5111 East First Street, Austin, on June 30, 1988, at 9:30 a.m. Information may be obtained from Edna M. Burroughs, 5111 East First Street, Austin, Texas 78702, (512) 389-1011.

The Cass County Appraisal District, Appraisal Review Board, met at 400 North Main, Linden, on June 28, 1988, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The MHMR Regional Center of East Texas, Board of Trustees, met in the Boardroom, 2323 West Front Street, Tyler, on June 30, 1988, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Fisher County Appraisal District, Appraisal Review Board, will meet in the Commissioner's Courtroom, Fisher County Courthouse, on July 7, 1988, at 9 a.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Gray County Appraisal District, Appraisal Review Board, met at 815 North Sumner, Pampa, on June 29 and 30, 1988, at 9 a.m. daily. Information may be obtained from W. Pat Bagley, 915 North Sumner, Pampa, Texas, (806) 665-0791.

The Hale County Appraisal District, Appraisal Review Board, will meet at 302 West Eighth Street, Plainview, on July 6, 1988, at 9 a.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226.

The Hood County Appraisal District, Appraisal Review Board, met at 1902 West Pearl, Granbury, on June 28 and 29, 1988. Information may be obtained from Harold Chestnut, P.O. Box 819, Granbury, Texas

76048, (817) 573-2471.

The Hunt County Appraisal District, Board of Directors, met at 4801 King Street, Greenville, on June 29, 1988, at noon. Information may be obtained from Joe Pat Davis or Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Middle Rio Grande Development Council, TRACS Committee, met at the City Council Chambers, Corner of Main and Getty, Uvalde, on June 30, 1988, at 10:30 a.m. Information may be obtained from Dora T. Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Plateau Region Outer Parkway Corporation, Board of Directors, met in Suite C-300, 1301 Capital of Texas Highway, Austin, on June 29, 1988, at 3 p.m. Information may be obtained from Thomas H. Hill, 1301 Capital of Texas Highway, Suite C-300, Austin, Texas 78746, (512) 328-8211.

The Wise County Appraisal District, Appraisal Review Board, met at 201 East Walnut, Decatur, on June 27, 1988, at 10 a.m. The Appraisal Review Board will meet at 206 South State Street, Decatur, on July 12, 13, and 15, 1988, at 9 a.m. daily. Information may be obtained from Freddie Dempsey, 206 South State, Decatur, Texas 76234, (817) 627-3081.

TRD-8806468

Meetings Filed June 27

The Barton Springs-Edwards Aquifer Conservation District, Board of Directors, met in Suite F, 909 North Loop 4, Buda, on June 30, 1988, at 7 p.m. Information may be obtained from Ralph Roming, 909 North Loop 4, Suite F, Buda, Texas 78610, (512) 282-8441 or 295-3596.

The Coryell County Appraisal District, Appraisal Review Board, will meet at 113 North Seventh Street, Gatesville, on July 5, 1988, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit, Art Committee and Board, met at 601 Pacific Avenue, Dallas, on June 28, 1988, at 4 p.m. and 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Eastland County Appraisal District, Appraisal Review Board, will meet in the Commissioner's Courtroom, Second Floor Courthouse, Main Street, Eastland, on July 7, 1988, at 10 a.m. Information may be obtained from Steve Thomas, Eastland, Texas.

The Edwards County Appraisal District, Appraisal Review Board, will meet in the New County Annex Building, Rocksprings, on July 12, 1988, at 9 a.m. Information may be obtained from Natalie McNealy, P.O.

Box 378, Rocksprings, Texas 78880, (512) 638-4189.

The Garza County Appraisal District, Board of Directors, will meet in the Courthouse, Post, on July 14, 1988, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Gregg Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on July 7, 1988, at 10 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hunt County Tax Appraisal District, Board of Directors, met at 4801 King Street, Greenville, on June 29, 1988, at noon. Information may be obtained from Joe Pat Davis or Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The San Patricio County Appraisal District, Board of Directors, will meet at 1146 East Market, Sinton, on July 14, 1988, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 73837, (512) 364-5402.

