

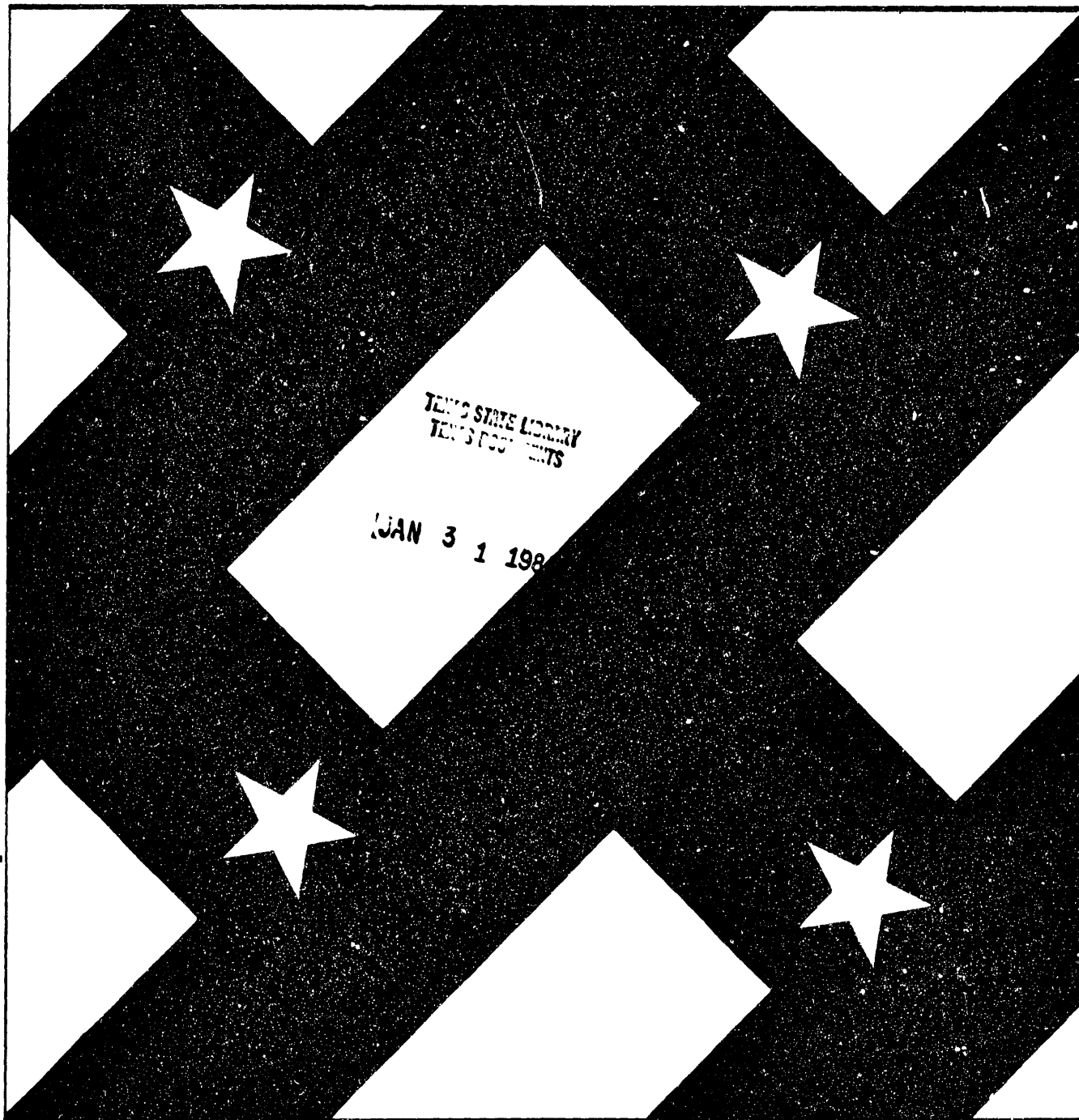
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Texas Register

Volume 9, Number 7, January 27, 1984

Pages 439 - 529



Highlights

The Office of the Secretary of State adopts on an emergency basis a new section concerning voter registration certificates
Effective date - January 19 page 453

The State Ethics Advisory Commission adopts on

an emergency basis a new section in a chapter concerning advisory opinions.
Effective date - January 20 page 455

The Public Utility Commission of Texas adopts on an emergency basis an amendment concerning records and reports.

Effective date - January 20 page 455

**Office of
the Secretary
of State**

How To Use the Texas Register

Texas Register

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

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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

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

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

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

Texas Administrative Code

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below).

TAC stands for the *Texas Administrative Code*;

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

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

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Secretary of State

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The Governor

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

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

Appointments Made January 2

State Board of Veterinary Medical Examiners

For terms to expire August 26, 1989:

Dr. William L. Anderson, DVM
P.O. Box 539
Addison, Texas 75001

Dr. Anderson is replacing Dr. Dan J. Anderson, Sr., of Fort Worth, whose term expired.

Jim Humphrey
P.O. Box 122
Henrietta, Texas 76365

Mr. Humphrey is replacing Joseph H. Ballard, Jr., of Fort Worth, who is deceased.

Dr. Kenneth Dorris
1111 Lydia
Stephenville, Texas 76401

Dr. Dorris is replacing Dr. Wilkins of Greenville, whose term expired.

Issued in Austin, Texas, on January 2, 1984.

TRD-840612, Mark White
840615, Governor of Texas
840616

Texas Tourist Development Board

For terms to expire August 23, 1989:

Richard E. Phillips
103 Ridgeway
San Marcos, Texas 78666

Mr. Phillips is replacing Howard Bridge of Marshall, whose term expired.

Paul E. Pendergast
605 Hanover
Irving, Texas 75062

Mr. Pendergast is replacing Tom Herring, Sr., of Laredo, whose term expired.

Rupert C. Richards, Jr.
Route 3, Box 1043
McAllen, Texas 78503

Mr. Richards is being reappointed.

For a term to expire August 23, 1987:

Gordon Wynne, Jr.
301 South Mary
Wills Point, Texas

Mr. Wynne is replacing Pete Schenkel of Dallas, who resigned.

Issued in Austin, Texas, on January 2, 1984.

TRD-840606, Mark White
840607, Governor of Texas
840610,
840667

Texas Motor Vehicle Commission

For a term to expire January 31, 1989:

Ramsay Gillman
704 West Friar Tuck
Houston, Texas 77024

Mr. Gillman is replacing Dan Boone of Houston, whose term expired.

Issued in Austin, Texas, on January 2, 1984.

TRD-840608 Mark White
Governor of Texas

Texas Board of Land Surveying

For a term to expire January 31, 1989:

C. B. (Ben) Thomson
301 West Redbud
Junction, Texas 76849

Mr. Thomson is being reappointed.

Issued in Austin, Texas, on January 2, 1984.

TRD-840609 Mark White
Governor of Texas

Texas Judicial Council

For terms to expire July 1, 1989:

Gene McLaughlin
Drawer AA
Ralls, Texas 79356

Mr. McLaughlin is replacing A. M. Vogel of Houston, whose term expired.

J. William Hartman
President
Hartman Newspapers, Inc.
P.O. Box 1390
Rosenberg, Texas 77471

Mr. Hartman is replacing Harold Hudson of Perryton, whose term expired.

John L. Hill, Jr.
2528 Tanglewood Trail
Austin, Texas 78703

Mr. Hill is replacing Joe Spurlock III of Fort Worth, whose term expired.

Issued in Austin, Texas, on January 2, 1984.

TRD-840611, Mark White
840613, Governor of Texas
840614

Teacher Retirement System of Texas
To the Board of Trustees for terms to expire August 31, 1989:

Henry M. Bell, Jr.
2725 Pecan Drive
Tyler, Texas 75701

Mr. Bell is being reappointed.

Mary Williams Kasting
P.O. Box 580
Copperas Cove, Texas 76522

Ms. Kasting is replacing Dr. Lee Williamson of Wichita Falls, whose term expired.

Issued in Austin, Texas, on January 2, 1984.

TRD-840668, Mark White
840669 Governor of Texas

The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws

Under provisions of Texas Civil Statutes (Article 6252-9c, §14A), the secretary of state is authorized to issue advisory opinions in response to written requests based on a real or hypothetical situation that relates to Article 6252-9c.

These opinions are summarized for publication in the *Register*

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.

Opinions Issued January 16

Election Law Opinion JWF-24. Requests from Carol Autry, tax assessor-collector, Randall County, and Richard D. Magee, tax assessor-collector, Nueces County, regarding disclosure for public inspection of voter registration files which contain registrants' social security and telephone numbers.

Summary. Although the Texas Election Code, Article 5.13b, subdivision 2, prohibits a voter registrar from transcribing, copying, or recording any telephone number furnished on a voter registration application, persons inspecting the files are not subject to this prohibition. The Privacy Act of 1974 (Public Law 93-579, §7b; 5 United States Code §552a note) and Texas Election Code, Article 5.13b, subdivision 2, limit the uses which may be made of a person's social security account number by a voter registrar. However, neither the Privacy Act of

1974 nor the Texas Open Records Act prohibit or limit the disclosure of voter registration applications which contain a person's social security number for inspection by the public. Persons inspecting the files will have access to any social security numbers appearing on the applications without any of the limitations placed on voter registrars as to the uses which may be made with this information.

TRD-840682

Election Law Opinion JWF-25. Request from Patricia Hill, Texas State Representative, Dallas, regarding use of officeholder contributions for voter education and registration purposes.

Summary. The Texas Election Code, Chapter 14, does not prohibit the use by a member of the Texas Legislature of officeholder contribution funds for a nonpartisan mailing for the purpose of educating con-

stituents regarding voter registration procedures.

TRD-840683

Opinion Issued January 17

Election Law Opinion JWF-26. Request from Pat Malone, vice president and general counsel, the American National Bank of Austin, regarding whether a loan from a bank to its political committee constitutes a prohibited contribution.

Summary. A loan made to the lending corporation's own political committee is not a prohibited corporate contribution under Chapter 14 if the corporation has been legally engaged in the business of lending money continuously for more than one year prior to the making of such loan; and the loan is made in the due course of business under terms comparable to those on the open market.

TRD-840684

Under provisions set out in Texas Civil Statutes, (Article 6252-9d), the State Ethics Advisory Commission is authorized to issue written advisory opinions. These opinions may be requested by a person subject to certain enumerated statutes (Articles 6252-9b, 6252-9c, 5428a and 5428b; Texas Election Code, Chapter 14; and the Texas Penal Code, Chapter 36 and Chapter 39) about the application of any of these laws to himself or herself in regard to a specified factual situation.

Requests for opinions and issued opinions are summarized for publication in the *Register*.

Questions or comments on particular submissions, or requests for copies of opinion requests or issued opinions should be addressed to Chairman, State Ethics Advisory Commission, P.O. Box 13485, Austin, Texas 78711-3485. A single opinion request or opinion is free; additional copies are \$1.00 a copy.

State Ethics Advisory Commission

Advisory Opinion Requests

AOR-1984-1. Can a financial disclosure statement be amended after it has been filed, adding information inadvertently excluded? If the amendment is submitted after the deadline, will the filer be penalized? And will the amendment preclude any prosecution?

TRD-840867

AOR-1984-2. If a public servant's travel on official business, paid for by the public entity, results in a special discount or bonus travel, is the public servant entitled to use it for his own private purposes or to pay for the travel of a spouse or companion to accompany him on an official trip?

TRD-840868

AOR-1984-3. Is it a corporate contribution to give an elected official a ride on a corporate plane to or from his district or for his official state business? May an appointee or a compensated employee accept such a gift? If the travel may be accepted in either instance, who is to report the travel and how are they to calculate its cost?

TRD-840869

AOR-1984-4. Must a registered lobbyist report an entertainment event which he hosts for attendees who pay for tickets, resulting in proceeds in excess of the total cost of the event, if the event is also attended by public officials as his nonpaying guests? If so, how does one calculate the expense?

TRD-840870

AOR-1984-5. If a candidate or officeholder secures a personal loan and then loans the money to a specific purpose political committee established to support that person, should the candidate, the committee, or both report the loan?

TRD-840871

AOR-1984-6. How should a public employee determine whether he may legally accept a gift from an individual who does business with the public entity that employs the recipient?

TRD-840872

AOR-1984-7. Can a legislator accept liquor, food, or other beverages for use in his office during the session, or do such gifts constitute an illegal contribution? If legal, are such gifts reportable by the donor as entertainment or as gifts? Must they be reported by both the donor (under Texas Civil Statutes, Article 6252-9c) and the recipient (Texas Civil Statutes, Article 6252-9b)?

TRD-840873

AOR-1984-8. Can a full-time public employee perform private business using state telephones for local calls? What are permissible personal uses of state telephones, if any?

TRD-840874

AOR-1984-9. Can a legislator who authored a constitutional amendment use his legislative staff or office facilities, supplies, and equipment in support of the ballot issue proposing the amendment?

TRD-840876

AOR-1984-10. Is paying the travel expenses of an expert witness to testify at a legislative committee hearing a legitimate officeholder expense for the sponsor of the bill on which the witness testifies?

TRD-840877

AOR-1984-11. Is it permissible to keep political contributions received after August 31, 1983, separate from those received on or before that date? Can contributions promised to an officeholder before September 1, 1983, but not received until after that date, be used for personal purposes?

TRD-840878

AOR-1984-12. If a legislator uses political contributions to purchase a home for his residence in Austin and sells that home for a profit, would the proceeds accrue to his political account or to him personally? Does it matter if he has left office when the sale takes place? If the home is rented for more than the overhead expenses (mortgage, insurance, taxes) at a time when the legislature is not in session, do the excess funds accrue to the political fund or to the officeholder personally?

TRD-840879

AOR-1984-13. If an officeholder purchases a computer and software from officeholder funds and uses them for political purposes, do the computer and data become the personal property of the officeholder after he leaves office?

TRD-840880

AOR-1984-14. If an officeholder asks a lobbyist to entertain his constituents, guests, or friends, is the lobbyist required to report the cost of the entertainment even when the officeholder does not attend?

TRD-840881

AOR-1984-15. If an elected official purchases an automobile for both political and personal use, can any portion of the purchase or maintenance costs be paid for out of political funds?

TRD-840882

AOR-1984-16. If an officeholder is seeking an appointment to another office, may he use his office stationery, secretary, and typewriter for his letter of application?

TRD-840883

AOR-1984-17. Is it permissible for a legislator who owns stock in a transportation company to serve on the legislative committee charged with oversight of that industry? When should he abstain from participation?

TRD-840884

AOR-1984-18. Should a legislator who owns a service station participate in debating or voting on legislation pertaining to service stations? Are there designated procedures for participation or abstention?

TRD-840885

AOR-1984-19. What action must a person take after receiving notification by the secretary of state that a sworn statement is not in compliance with the law? If the person disagrees with the secretary's determination, to whom does that person appeal?

TRD-840886

AOR-1984-20. What funds must be included in the totals required to be reported under the Texas Election Code, Article

14.07(C)(1)(g)? How are the funds that are accepted in a prior reporting period distinguished from those accepted in the current period?

TRD-840887

AOR-1984-21. May the governor, lieutenant governor, and speaker use political funds to pay for entertainment expenses, such as a reception at the governor's mansion for visiting dignitaries from other states?

TRD-840888

AOR-1984-22. Under §239d(b) (as added by House Bill 2154, 68th Legislature, 1983), is exclusive residence in Travis County required if one is to be prohibited from the prescribed uses of contributions? Can an officer elected or appointed to a position requiring living in Austin, whose official residence is elsewhere, use contributions for the purposes described in this subsection?

TRD-840889

AOR-1984-23. If one spends \$200 on a chart for a presentation before a state agency, must one register as a lobbyist and report that expenditure?

TRD-840890

AOR-1984-24. Must a lobbyist report the total expenses of a banquet given by his association at which a public official is a guest speaker? Must the lobbyist include the speaker's travel, accommodations, or honorarium on the lobbyist activity report?

TRD-840891

AOR-1984-25. If a person left office before September 1, 1983, but maintains a political funds account after that date, are those funds subject to the six-year provision of the Texas Election Code, Article 14.07a? Is the interest income that accrues on this account subject to the personal use restric-

tion of the Texas Election Code, Article 14.03d?

TRD-840892

AOR-1984-28. Is a member of the judicial, legislative, or executive branch whose compensation attributable to lobbying exceeds \$200 in a calendar quarter and whose primary employment consists of other responsibilities, but who occasionally entertains agency officials and spends more than \$200 in a calendar quarter to influence administrative action, required to register and report under Texas Civil Statutes, Article 6252-9c?

TRD-840893

Advisory Opinion

AO-1983-1. A person currently employed as a lobbyist in Texas and in other states plans to seek office in the Texas House of Representatives. Would continued lobby activity in other states constitute a conflict of interest with the office of state representative under Texas Civil Statutes, Article 6252-9b?