The South Texas Development Council, Board of Directors, met in the Commissioner's Courtroom, Courthouse Annex, Zapata, on June 30, 1988, at 11 a.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The Texas Municipal League Risk and Insurance Management Services, Board of Trustees, met at 211 East Seventh Street, Austin, on June 28, 1988, at 12:30 p.m. Information may be obtained from Carol A. Loughlin, 211 East Seventh Street, Austin, Texas.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 806 West Bluff, Woodville, on July 5, 1988, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upshur County Appraisal District, Appraisal Review Board, met at Warren and Trinity Streets, Gilmer, on June 30 and July 1, 1988, at 8 a.m. daily. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-8806489

Meetings Filed June 28, 1988

The Dallas Area Rapid Transit, Board of Directors, met at 601 Pacific Avenue, Dallas, on June 27, 1988, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

TRD-8806558

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 (TCAA), Article 4477-5, §3.09; 40 Code of Federal Regulations 51.102 of the Environmental Protection Agency (EPA) Regulations concerning State Implementation Plans (SIP); 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 §114.1 specifies conditions for acceptable vehicle engine and catalytic converter replacement; prohibits tampered vehicle leasing; and extends sign posting requirements at vehicle sales facilities, auto parts stores, repair facilities, and service stations statewide. The proposed amendment to §114.3 prohibits operating a motor vehicle not complying with emission inspection requirements and prohibits issuing an inspection certificate unless all emission related requirements are met. The proposed amendment to §114.4 updates the reference to specifications for gas analyzer systems used in the vehicle idle inspection/maintenance (I/M) program. Changes to specifications, incorporated by reference, include adding vehicle standards for hydrocarbons and various software improvements. The TACB is specifically soliciting comments regarding alternate data storage media, such as floppy disks, and data transfer systems, such as the use of phone modems, for recover of vehicle inspection information. The proposed amendment to §114.5 adds or revises exemptions to resolve inconsistencies with Department of Public Safety regulation, allow persons being transferred to a foreign country to remove the catalytic converter and associated devices, allow sale or transfer of tampered vehicles between dealers, allow sale or trade-in of tampered vehicles from individuals to dealers, and allow governmental agencies and commercial sales auctions to sell tampered vehicles under specified conditions.

Public comments, both oral and written, on the proposals are invited at the following public hearings. July 26, 1988, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin. July 26, 1988, 7 p.m., Public Library, 101 East Abrams Street, Arlington. July 27, 1988, 7 p.m., City Council Chambers, Second Floor, Two Civil Center Plaza, El Paso.

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 July 29, 1988. 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 all TACB regional offices. For further information, call Russel Baier at (512) 451-5711.

Issued in Austin, Texas on June 17, 1988.

TRD-8806472 Allen Ell Bell
Executive Director
Texas Air Control Board

Filed: June 24, 1988

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

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Texas Department of Commerce Weekly Report on the 1988 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 \$834,100,000.

State legislation, Senate Bill 1382, Chapter 1092, Acts of the 70th Legislature, (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 available 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 \$278,033,300, with \$185,355,500 available to the local housing authorities and \$92,677,800 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$208,525,000 and the amount for all other bonds requiring an allocation is \$347,541,700.

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 13, 1988-June 17, 1988.

Weekly report on the 1988 allocation of the state ceiling on certain private activity bonds as pursuant to Senate Bill 1382.

Total amount of state ceiling remaining unreserved for the \$278,033,300 subceiling for qualified mortgage bonds under the Act as of June 17, 1988: \$212, 953,300

Total amount of state ceiling remaining unreserved for the \$208,525,000 subceiling for state-voted issues under the

Act as of June 17, 1988: \$208,525, 000

Total amount of state ceiling remaining unreserved for the \$347,541,700 subceiling for all other bonds under the Act as of June 17, 1988: \$41,700

Total amount of the \$834,100,000 state ceiling remaining unreserved as of June 17, 1988: \$421,520,000.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from June 13, 1988-June 17, 1988: None.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from June 13, 1988-June 17, 1988: None.

Issued in Austin, Texas, on June 21, 1988.

TRD-88 06465 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: June 24, 1988

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

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**Texas Employment Commission
Consultant Contract Award**

The Texas Employment Commission is amending the consultant contract published in the March 20, 1987, issue of the *Texas Register* (12 TexReg 967). The contract with Arthur Andersen and Company was originally entered into on March 6, 1987.

Under this contract, Arthur Andersen and Company is to assist the Texas Employment Commission with the implementation of the ICESA/FARS accounting system.

The original contract will be amended to increase the maximum amount payable to \$289,500 and the period of service has been extended to October 31, 1988.

For further information, contact Mike Wheeler, Fiscal Department, Texas Employment Commission, 101 East 15th Street, Austin, Texas 78778, (512) 463-2833.

Issued in Austin, Texas on June 24, 1988.

TRD-8806475 C. Ed Davis
Special Counsel
Texas Employment Commission

Filed: June 24, 1988

For further information, please call (512) 463-2291

◆ ◆ ◆
**Texas Department of Health
Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Corpus Christi	City of Corpus Christi	L04201	Corpus Christi	0	05/23/88
El Paso	Rudolph Miles & Sons, Inc.	L04203	El Paso	0	06/08/88
Throughout Texas	Trinity Testing Laboratories, Inc.	L04190	Laredo	0	06/03/88

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Alice	Alice Physicians and Surgeons Hospital	L02390	Alice	8	05/27/88
Amarillo	Wheelabrator Coal Services Company	L02672	Amarillo	12	05/20/88
Austin	Syncor International Corporation	L02117	Austin	40	06/01/88
Austin	Austin Radiological Association	L00545	Austin	51	05/31/88
Austin	Pioneer Concrete of Texas Inc.	L04192	Austin	1	06/02/88
Austin	Craven Laboratories, Inc.	L02773	Austin	4	06/02/88
Austin	Allan Shivers Radiation Therapy Center	L01761	Austin	18	06/03/88
Bay City	Hoechst Celanese Chemical Group, Inc.	L00246	Bay City	27	06/06/88
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	4	05/27/88
Buna	Buna Medical Center	L03536	Buna	1	05/27/88
Clute	Bath Electrical Systems, Inc.	L02817	Clute	5	05/23/88
Corpus Christi	Humana Corpus Christi	L02816	Corpus Christi	16	05/27/88
Corpus Christi	Riverside Hospital, Inc.	L02977	Corpus Christi	9	05/27/88
Corpus Christi	Memorial Medical Center	L00267	Corpus Christi	17	06/02/88
Corsicana	Navarro Regional Hospital	L02458	Corsicana	12	05/27/88
Crosby	Energy Technology, Inc.	L03400	Crosby	6	05/27/88
DFW Airport	Delta Airlines	L03967	DFW Airport	2	05/26/88
Dallas	Clinlab, Inc.	L02383	Dallas	5	05/27/88
Dallas	General Hospital of Lakewood	L03503	Dallas	1	05/27/88
Dallas	O. Theodore New, D.P.M.	L03542	Dallas	1	05/27/88
Dallas	GE Lighting	L03819	Cleveland, Ohio	2	05/20/88
Dallas	Animal Radiology Clinic	L03535	Dallas	1	05/24/88
Dallas	Gaston Episcopal Hospital	L03487	Dallas	1	05/23/88
Dallas	Texas Instruments, Inc.	L00946	Dallas	44	06/07/88
Decatur	Decatur Community Hospital	L02382	Decatur	5	05/27/88
Deer Park	Soltex Polymer Corporation	L00088	Deer Park	34	06/06/88
El Paso	Louis M. Alpern, M.D.	L02928	El Paso	2	05/20/88
Evadale	Temple-Eastex, Inc.	L01095	Silsbee	30	06/06/88
Freeport	Brazos Pipe & Steel Fabricators, Inc.	L02186	Freeport	14	05/27/88
Giddings	Lee Memorial Hospital	L03495	Giddings	2	05/27/88
Gonzales	Memorial Hospital	L03473	Gonzales	1	05/27/88
Gonzales	Gonzales Warm Springs Rehabilitation Hospital	L03485	Gonzales	1	05/23/88
Henderson	Henderson Memorial Hospital	L03466	Henderson	6	05/23/88
Houston	HCA Medical Center Hospital	L02073	Houston	18	05/27/88
Houston	Mosby Clinic	L03486	Houston	3	05/27/88
Houston	Park Plaza Hospital	L03612	Houston	2	05/27/88
Houston	Robert G. Parker, D.P.M., F.A.C.F.S.	L03569	Houston	1	05/27/88
Houston	Houston Imaging Center	L02025	Houston	15	05/27/88
Irving	Pioneer Park Medical Center	L03004	Irving	9	06/02/88