Summary of Opinion. Continued employment by a private corporation and continued lobby activity in other states does not prohibit an employee of that corporation from being a candidate for a seat in the Texas House of Representatives or from serving in that office if elected. Whether or not an employee/member's lobbying activity may create a conflict of interest with respect to a specific vote or official position by the legislature is not addressed by this opinion.

TRD-840866

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

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

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free, additional opinions are \$1 00 a copy.

The Attorney General

Opinions

JM-96 (RQ-231). Request from W. S. McBeath, administrator, Texas Alcoholic Beverage Commission, Austin, concerning whether the decision in *United States v. State of Texas*, 695 F.2d 136 (Fifth Cir. 1983) prohibits application of gallonage tax to sales by Texas wholesalers to military installations.

Summary of Opinion. The decision in *United States v. State of Texas*, 695 F.2d 135 (Fifth Cir. 1983) prohibits imposition of the \$2.00 gallonage tax provided by the Texas Alcoholic Beverage Code, §201.02 and §201.03, on sales of distilled spirits by Texas wholesalers to military installations located in Texas.

TRD-840763

JM-97 (RQ-232). Request from Larry Temple, chairman, Coordinating Board, Texas College and University System, Austin, concerning whether an individual may serve simultaneously as a member of the coordinating board and a junior college board

Summary of Opinion. An individual may not serve simultaneously as a member of the Coordinating Board, Texas College and University System and a junior college board. Upon acceptance of a position on one of the boards, membership on the other board is relinquished

TRD-840764

JM-98 (RQ-19). Request from Marlin W. Johnston, commissioner, Texas Depart-

ment of Human Resources, Austin, concerning the scope of the exemption provided by the Human Resources Code, §42.041 (b)(7).

Summary of Opinion. The Human Resources Code, §42.041(b)(7), exempts public schools which operate part-day child care programs after the close of the customary school day from the licensure required by §42.041(a).

TRD-840765

JM-99 (RQ-98). Request from Romeo M. Flores, Jim Wells County attorney, Alice, concerning whether the county treasurer may contract with the county to provide services in connection with acquisition of a right-of-way.

Summary of Opinion. Jim Wells County may contract with the county treasurer, in his private capacity, for the acquisition of right-of-way property, and may be compensated for such services.

TRD-840766

JM-100 (RQ-166). Request from W. C. McDonald, Pecos County Attorney, Fort Stockton, concerning construction of the Open Meetings Act, Texas Civil Statutes, Article 6252-17, §2(e).

Summary of Opinion. Pursuant to the Open Meetings Act, Texas Civil Statutes, Article 6252-17, §2(e), a governmental body may meet with its attorney in executive session only with respect to pending or contemplated legislation or settlement offers, or to seek or receive the attorney's advice with

regard to legal matters. General discussion of policy, unrelated to legal matters, is not permitted merely because an attorney is present.

TRD-840767

JM-101 (RQ-168). Request from Richard D. Latham, securities commissioner, State Securities Board, Austin, concerning the effect of Senate Bill 429 regarding subpoenas for bank records.

Summary of Opinion. The amendments by Senate Bill 425 to Texas Civil Statutes, Article 342-705, do not restrict the authority of the securities commissioner to issue subpoenas to banks nor subject such subpoenas to advance notice and challenge in criminal investigations conducted under Article 581-28, which constitute virtually all of the securities board's investigations.

TRD-840768

JM-102 (RQ-201). Request from Ray Keller, chairman, Committee on Law Enforcement, Texas House of Representatives, Austin, concerning whether a constable or sheriff may appoint full time deputies who receive no compensation.

Summary of Opinion. Constables and sheriffs are authorized to appoint deputies to serve without compensation in positions approved by the commissioners court.

TRD-840769

JM-103 (RQ-196). Request from Winnie F. Gibson, Somervell County auditor, Glen Rose, concerning use of county funds for operation of a senior service center.

Summary of Opinion. Somervell County may contract for the operation of a center for the aged for recreational, health, or indigent support purposes if contractual and other controls insure that a public purpose will be achieved.

TRD-840770

JM-104 (RQ-159). Request from Fred Wendorf, Ph.D., chairman, Texas Antiquities Committee, Austin, concerning the effect of designation as a state archaeological landmark

Summary of Opinion. Where the Natural Resources Code, §191.092(a) and §191.093, has been uniformly construed by those charged with enforcement to mean that no transfer of deed is required when real property owned by a county, city, or other political subdivision is designated a state archaeological landmark, this construction is deemed effective absent legislative action to the contrary or evidence that the construction given is erroneous or unsound.

TRD-840771

JM-105 (RQ-177). Request from Mark G. Goode, engineer-director, State Department of Highways and Public Transportation, Austin, concerning whether a community antenna or television service may be reimbursed under Texas Civil Statutes, Article 6674w, for the cost of relocation of its facilities where such relocation is necessitated by highway construction

Summary of Opinion. A person in the business of providing a community antenna or cable television service to the public may be reimbursed under Texas Civil Statutes, Article 6674w-4, for the cost of adjustment or relocation of the facilities where such relocation or adjustment is necessitated by interstate highway construction

TRD-840772

JM-106 (RQ-179). Request from Lyndon L. Olson, Jr., chairman, State Board of Insurance, Austin, concerning construction of amendments to the Insurance Code, Article 21.14, §12(c) and §14(c)

Summary of Opinion. The provisions in the Insurance Code, Article 21.14, §12(c) and §14(c), which prohibit disclosure of information furnished to the State Board of Insurance "pursuant to the this Article," apply only to information furnished pursuant to the respective sections of the article in which the language appears and do not apply to all information furnished under Article 21.14 in its entirety.

TRD-840773

JM-107 (RQ-910). Request from Henry Wade, criminal district attorney, Dallas, concerning crediting jail time toward a misdemeanor fine and costs where the prisoner is serving more than one jail sentence.

Summary of Opinion. Two misdemeanor sentences imposed on the same day, one for a fine and costs and the second for a jail term, are to be served consecutively. A sentence of 72 hours requires a jailed individual to be released upon expiration of that period or as close to that time as is practicable.

TRD-840774

JM-108 (RQ-885). Request from Lee F. Jackson, chairman, Committee on Employment Practices, Texas House of Representatives, Austin, concerning whether the provisions of Texas Civil Statutes, Article 6243e, setting a maximum age of 35 for beginning eligibility in municipal fire department pension funds violate the federal age discrimination statute.

Summary of Opinion. Texas Civil Statutes, Article 6243e, §§10A(h), 10A-2(f), and 10B, are not in violation of the Federal Age Discrimination Act, 29 United States Code §623, by reason of setting a maximum age of 35 years for beginning eligibility in a municipal fire department pension fund.

TRD-840775

JM-109 (RQ-957). Request from Harold Irew, Wichita County attorney, Wichita Falls, concerning whether commissioners courts and county treasurers in counties with a county auditor are required to comply with Texas Civil Statutes, Articles 1634, 1635, and 1636.

Summary of Opinion. A county treasurer is required to submit financial reports to commissioners court pursuant to Texas Civil Statutes, Articles 1634, 1635, and 1636.

TRD-840776

JM-110 (RQ-216). Request from Lloyd Doggett, chairman, Committee on Consumer Affairs, Texas Senate, Austin, concerning authority of notaries public to take written depositions.

Summary of Opinion. Notaries public have authority to take written depositions in nonstenographic form.

TRD-840778

JM-111 (RQ-960). Request from Ruben M. Torres, chairman, Board of Pardons and Paroles, Austin, concerning construction of the Code of Criminal Procedure, Article 42.12, §21(a).

Summary of Opinion. The provisions of the Code of Criminal Procedure, Article 42.12, §21(a), are consistent with the requirement of a local parole revocation hearing imposed by both *Morrissey v. Brewer, supra*, and by 37 TAC §145.45(g). Local law enforcement authorities are required to hold an alleged parole violator detained on the basis of a prerevocation warrant until such time as the local hearing is completed or waived. The Texas Department of Corrections is not authorized to accept transfer of any such detainee until completion or waiver of the local hearing required by due process standards and the rules of the Board of Pardons and Paroles.

TRD-840784

JM-112 (RQ-170). Request from Mike Westergren, Nueces County attorney, Corpus Christi, concerning authority of a county or city to promulgate ordinances banning open containers of alcoholic beverages in motor vehicles.

Summary of Opinion. A city or county is prohibited from adopting a local ordinance banning the possession of open containers of alcoholic beverages in motor vehicles.