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Irving	Carrington Laboratories, Inc.	L03842	Dallas	3	06/01
Irving	Syncor International Corporation	L02048	Irving	53	05/31
LaGrange	Fayette Memorial Hospital	L03572	LaGrange	2	05/27
Liberty	Yettie Kersting Memorial Hospital	L03539	Liberty	3	05/27
Longview	Raymond Joseph Ireland, M.D.	L02452	Longview	4	05/18
Lubbock	Texas Tech University	L01536	Lubbock	40	05/25
Lufkin	Texas Foundries, Inc.	L00357	Lufkin	18	05/24
McKinney	Health Trust, Inc.	L00540	McKinney	23	05/27
Midland	Tracer Laboratory of Midland, Inc.	L03298	Midland	16	06/01
Nacogdoches	Nacogdoches Medical Center Hospital	L02853	Nacogdoches	4	05/27
Nassau Bay	Assay Services, Inc.	L03459	Friendswood	2	06/09
Nederland	Texas Environmental Services, Inc.	L03641	Nederland	1	06/08
Odessa	Odessa Diagnostic Imaging Center, Ltd.	L03687	Odessa	4	05/31
Palestine	Trinity Valley Medical Center	L04137	Palestine	1	05/31/8
Pecos	Reeves County Hospital	L03491	Pecos	4	05/23
Phillips	Phillips Petroleum Company	L02480	Borger	15	06/06
Point Comfort	Aluminum Company of America	L00032	Point Comfort	34	05/23
San Angelo	San Angelo Electric Service Company	L02588	San Angelo	4	06/10
San Antonio	Diagnostic Imaging Center, Ltd.	L03518	San Antonio	2	05/27
San Antonio	Village Drive Nuclear Scanning Lab., Inc.	L03460	San Antonio	3	05/23
San Antonio	Nix Medical Center	L03532	San Antonio	2	05/24
San Antonio	Nix Medical Center	L03531	San Antonio	2	05/24
San Antonio	San Antonio Imaging Center	L04098	San Antonio	4	05/24
Saratoga	Mobil Exploration & Producing U.S.	L04143	Saratoga	1	06/08
Seguin	Structural Metals, Inc.	L02188	Seguin	7	05/23
Texarkana	Texarkana Community Hospital	L02881	Texarkana	8	05/2
Texas City	Sterling Chemicals, Inc.	L03952	Texas City	1	06/06
Three Rivers	Exxon Corporation	L01431	Houston	20	06/02
Throughout Texas	AnAid, Inc.	L03171	Dickinson	8	05/31
Throughout Texas	Dyess Testing Laboratory, Inc.	L01123	Amarillo	32	05/31
Throughout Texas	Western Stress, Inc.	L04084	Houston	4	05/31
Throughout Texas	Midwest Inspection Service	L03120	Perryton	21	05/31
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	13	05/27
Throughout Texas	Houston Lighting and Power	L02063	Houston	35	05/23
Throughout Texas	T. L. James & Company, Inc.	L04162	Waco	1	05/23
Throughout Texas	Baker Sand Control	L03272	Liverpool	4	05/19/8
Throughout Texas	Tubular Inspectors, Inc.	L03083	Houston	9	05/19/8
Throughout Texas	Texas Water Development Board	L01852	Austin	12	05/23
Throughout Texas	LRC Logging and Perforating	L03174	Flint	4	05/19/8
Throughout Texas	Alpha Testing, Inc.	L03411	Dallas	7	05/23/8
Throughout Texas	Kooney X-Ray, Inc.	L01074	Barker	38	05/26/8
Throughout Texas	Basin Industrial X-Ray, Inc.	L02280	Corpus Christi	21	05/26/8
Throughout Texas	Radiation Consultants	L02179	Houston	23	05/23/8
Throughout Texas	El Paso Natural Gas Company	L00308	El Paso	22	05/20/8
Throughout Texas	Brazos Valley Inspection Services, Inc.	L02859	Bryan	21	05/24/8
Throughout Texas	NDE, Inc.	L02355	Fort Worth	10	05/23/8
Throughout Texas	G & G X-Ray, Inc.	L03326	Corpus Christi	13	05/20/8
Throughout Texas	TransAmerican Natural Gas Corporation	L03956	Laredo	4	05/18/8
Throughout Texas	Howe-Baker Engineers, Inc.	L02918	Tyler	5	05/18/8
Throughout Texas	Panhandle N.D.T. & Inspection, Inc.	L02627	Borger	17	05/18/8
Throughout Texas	DJ Inspection Services, Inc.	L02067	Houston	17	05/23
Throughout Texas	Lightfoot Wireline Service, Co.	L03478	Andrews	4	05/22
Throughout Texas	Warrington, Inc.	L03074	Austin	13	05/20/8
Throughout Texas	Tuboscope, Inc.	L00287	Houston	73	06/10/88
Throughout Texas	MRA/Materials Engineers, Inc.	L03018	Houston	8	06/06/88

Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	68	06/03/88
Throughout Texas	Penwood Wireline, Inc.	L02644	Lafayette, LA	26	06/03/88
Throughout Texas	Core Laboratories, Inc.	L02975	Houston	13	06/09/88
Throughout Texas	IHS Geotech & OMT	L04153	San Antonio	1	06/08/88
Throughout Texas	Bernhard & Wright, Inc.	L04184	Tyler	1	06/08/88
Throughout Texas	C-E Vetco Services, Inc.	L01958	Houston	19	06/06/88
Throughout Texas	Tuboscope, Inc.	L00287	Houston	72	06/02/88
Throughout Texas	GUS, Inc.	L04132	Marshall	1	06/07/88
Victoria	Citizens Medical Center	L00283	Victoria	40	05/31/88
Wimmsboro	Presbyterian Hospital of Wimmsboro	L03336	Wimmsboro	5	05/27/88

RENEWALS OF EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Abilene	Hendrick Medical Center	L02433	Abilene	20	05/31/88
Abilene	Humana Hospital - Abilene	L02434	Abilene	19	05/31/88
Commerce	Sherwood Medical	L03314	Commerce	5	06/02/88
Dallas	E. I. DuPont DeNemours and Company (Inc.)	L02481	Boston, MA	9	06/02/88
Dilley	Wintergarden Medical Center	L03396	Dilley	2	05/31/88
Fort Worth	Fort Worth Osteopathic Medical Center	L00730	Fort Worth	30	05/31/88
Houston	Rice University	L00631	Houston	13	05/31/88
Houston	SmithKline Bio-Science Laboratories	L02787	Houston	4	05/31/88
Houston	Mobay Synthetics Corporation	L00236	Houston	14	05/23/88
Houston	Atomic Energy Industrial Laboratories	L01067	Houston	10	06/07/88
Houston	S & B Engineers, Inc.	L02793	Houston	4	06/02/88
Pasadena	Anacon, Inc.	L03214	Pasadena	2	06/02/88
Port Arthur	Quantum Chemical Corporation	L00804	Port Arthur	29	06/03/88
Texas City	Danforth Memorial Hospital	L02805	Texas City	9	05/31/88
Throughout Texas	Apache Inspection Service, Inc.	L03373	Elk City, Oklahoma	2	05/23/88
Throughout Texas	Petroleum Perforators, Inc.	L01314	Alice	10	05/23/88
Throughout Texas	All American Maintenance, Inc.	L01336	San Antonio	14	05/20/88
Throughout Texas	Marathon LeTourneau Company	L02304	Longview	6	05/18/88
Throughout Texas	Raba-Kistner Consultants, Inc.	L01571	San Antonio	23	06/09/88
Throughout Texas	City of Huntsville	L03392	Huntsville	2	06/08/88
Throughout Texas	Homco International, Inc.	L02827	Houston	10	06/02/88
Throughout Texas	Associated Testing Laboratories, Inc.	L01553	Houston	11	06/07/88

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Dallas	Square D. Company	L02512	Dallas	4	05/19/88
San Antonio	John L. Matthews, M.D. and Francis X. Weixel, M.D.	L00116	San Antonio	9	05/31/88
Throughout Texas	W. P. Wills Consulting Engineers	L02801	Dallas	2	05/23/88
Throughout Texas	Texas Water Commission	L02650	Austin	12	06/08/88

AMENDMENTS TO EXISTING LICENSES DENIED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Friendswood	Iso-Tex, Inc.	L01937	Friendswood	0	06/09/88
Throughout Texas	Halliburton Services	L01835	Kilgore	0	06/09/88

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on June 23, 1988.