TRD-840785

JM-113 (RQ-164). Request from Fred R. Tammen, executive director, Texas Commission for the Deaf, Austin, concerning the meaning of "deaf person" under the Code of Criminal Procedure

Summary of Opinion. The definition of "deaf person" in the Code of Criminal Procedure, Article 38.31, applies to the entire Code of Criminal Procedure. A person who does not understand and speak the English language as used in Article 38.30 does not refer to a deaf person as defined by Article 38.31. A court, when notified by a party that a deaf person is appearing as a defendant or witness, does not have discretion as to whether an interpreter will be appointed, but does have discretion as to an appropriate method of communication for a specific deaf person. The statutes do not provide for a hearing to determine if a defendant or witness is, in fact, a deaf person. Interpreters appointed by the courts for deaf persons are entitled to reasonable fees determined by the court and actual expenses to be paid from the general fund of the county. Failure to comply with the statutes for interpreters for deaf persons may result in a denial of constitutional rights.

TRD-840786

JM-114 (RQ-189). Request from Homer A. Foerster, executive director,

State Purchasing and General Services Commission, Austin, concerning costs to persons requesting information under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Opinion. A governmental body may not ordinarily charge for employee time in editing records or in making records available under the Open Records Act.

TRD-840787

JM-115 (RQ-200). Request from Carl A. Parker, chairman, Senate Education Committee, Texas Senate, Austin, concerning the obligation of the state to fund university insurance premiums for employees.

Summary of Opinion. The legislature does not have an obligation to fully fund insurance premiums necessary to pay basic coverage for university employees under the Insurance Code, Article 3.50-3. Whether university employees who do not receive minimum coverage have a cause of action against the state, the university, or university employees is a fact question which cannot be decided in the opinion process.

TRD-840788

JM-116 (RQ-206). Request from Robert J. Provan, general counsel, Stephen F. Austin State University, Nacogdoches, concerning whether the Gulf Star Conference is subject to the Open Meetings and Open Records Acts.

Summary of Opinion. The proposed Gulf Star Conference will not be subject to the Open Meetings Act, Texas Civil Statutes, Article 6252-17, but will be subject to the Open Records Act, Texas Civil Statutes, Article 6252-17a.

TRD-840789

JM-117 (RQ-208). Request from Wilhelmina Delco, chairman, Committee on Higher Education, Texas House of Representatives, Austin, concerning whether the 68th Legislature, 1983, Chapter 764, exempts buildings, structures, and land under the control of a state agency from zoning by cities.

Summary of Opinion. The 68th Legislature, 1983, Chapter 764, exempts all buildings, structures, and land under the control of federal or state agencies from municipal zoning.

TRD-840791

JM-118 (RQ-78). Request from Thomas F. Lee, district attorney, Del Rio, concerning whether the Texas Constitution, Article XVI, §40, prevents a school teacher

working under a federally funded program from receiving compensation for service as a city councilman.

Summary of Opinion. Certain public school teachers who work under particular federally funded programs receive at least part of their compensation from state funds. Therefore, the Texas Constitution, Article XVI, §40, permits such teachers to serve as members of a city council only if they receive no salary for service on the city council.

TRD-840792

JM-120 (RQ-209). Request from Alvin J. Barnes, Red River Authority of Texas, Wichita Falls, concerning the status of the Red River Industrial Development Authority under the Open Records Act.

Summary of Opinion. Industrial development corporations created pursuant to Texas Civil Statutes, Article 5190.6, are considered to be "governmental bodies" for purposes of the Open Meetings Act, Texas Civil Statutes, Article 6252-17. An industrial development corporation must file notice of meetings as required by the Open Meetings Act in the same manner and in the same location as the political subdivision whose approval is required and on whose behalf the corporation is created. Boards of directors of industrial development corporations are precluded from taking official action without a meeting held in compliance with the Open Meetings Act; Texas Civil Statutes, Article 5190.6, §14(c), is repealed by implication. Boards of directors of industrial development corporations created pursuant to Texas Civil Statutes, Article 5190.6, are considered to be "governmental bodies" for purposes of the Open Records Act, Texas Civil Statutes, Article 6252-17a.

TRD-840794

JM-121 (RQ-88). Request from Robert D. Miller, Howard County attorney, Big Spring, concerning approval of maps or plats by the city council or city planning commission under Texas Civil Statutes, Article 974a.

Summary of Opinion. A city may approve or disapprove subdivision plats within that city's extraterritorial jurisdiction established under Texas Civil Statutes, Article 970a, if the plats conform to the city's subdivision ordinance.

TRD-840795

JM-122 (RQ-105). Request from Stan Schlueter, chairman, Committee on Ways and Means, Texas House of Representatives, Austin, concerning the effectiveness

of house committee rules relating to confidentiality of information considered by a subcommittee.

Summary of Opinion. The Texas Constitution, Article III, §11, authorizing each house to determine the rules of its own proceedings, applies to matters of procedure. House Resolution 114 is invalid to the extent it conflicts with Texas Civil Statutes, Article 6252-17a. However, certain "committee sensitive information" may possibly be withheld under a number of exceptions in the Open Records Act, §3(a).

TRD-840796

JM-123 (RQ-763). Request from Reynaldo S. Cantu, criminal district attorney, Brownsville, concerning whether Cameron County may enforce building regulations enacted to restrict development in flood-prone areas by prohibiting provisions of utility service to noncomplying structures.

Summary of Opinion. The Public Utility Regulatory Act, Texas Civil Statutes, Article 1446c, and present regulations promulgated thereunder, prevent Cameron County from requiring utilities to deny service to individuals or entities not in compliance with county flood regulations.

TRD-840797

JM-124 (RQ-128). Request from Vernon M. Arrell, commissioner, Texas Rehabilitation Commission, Austin, concerning the jurisdiction of the Texas Rehabilitation Commission with regard to residents of certain facilities.

Summary of Opinion. When the Texas Rehabilitation Commission purchases services for eligible persons from residential facilities, the commission's supervisory responsibility extends only to those residents receiving rehabilitation services purchased by the commission. The certification of facilities and purchase of services for persons by the Texas Rehabilitation Commission does not exempt a facility from licensure by the Texas Department of Health under Texas Civil Statutes, Article 4442c, or alter the responsibility of any agency to enforce standards and protect the health, safety, and welfare of the residents of the facility.

TRD-840798

Open Records Decisions

ORD-402 (RQ-178). Request from Jerry S. McGuire, Panhandle Regional Planning Commission, Amarillo, concerning whether audit proposals are subject to disclosure under the Open Records Act.

Summary of Decision. Audit proposals submitted by two accounting firms to the Panhandle Regional Planning Commission are not excepted from disclosure under the Open Records Act, §3(a)(4) or §3(a)(10).
TRD-840759

ORD-403 (RQ-203). Request from Stephen Davidchik, Grayson County attorney, Sherman, concerning whether federal grand jury transcripts are public under the Open Records Act.

Summary of Decision. Federal grand jury transcripts whose disclosure is limited to selected persons by order of a federal court are not available to the public.
TRD-840760

ORD-404 (RQ-233). Request from Tom Bond, commissioner, State Board of Insurance, Austin, concerning whether documents relating to inspection reports regarding amusement rides at the State Fair

of Texas are subject to disclosure under the Open Records Act.

Summary of Decision. Documents relating to inspection reports on amusement rides at the State Fair of Texas are not excepted from disclosure under the Open Records Act.
TRD-840761

ORD-405 (RQ-212). Request from E. D. Walker, chancellor, University of Texas System, Austin, concerning whether an auditor's report on alleged conflict of interest concerning a university employee is protected from public disclosure by the Open Records Act, §3(a)(2) or §3(a)(10).

Summary of Decision. A state auditor's report on the computer center of the University of Texas at El Paso is not excepted from disclosure under the Open Records Act.
TRD-840762

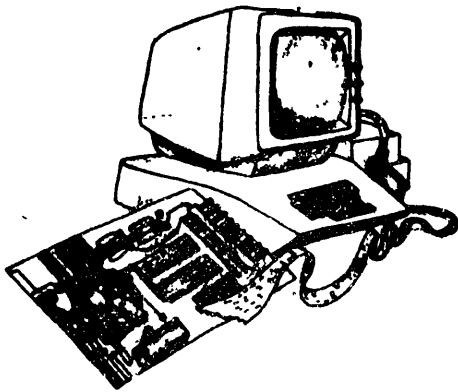


An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less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

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

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

Emergency Rules



TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 81. Elections Sufrage

1 TAC §81.78, §81.79

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Secretary of State, Elections Division, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Office of the Secretary of State adopts on an emergency basis the repeal of §81.78 and §81.79, concerning voter registration certificates. Emergency action is being taken due to the urgent need for guidelines for the new voter registration certificates and the imminent peril to the public welfare which would result from improper voter registration certificates. The re-

peal of §81.79 is also proposed for permanent adoption in this issue.

The repeal is adopted on an emergency basis pursuant to the Texas Election Code, §3 and §46a, (Vernon's Texas Election Code Annotated, Article 1.03 and Article 5.14a), which authorizes the secretary of state to obtain and maintain uniformity in the application, operation, and interpretation of the election laws and to prescribe the form for a voter registration certificate.

§81.78. *Voter Registration Certificate (1978-1979).*

§81.79. *Voter Registration Certificate Form (1980-1981).*

Issued in Austin, Texas, on December 27, 1983.

TRD-840705 John W. Fainter, Jr.
Secretary of State

Effective date: January 19, 1984

Expiration date: May 18, 1984

For further information, please call (512) 475-2015.

1 TAC §81.78

The Office of the Secretary of State adopts on an emergency basis new §81.78, concerning voter registration certificates. Emergency action is taken due to the urgent need for reliable guidelines for the new voter registration certificates and the imminent peril to the public welfare which would result from improper voter registration certificates.

This new section is adopted on an emergency basis pursuant to the Texas Election Code, §3 and §46a, (Vernon's Texas Election Code Annotated, Article 1.03 and Article 5.14a), which authorizes the secretary of state to obtain and maintain uniformity in the application, operation, and interpretation of the election laws and to prescribe the form for a voter registration certificate.

§81.78. Voter Registration Certificate

(a) Summary and purpose. In accordance with the provisions of the Texas Election Code, Article 5.14a, subdivision 1, this directive establishes the requirements for voter registrars to issue voter registration certificates.

(b) Description of certificate

(1) No changes authorized unless approved by the secretary of state. The certificate has been designed to meet the content requirements of the Texas Election Code, Article 5.14a, subdivision 3; bilingual requirements of the Federal Voting Rights Act; the mailing procedure prescribed by the Texas Election Code, Article 5.14a, subdivision 2(b); regulations of the United States Postal Service regarding size, thickness of paper, address placement, and postage; as well as various other considerations such as horizontal and vertical spacing for computers and typewriters, etc. Therefore, to avoid any possible violations of state or federal law, no changes may be made without prior approval by this office.

(2) Size. The overall size of the postcard mailout is no smaller than 3½ inches by 6 inches and no larger than 4 inches by 6 inches. When the top portion is detached, the folded card measures 2½ inches by 3 inches, which is wallet-sized.

(3) Color.

(A) The certificate will be of the color specified. Specific colors are to be used to designate the period for which the certificate is valid. They are as follows:

(i) 1984-1985—Blue #110 Springhill Index or equivalent;

(ii) 1986-1987—Goldenrod #110 Springhill Index or equivalent

(iii) 1988-1989—White #110 Spring Index or equivalent;

(iv) 1990-1991—Salmon #110 Spring Index or equivalent.

(B) The color cycle will be repeated starting with the 1992 certificate.

(4) Format. The voter registrar's name and return address are to be printed in the upper left-hand corner above the dotted line. The voter registrar's name is to be printed in the space provided above "voter registrar." The name of the voter registrar's county will be printed directly below "voter registration certificate." Beneath the voter registrar's name and title print the voter registrar's telephone number. Directly across from the voter registrar's name, print only the name and title of the current secretary of state.

(5) Certificate number. Use the "certificate number" already assigned to the voter.

(6) Valid from. The "valid from" date on all cards issued to registered voters as of December 31 of odd-numbered years thereafter is March 1 of the following year.

(7) The voter's "name," "sex," and "election precinct number" must be provided, as well as the "permanent residence address" and the "mailing address," if these two addresses are different. The mailing address is to be printed on the right-hand side of the card. The "permanent residence address," if different from the "mailing address," is to be printed on the left-hand portion.

(8) Corrections. The area that the voter is to use for making changes or corrections is located on the back of the card.

(9) Party affiliation. The area for stamping party affiliation is placed vertically in the middle of the front of the certificate.

(10) Area for postal information. The right half of the form of the certificate must be left blank, except for "mailing address," nonforwardable statement, and postage.

(11) Back of certificate. The text on the bottom half of the back of the certificate is required by law (Texas Election Code, Article 5.14a, subdivision 3). Changes in the text on the bottom half are not authorized without prior approval of this office.

(c) Mailing of certificate.

(1) Postage. The voter registrar mails the certificate with either first-class postcard rate or first-class letter rate. Since the Election Code requires that the certificate be mailed by nonforwardable mail with the return postage guaranteed, each postcard certificate mailed at first-class postcard rate that is returned will cost the voter registrar an additional first-class postcard rate. If the voter registrar mails the certificate with first-class letter rate, the certificate will be returned to the voter registrar at no extra charge. The same holds true if the voter registrar decides to use envelopes for mailing the certificates. In no case may the voter's tax statement be included in the same envelope. The determination of which amount of postage will ultimately be the more economical should be made by the voter registrar.

(2) Coordination with local postal authorities. The voter registrar should coordinate with his or her local postmaster well before the mailing date.

(3) Mailing date. The registrar shall prepare and mail a registration certificate to each registered voter in compliance with the Texas Election Code, Article 5.14a, subdivision 2(b).

(d) Duplicate certificate file. Since the voter registrar will already have a duplicate certificate on file for voters registered as of December 31, it is not necessary to produce the mass mailout certificates in duplicate as long as the voter registrar can verify that he did in fact mail to each voter on the rolls a new certificate. The Texas Election Code, Article 5.14a, subdivision 2(a), requires a duplicate certificate file for the initial registration only. The voter registrar might consider the following suggestions:

(1) for less populated counties. Each duplicate certificate already in the voter registrar's file should be marked with a rubber stamp stating the years for which the certificate is valid and date mailed. For example, "1984-85 Certificate mailed 01/84."

(2) for counties with data processing capabilities. Evidence of the mailing must be maintained in a retrievable form, either magnetically or in the form of a printed list. The data should indicate the name and address to which the certificate was sent and the certificate number.

(e) New registrations. Persons who register to vote after the mass mailout and before the effective date of March 1 of even-numbered years are to be issued a new current certificate for use during the remainder of the voting year, ending on the last day of February of even-

numbered years. The voter registrar may also at the same time issue a new certificate to these voters instructing them about the effective date of the two certificates. The duplicate of the current certificate for the current voting year should be filed. It will not be necessary to make a duplicate of the new certificate in this instance. However, when an application for registration is received after the mass mailout and the effective date is prior to March 1 of even-numbered years, then the voter registrar would follow the instructions stated in this section.

(f) The Office of the Secretary of State herein adopts by reference the voter registration certificate. The card is available for inspection in the Office of the Secretary of State, Elections Division, Room 915, Sam Houston Building, 201 East 14th Street, Austin.

Issued in Austin, Texas, on December 27, 1983.

TRD-840706 John W. Fainter, Jr.
Secretary of State

Effective date: January 19, 1984
Expiration date: May 18, 1984
For further information, please call (512) 475-2015.

Nominations

1 TAC §81.142

The Office of the Secretary of State adopts on an emergency basis new §81.142, concerning primary finance. Emergency action is necessary due to the urgent need for reliable guidelines for the proper financing of primary elections, and the imminent peril to the public welfare which would result from the improper expenditure of public funds for primary elections.

The new section is adopted on an emergency basis pursuant to the Texas Election Code, §3.186 and §186a (Vernon's Texas Election Code Annotated, Articles 1.03, 13.08, and 13.08a), which authorizes the secretary of state to obtain and maintain uniformity in the application, operation, and interpretation of the election laws, to promulgate any reasonable rules which will minimize the costs of the primary elections, to promulgate rules in regard to necessary office personnel employed to assist in the performance of the duties placed upon the county chairman, and to prescribe and furnish to the county chairmen the forms which they are to use in submitting statements and reports to the secretary of state.

§81.142. Filing Fee Estimates. When the general primary election cost estimate is transmitted to the secretary of state prior to the close of the regular filing period, county chairmen shall estimate the amount of filing fees to be collected. The amount of estimated filing fees shall be reported as a financing source on the general primary election cost estimate. When the general primary election cost estimate is transmitted to the secretary of state after the close of the regular filing period, county chairmen shall report the actual amount of filing fees re-

ceived as a financing source on the general primary election cost estimate.