TRD-8806501 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: June 27, 1988

For further information, please call (512) 835-7000.

State Department of Highways and Public Transportation

Public Notice

Pursuant to Executive Order WPC-12, dated August 29, 1979, which transferred all functions and duties of the Governor's Office of Traffic Safety to the State Department of Highways and Public Transportation, the department accepts the administrative transfer of rules relating to the Office of Traffic Safety from the governor's office to this agency. The old sections appear under Title 1, Administration, Part I, Governor's Office, Chapter 1, Office of Traffic Safety. The section numbers are §§1.1, 1.3, 1.11-1.13, 1.21, 1.31-1.34, 1.41-1.45, 1.51-1.54, and 1.61.

The new sections will appear under Title 43, Transportation, Part I, State Department of Highways and Public

Transportation, Chapter 25, Safety and Maintenance Operations Division. The section numbers are §§25.901-25.920.

Issued in Austin, Texas on June 23, 1988.

TRD-8806471 Diane L. Northam
Administrative Technician
State Department of Highways and Public
Transportation

Filed: June 24, 1988

For further information, please call (512) 463-8630

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 a name change by Abeille-Paix General Insurance Company (U.S. Branch), a foreign casualty insurance company. The home office is in New York, New York. The proposed new name is Abeille General Insurance Company (U. S. Branch).
2. Application for admission to do business in Texas of Rockland Life Insurance Company (Assumed Name of Presidential Life Insurance Company), a foreign life insurance company. The home office is in Nyack, New York.
3. Application for admission to do business in Texas of Taisho Marine and Fire Insurance Company of America, a foreign casualty insurance company. The home office is in New York, New York.
4. Application for admission to do business in Texas of Re Capital Reinsurance Corporation, a foreign casualty insurance company. The home office is in Fort Lee, New Jersey.

Issued in Austin, Texas, on June 4, 1988.

TRD-8806492 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: June 24, 1988

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

North Central Texas Council of Governments Consultant Proposal Request

This request by the North Central Texas Council of Governments (NCTCOG) for consultant services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. **Background:** The North Central Texas Council of Governments is requesting proposals for the computer drafting of a set of construction drawings which will be used in a publication to be titled *Standard Drawings for Public Works Construction-North Central Texas*. The agency intends to select a consultant to render, onto a computer-aided drafting system (CAD), a set of hard copy drawings and hand sketched details furnished by the owner. Approximately 130 drawing titles have been selected for CAD development.

Contract Award Procedures: Selection of a consultant for this project will be based upon capability, experience, cost, amount of time proposed to work with local and NCTOG staff, and the capability and compatibility of the proposed CAD system.

The firm selected will be recommended by a consultant selection committee. The committee will use evaluation criteria and methodology consistent with the scope of services contained in the consultant proposal request. The NCTCOG executive board will review the selection committee's recommendation and make the final determination. Local funds will be solicited from member local governments for this CAD project.

The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d to 2000d-4, hereby notifies all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, or national origin in consideration of an award.

The contract will comply with all federal and state laws and regulations applicable to subcontractors, including, but not limited, to equal employment opportunity, Davis-Bacon Act, and records management. Contact Person For more information and copies of the consultant proposal request contact Judy Frame, North Central Texas Council of Governments, 616 Six Flags Drive, Suite 200, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300. Due Date Proposals must be submitted no later than noon, Monday, August 8, 1988, to Judy Frame, North Central Texas Council of Governments, 616 Six Flags Drive, Suite 200, P.O. Drawer COG, Arlington, Texas 76005-5888.

Issued in Arlington, Texas on June 24, 1988.

TRD-8806500 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: June 27, 1988

For further information, please call (817) 640-3300

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Texas Department of Public Safety
Notice of Amended Consultant Contract

The Texas Department of Public Safety (DPS), in accordance with the provisions of Texas Civil Statutes, Article 6252-11c, files this notice of an amended consultant contract.

On March 23, 1988, Roland R. Sutfin, Information Systems Engineering, 9250 Wagner Creek Road, Talent, Oregon 97540, entered into a contract with the DPS to develop a comprehensive proposal for implementing an Automated Fingerprint Identification System (AFIS), for both central repository and latent applications within the DPS, and a network of fingerprint access terminals in other law enforcement agencies throughout the state.