Issued in Austin, Texas, on December 27, 1983.

TRD-840707 John W. Fainter, Jr.
Secretary of State

Effective date: January 19, 1984
Expiration date: May 18, 1984
For further information, please call (512) 475-2015.

Part XI. State Ethics Advisory Commission

Chapter 231. Advisory Opinions

1 TAC §231.6

The State Ethics Advisory Commission adopts on an emergency basis new §231.6, to facilitate compliance with House Bill 2154, 68th Legislature, 1983. This rule is simultaneously proposed for permanent adoption. This emergency adoption is required to establish necessary procedures for processing advisory opinion requests and the issuance of advisory opinions. Such procedures were not provided in the statute which created the commission.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 6252-9d, which provide for the creation of the State Ethics Advisory Commission and the authority of the commission to adopt rules necessary to administer functions.

§231.6. Adoption of Opinion. Any opinion issued by the State Ethics Advisory Commission requires the affirmative vote of at least five voting members.

Issued in Austin, Texas, on January 20, 1984.

TRD-840777 Page Keeton
Chairman
State Ethics Advisory
Commission

Effective date: January 20, 1984
Expiration date: May 19, 1984
For further information, please call (512) 475-3091.

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules Records and Reports

16 TAC §23.12

The Public Utility Commission of Texas adopts on an emergency basis an amendment to §23.12, concern-

ing financial records and reports, to be in effect 120 days from the date of filing with the *Texas Register*. It has been determined by the commissioners that due to the magnitude of expense involved, emergency adoption of a rule addressing capitalization of construction costs is necessary immediately to prevent imminent peril to the public welfare.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

§23.12. Financial Records and Reports.

(a) Uniform system of accounts. Every public utility shall keep uniform accounts as prescribed by the commission of all business transacted. The classification of utilities, index of accounts, definitions, and general instructions pertaining to each uniform system of accounts as amended from time to time shall be adhered to at all times, unless provided otherwise by these rules, or specifically permitted by the commission.

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

(4) Rules related to capitalization of construction costs. Each electric utility shall accrue allowance for funds used during construction, and each telephone utility shall accrue interest during construction, on both short-term and long-term construction work in progress and projects under construction. In the event construction work in progress is included in rate base pursuant to the rules in subsection (c)(2)(D) of §23.21 of this title (relating to Cost of Service), capitalization of allowance for funds used during construction for electric utilities, and interest during construction for telephone utilities shall be discontinued to the extent construction work in progress is allowed.

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

(d) Reports on sale of 50% or more of stock. All transactions involving the sale of 50% or more of the stock of a public utility shall be reported to the commission within 30 days. If, after review, the commission finds that such transactions are not in the public interest, the commission shall take the effect of the transaction into consideration in the next rate-making proceeding and disallow any portion of the transaction found to be unreasonable.

Issued in Austin, Texas, on January 18, 1984.

TRD-840830 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: January 20, 1984
Expiration date: May 19, 1984
For further information, please call (512) 458-0100.

Rates

16 TAC §23.23

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule

may be examined in the offices of the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Public Utility Commission of Texas adopts on an emergency basis the repeal of existing §23.23, concerning rate design. The commissioners have determined that this action is necessary to prevent imminent peril to the public welfare.

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

§23.23. Rate Structure.

Issued in Austin, Texas, on January 18, 1984.

TRD-840833 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: January 20, 1984
Expiration date: May 19, 1984
For further information, please call (512) 458-0100.

**TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 157. Emergency Medical
Care
Emergency Medical Services
25 TAC §157.67**

The Texas Department of Health adopts on an emergency basis an emergency amendment to §157.67, concerning basic life support vehicle permit. Sections 157.61-157.75 were published as emergency rules in the December 23, 1983, issue of the *Texas Register* (8 TexReg 5379). Section 157.67 covers the requirements for obtaining a basic life support vehicle permit. The amendment provides that a vehicle holding a valid permit prior to January 1, 1984, the effective date of the new Emergency Medical Services Act, shall be deemed permitted under the Act and §157.67 until either the original expiration date of the permit or December 31, 1985, whichever is earlier.

The emergency amendment is necessary because the Emergency Medical Services Act, Texas Civil Statutes, Article 4447o, became effective on January 1, 1984, and it will take up to 24 months to inspect all vehicles. As such, the Bureau of Emergency Management is already beginning to inspect vehicles to determine if they meet standards for permitting. Therefore, for vehicles to be deemed permitted under the amendment to §157.67, it is necessary to adopt the amendment on an emergency basis.

The amendment is adopted on an emergency basis under authority of Texas Civil Statutes, Article

6252-13a, §10(a)(2), which authorize the department to adopt emergency rules, and Article 4414(b), §1.05(4), which authorize the Texas Board of Health to adopt rules covering the department's public health programs.

§157.67. Basic Life Support Vehicle Permit.

(a) Requirements. A vehicle holding a valid permit prior to January 1, 1984, issued under the authority of Texas Civil Statutes, Article 4590b, shall be deemed permitted under the requirements of this section until either the original expiration date of the permit or until

December 31, 1985, whichever is earlier. The requirements for obtaining a BLS vehicle permit shall be as follows:

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

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

Issued in Austin, Texas, on January 23, 1984.

TRD-840840

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

Effective date: January 23, 1984

Expiration date: April 30, 1984

For further information, please call (512) 458-1393.

Proposed Rules

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

The proposal, as published in the *Register*, must include a brief explanation of the proposed action, a fiscal statement indicating effect on state and local government and small businesses, a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule, a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority), the text of the proposed action, and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State

Chapter 81. Elections Suffrage

1 TAC §81.78

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

The Office of the Secretary of State proposes new §81.78, concerning voter registration certificates. This section prescribes the form for the voter registration certificate.

John Steiner, Elections Division Legal Section director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule as proposed.

Mr. Steiner also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is uniformity in documents certifying compliance with voter registration requirements. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to John Steiner, Director, Legal Section, Elections Division, P.O. Box 12887, Austin, Texas 78711-2887.

The new section is proposed under the Texas Election Code, §3 and §46a (Vernon's Texas Election Code Annotated, Articles 1.03 and 5.14a), which provides the secretary of state with the authority to obtain and maintain uniformity in the application, operation, and interpretation of the election laws and to prescribe the form for a voter registration certificate.

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

Issued in Austin, Texas, on December 27, 1983.

TRD-840709 John W. Feinter, Jr.
Secretary of State

Earliest possible date of adoption:
February 27, 1984

For further information, please call (512) 475-2015.

1 TAC §81.79

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

The Office of the Secretary of State proposes the repeal of §81.79, concerning voter registration certificates for 1980-1981. This section prescribed the form of the voter registration certificates in past years and is now obsolete. This section is also repealed on an emergency basis in this issue of the *Register*

John Steiner, Elections Division Legal Section director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Steiner also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is uniformity in documents certifying compliance with voter registration requirements

Comments on the proposal may be submitted to John Steiner, Director, Legal Section, Elections Division, P.O. Box 12887, Austin, Texas 78711-2887.

The repeal is proposed under the Texas Election Code, Article 3 and Article 46a (Vernon's Texas Election Code Annotated, Article 1.03 and Article 5.14a), which provides the secretary of state with the authority to obtain and maintain uniformity in the application, operation, and interpretation of the election laws and to prescribe the form for a voter registration certificate.

§81.79. Voter Registration Certificate Form. (1980-1981).

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 December 27, 1983

TRD-840708 John W. Fainter, Jr.
Secretary of State

Earliest possible date of adoption
February 27, 1984

For further information, please call (512) 475-2015.

the adoption of this rule providing for an orderly administration of the primary fund; it is not possible to forecast the exact reduction in cost. The administration of this rule will not increase the fiscal burden that local governments are already legally required to bear regarding the conduct of primary elections. There is no anticipated economic effect on small businesses.

Mr. Steiner also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the orderly and efficient funding of primary elections. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to John Steiner, Director, Legal Section, Elections Division, P.O. Box 12887, Austin, Texas 78711-2887.

The new section is proposed under the Texas Election Code, §§3, 186, and 186a (Vernon's Texas Election Code Annotated, Articles 1.03, 13.08, and 13.08a), which provides the secretary of state with the authority to obtain and maintain uniformity in the application, operation, and interpretation of the election laws, to promulgate any reasonable rules which will minimize the costs of the primary elections, to promulgate rules in regard to necessary office personnel employed to assist in the performance of the duties placed upon the county chairman, and to prescribe and furnish to the county chairmen the forms which they are to use in submitting statements and reports to the secretary of state

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 December 27, 1983.

TRD-840710 John W. Fainter, Jr.
Secretary of State

Earliest possible date of adoption
February 27, 1984

For further information, please call (512) 475-2015.

Nominations

1 TAC §81.172

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

The Office of the Secretary of State proposes new §81.142, concerning the financing of primary elections.

Wally Boggus, Elections Division programs director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications for state or local government as a result of enforcing or administering the rule. The secretary of state anticipates a favorable fiscal impact on the state through

Part VI. Texas Surplus Property Agency

Chapter 143. Plan of Operation

1 TAC §143.1

The Texas Surplus Property Agency proposes amendments to §143.1, concerning the Texas plan of operation. The amendments delete the word "temporary" throughout the plan of operation and include other cosmetic changes required by the General Services Administration

Marvin J. Titzman, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local

government or small businesses as a result of enforcing or administering the rule.

Mr. Titzman also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Nollie D. Thomas, P.O. Box 8120, San Antonio, Texas 78208, (512) 661-2381.

The amendments are proposed under Texas Civil Statutes, Article 6252-6b, which provide the Texas Surplus Property Agency with the authority to make rules.

§143.1. Texas [(Temporary)] Plan of Operation. The Texas Surplus Property Agency adopts by reference the rules contained in the October 17, 1977, Texas [(Temporary)] Plan of Operation, as amended January 1984. This document serves as a guideline for this agency in the administration of the Donation Program within the State of Texas. This plan outlines to the administrator of the General Services Administration (GSA) the methods by which this agency will implement the rules and regulations as set forth in the GSA Donation Handbook. Copies of this document are available for public inspection at any Texas Surplus Property Agency office in the state.

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 San Antonio, Texas, on January 12, 1984.

TRD-840656 Marvin J. Titzman
Executive Director
Texas Surplus Property Agency

Earliest possible date of adoption
February 27, 1984
For further information, please call (512) 661-2381.

Part XI. State Ethics Advisory Commission Chapter 231. Advisory Opinions 1 TAC §231.6.

(Editor's note The State Ethics Advisory Commission proposes for permanent adoption the new rule it adopts on an emergency basis in this issue. The text of the rule is published in the Emergency Rules section of this issue)

The State Ethics Advisory Commission proposes new §231.6, concerning the adoption of advisory opinions voting requirements.

Karen C. Gladney, special assistant to the secretary of state, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small

businesses as a result of enforcing or administering the rule as proposed.

Ms. Gladney also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the creation and operation of the State Ethics Advisory Commission, in compliance with House Bill 2154, 68th Legislature, 1983. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Page Keeton, Chairman, State Ethics Advisory Commission, P.O. Box 13485, Austin, Texas 78711-3485

The new section is proposed under Texas Civil Statutes, Article 6252-9d, which provide the State Ethics Advisory Commission with the authority to adopt rules necessary to administer its functions

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

Issued in Austin, Texas, on January 20, 1984

TRD-840782 Page Keeton
Chairman
State Ethics Advisory
Commission

Earliest possible date of adoption
February 27, 1984
For further information, please call (512) 475-3091

TITLE 7. BANKING AND SECURITIES Part IV. Texas Savings and Loan Department Chapter 63. Fees and Charges 7 TAC §63.9

The Texas Savings and Loan Department proposes amendments to §63.9, concerning fees for reorganization, merger, and consolidation. The amendments eliminate references to acquisitions which are not mentioned in the Texas Savings and Loan Act, §10.03, and which are provided for in the change of control provisions of the Act and Chapter 71 of this title, relating to change of control

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. There will be no cost to small businesses

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

the rule as proposed is prevention of confusion with change of control provisions of the Texas Savings and Loan Act and Chapter 71 of this title, relating to change of control. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as the proposal will not change the fees for applications for reorganization, merger, and consolidation.

Comments on the proposed amendments may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same.

§63.9. Fee For Reorganization, Merger, [Acquisition,] and Consolidation.

(a) Any association seeking to reorganize, merge, [acquire,] and/or consolidate pursuant to the Texas Savings and Loan Act, §10.03, and Chapter 69 of this title (relating to Reorganization, Merger, [Acquisition,] and Consolidation) shall pay to the commissioner, at time of filing its plan, a fee determined as follows:

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

(b) (No change)

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

Issued in Austin, Texas, on January 13, 1984

TRD-840569 Russell R Oliver
 General Counsel
 Texas Savings and Loan
 Department

Earliest possible date of adoption
February 27, 1984

For further information, please call (512) 475-7991.

7 TAC §63.12

The Texas Savings and Loan Department proposes new §63 12, concerning fees for subsidiary investment applications filed by associations pursuant to Chapter 73 of this title, relating to subsidiary corporations. The fee is assessed because of the considerable amount of time required by the deputy commissioners to review and analyze the increasing number of applications for subsidiary investments.

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government will be an estimated increase in revenue of \$45,000 each year in 1984-1989. There

will be no effect on local government or small businesses.

Mr. Bowman also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is improved ability of the department to cover costs of processing subsidiary investment applications with the fees charged for such application. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$1,000 for each application for a subsidiary corporation and \$100 for each office of such subsidiary.

Comments on the proposed new section may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin, Texas. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same.

§63.12. Fee for Subsidiaries. The commissioner shall collect a fee of \$1,000 for each application by an association for permission to invest in a subsidiary corporation pursuant to Chapter 73 of this title (relating to Subsidiary Corporations) to cover the processing and investigation of such applications and an additional fee of \$100 for each office of a subsidiary that is applied for.

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

Issued in Austin, Texas, on January 13, 1984

TRD-840570 Russell R Oliver
 General Counsel
 Texas Savings and Loan
 Department

Earliest possible date of adoption
February 27, 1984

For further information, please call (512) 475-7991.

Chapter 65. Loans and Investments

7 TAC §65.1

The Texas Savings and Loan Department proposes an amendment to §65 1, concerning definitions of improved real estate, home, and business property. The amendment rewords a sentence to improve its readability.

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or

administering the rule. There will be no cost to small businesses.

Mr. Bowman also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is an increase in the reader's comprehension of the substance of the rule. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin. Comments will be accepted for 30 days after publication in the *Texas Register*.

This amendment is proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same

§65.1. Definitions of Improved Real Estate, Home, and Business Property.

(a) (No change.)

(b) For the purpose of this Chapter 65, the term "home" shall mean a structure designed for residential use by one family, or a structure designed for occupancy for one to four family units if one of such units is owner occupied or the borrower in good faith intends so to do **The term also includes common areas around townhomes or condominium units which are owned incident to ownership of the residence.** [The term also includes a townhouse or condominium unit designed for residential use, provided the record owner thereof owns the underlying real estate or an undivided interest therein, and such property when owned in common with others is necessary or contributes to the use and enjoyment of such structure or unit.]

(c)-(d) (No change)

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

Issued in Austin, Texas, on January 13, 1984

TRD-840571 Russell R Oliver
General Counsel
Texas Savings and Loan
Department

Earliest possible date of adoption.
February 27, 1984

For further information, please call (512) 475-7991.

7 TAC §65.6

The Texas Savings and Loan Department proposes an amendment to §65.6, concerning commercial, consumer, and manufactured home loans. The amendment increases the limit of unsecured loans to 25% of the association's net worth.

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. There will be no cost to small businesses.

Mr. Bowman also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is an increased availability of unsecured loans through savings and loan associations. There will be no economic cost to individuals who are required to comply with the rule as proposed, as the proposed amendment increases the limit of unsecured loans and increases the potential interest income from unsecured loans.

Comments on the proposal may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin. Comments will be accepted for 30 days after publication in the *Texas Register*

This amendment is proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same.

§65.6 Commercial, Consumer, and Manufactured Home Loans. With regard to commercial, consumer, and manufactured home loans, the following shall apply.

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

(3) Unsecured loans. An association may make or purchase participations in [secured or] unsecured loans provided the net amount advanced and outstanding on any such loan or loans to one borrower, shall not exceed \$50,000 or 25% [10%] of the association's net worth, whichever is greater;

(4)-(7) (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 January 13, 1984

TRD-840572 Russell R Oliver
General Counsel
Texas Savings and Loan
Department

Earliest possible date of adoption.
February 27, 1984

For further information, please call (512) 475-7991.