The consultant contract award was published in the April 5, 1988, issue of the *Texas Register* (13 TexReg 1619).

Notice is given that the contract has been amended by extending the expiration date to December 5, 1988, and by increasing the total contract price by \$1,984. The amendment is based upon delays in providing information to the consultant and additional services to be provided by Roland R. Sutfin, Information Systems Engineering.

Issued in Austin, Texas on June 21, 1988.

TRD-8806413 Leo E. Gossett
Director
Texas Department of Public Safety

Filed: June 22, 1988

For further information, please call (512) 465-2000

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Railroad Commission of Texas
LP-Gas Advisory Committee Meeting

The LP-Gas Division of the Railroad Commission of Texas announces a meeting of the LP-Gas Advisory Committee to be held on Tuesday, July 12, 1988, 8:30 a.m., Room 7-156, William B. Travis Building, 1701 North Congress Avenue, Austin.

Issued in Austin, Texas on June 24, 1988.

TRD-8806488 G. Gail Watkins
Director, Legal Division
Railroad Commission of Texas

Filed: June 24, 1988

For further information, please call (512) 463-6921

◆ ◆ ◆
Texas Water Commission
Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of this decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to the City of Seymour, permit number 10281-01, on June 22, 1988, assessing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Patricia Barnhard, staff attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas on June 23, 1988.

TRD-8806463 Gloria A. Vasquez
Notice Coordinator
Texas Water Commission

Filed: June 23, 1988

For further information, please call (512) 463-7906

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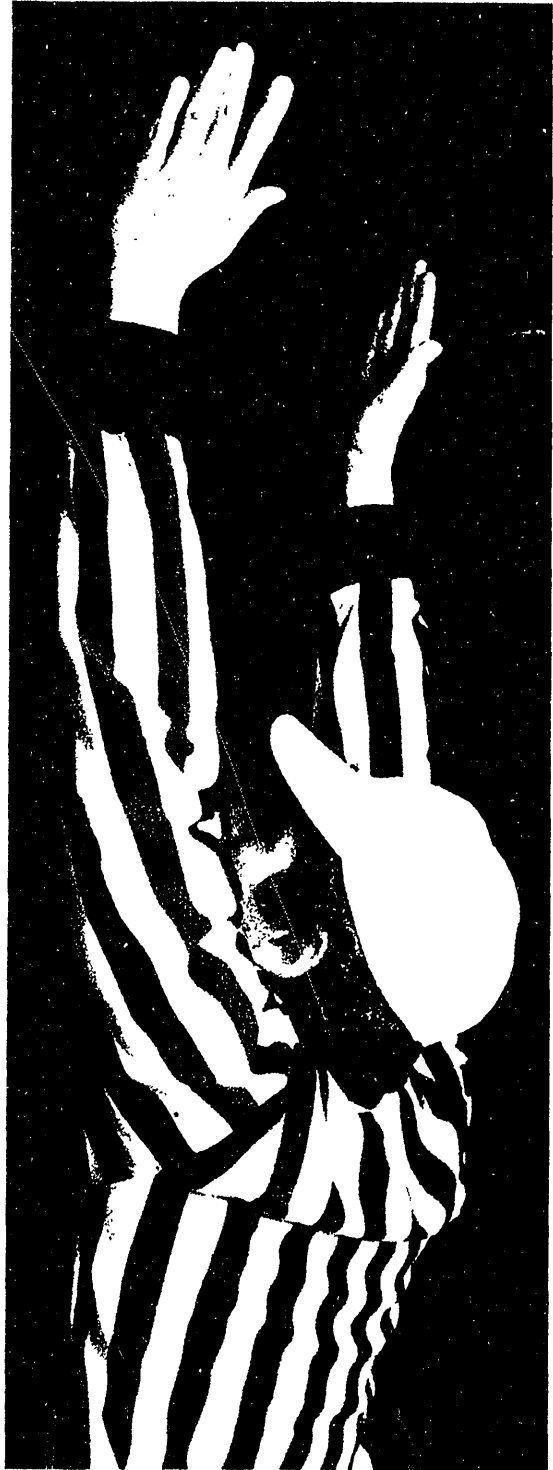
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