7 TAC §65.12

The Texas Savings and Loan Department proposes amendments to §65.12, concerning association investment in real property. The amendments enlarge the powers of an association to invest in commercial real estate ventures.

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. There will be no cost to small businesses.

Mr. Bowman also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is increased availability of financing through savings and loan associations for commercial real estate investments. The anticipated economic cost to individuals who are required to comply with the rule as proposed is a potential to increase their income from real estate investments.

Comments on the proposed amendment may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same.

§65.12. Association Investment in Real Property. An association may purchase and invest in real property **excluding oil and gas drilling ventures** in the course of its business, and such investments may include subdividing, developing, and improving the real property, and building homes and other **commercial** buildings on such property. [principally for residential use. Other buildings authorized in this chapter shall be designed as facilities for the offering of retail commercial and service uses to the residential occupants in the area of such improvements]. An association may own, rent, lease, manage, operate for income, or sell such property. Investments of an association under this section shall not at any one time [without the prior written approval of the commissioner] aggregate more than an amount equal to **100%** [50%] of an **association's net worth** [the sum of the association's loss reserves, surplus, permanent reserve fund stock, and undivided profits]. All investments in real property under the authority of this section shall be subject to the following conditions:

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

(3) Loans.

(A) (No change)

(B) An association selling raw land, or developed building sites, **or any project permitted under this section** [hereunder] may receive as a part of the consideration a promissory note which provides for complete payment within the **terms and limits established by the real estate regulations of Chapter 65 of this title (relating to Loans and Investments)**. [20 years; the note shall require a minimum annual payment of not less than 5.0% of the principal, plus interest, payable at least annually as it accrues. In no event shall the cash consideration received

at the time of sale of such raw land or developed building sites be less than 10% of the sales price, and the balance shall be secured by a first mortgage on the real property sold.] In the event an appraisal was secured at the time of original investment, which supported the amount of the investment, then no appraisal shall be required as to the value of the real property sold if the sale exceeds the association's investment in said real property. Upon consummation of the sale, the real property sold shall no longer be used in calculating the amounts allowed to be invested by the association under the authority of this section, but in the event of foreclosure, then the property shall become foreclosed real estate.

(4)-(6) (No change.)

(7) [Subject to the prior written approval of the commissioner,] A state-chartered savings association, domiciled and authorized to do business in Texas, or its wholly owned subsidiary, may participate in the purchase, investment in, and the development and improvement of real property as provided in this section, with:

(A)-(E) (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 January 13, 1984.

TRD-840573

Russell R Oliver
General Counsel
Texas Savings and Loan
Department

Earliest possible date of adoption.

February 27, 1984

For further information, please call (512) 476-7991.

Chapter 67. Savings and Deposit Accounts

7 TAC §67.9

The Texas Savings and Loan Department proposes an amendment to §67.9, concerning provisions for issuance of secured or unsecured capital obligations. The amendment rewords a sentence to improve its readability.

L. L. Bowman, III, savings and loan commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. There will be no cost to small businesses.

Mr. Bowman also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is increased readability and comprehension of the rule. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as the proposed amendment will not change the requirements for issuance of secured and unsecured capital obligations.

Comments on the proposal may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca. Comments will be accepted for 30 days after publication in the *Texas Register*.

This amendment is proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same.

§67.9. Provisions for Issuance of Secured or Unsecured Capital Obligations. An association may, by resolution of its board of directors and with prior approval of the savings and loan commissioner of the State of Texas, issue capital notes, debentures, bonds, or other secured or unsecured capital obligations, which may be convertible in whole or in part to shares of permanent reserve fund stock, or may be issued with warrants attached, to purchase at a future date shares of permanent reserve fund stock of the issuing association, provided:

(1) **the association provides adequate proof that the holders of such obligations will receive properly amortized payments of both principal and interest at regularly stated intervals, or that proper provision is made for sinking fund allocations to retire all principal of and interest on such obligations; and** [adequate provision is made to the satisfaction of the commissioner for amortization, both principal and interest, to the holders of such obligations at regularly stated intervals or, provision is made for proper sinking fund allocations to retire the obligations, both principal and interest; and]

(2) (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 January 13, 1984.

TRD-840574 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Earliest possible date of adoption.
February 27, 1984

For further information, please call (512) 475-7991.

7 TAC §67.10

The Texas Savings and Loan Department proposes an amendment to §67.10, concerning joint issuance of capital obligations. The amendments complete the sentence to make specific reference to the terms and conditions which govern the joint issuance of capital obligations

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. There will be no cost to small businesses.

Mr. Bowman also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is increased readability of the rule. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as the proposed amendments do not change the terms and conditions by which an association may issue capital obligations with other associations.

Comments on the proposal may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same

§67.10. Joint Issuance of Capital Obligations. On the same terms and conditions as stated in §67.9 of this title (relating to Provisions for Issuance of Secured or Unsecured Capital Obligations), an association may, by resolution of its board of directors and with prior approval of the savings and loan commissioner of the State of Texas, join other associations in the joint issuance of capital notes, debentures, bonds, or other secured or unsecured capital obligations if it meets the terms and conditions of §67.9 of this title (relating to Provisions for Issuance of Secured or Unsecured Capital Obligations).

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

Issued in Austin, Texas, on January 13, 1984

TRD-840575 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Earliest possible date of adoption
February 27, 1984

For further information, please call (512) 475-7991.

Chapter 69. Reorganization, Merger, [Acquisition,] and Consolidation

7 TAC §§69.1, 69.2, 69.5, 69.8

The Texas Savings and Loan Department proposes amendments to §§69.1, 69.2, 69.5, and 69.8, concerning reorganization, merger, and consolidation. The amendments eliminate references to acquisitions, which are not mentioned in the Texas Savings and Loan Act, §10.03, and which are provided for in the change of control provisions of the Act and Chapter 71 of this title, relating to change of control.

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules. There will be no cost to small businesses.

Mr Bowman also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is a decrease in confusion with the change of control provisions of the Act and Chapter 71 of this title, relating to change of control. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed, as the proposal will not change the process of applying for reorganization, mergers, and consolidations.

Comments on the proposal may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin. Comments will be accepted for 30 days after publication in the *Texas Register*

The amendments are proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same

§69.1 Filing of Plan. Any association seeking to reorganize, merge, [acquire,] and/or consolidate must do so pursuant to a plan adopted by the board of directors and filed with the commissioner as a part of an application for approval, accompanied by the appropriate filing fee. Reference should be made to §63.9 of this title (relating to Fee for Reorganization, Merger, [Acquisition,] and Consolidation). No plan shall be filed more than one year after its adoption.

§69.2 Form and Content of Application. The application for approval of the plan shall be titled "Application to Reorganize, Merge, [Acquire,] and/or Consolidate" and shall contain proof that the plan was adopted by the board of directors of each association involved; documentation showing that the plan has been approved by each association by a majority of the total vote the members of each are entitled to cast; a statement that the corporate continuity of the resulting association shall possess the same incidents as that of an association which has converted in accordance with the Texas Savings and Loan Act, a statement regarding common ownership; and in the case of prior common ownership, a statement that the home office of the largest applying association shall be the home office of the resulting association. A true copy of the plan, as adopted, shall be filed as part of the application. All documents and their contents shall be subscribed and sworn to by an officer of each association involved under the sanction of an oath, or such affirmation as is by law equivalent to an oath, made before an officer authorized to administer oaths.

§69.5. Publication. The associations involved in a plan must publish notice at least 20 days before the date of hearing in a newspaper or newspapers of general circulation in the county or counties where said associations have offices and file proof of such publication with the commissioner at least 10 days prior to hearing. The form of notice shall be as follows:

Notice is hereby given that application has been made to the Savings and Loan Commissioner of Texas by (association(s)) for approval to (reorganize, merge, [acquire,] and/or consolidate) pursuant to §10.03 of the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a. A plan of (reorganization, merger, [acquisition,] and/or consolidation) and related documents have been filed with the commissioner.

Notice is further given that a hearing on this application has been set for (date) at (time) in (place) pursuant to authority and jurisdiction granted by Texas Civil Statutes, Article 852a. The particular sections of the statute involved are §§2.13, 10.03, and 11.11. The applicants assert that:

- (1) the plan of (reorganization, merger, [acquisition,] and/or consolidation) is equitable to the members of the association(s) and
- (2) the plan does not impair the usefulness and success of other properly conducted associations

A party desiring to present testimony or evidence in opposition to this application may do so by appearing at the scheduled hearing. Parties desiring to oppose the application should notify the commissioner at least 10 days prior to the date of hearing at P.O. Box 1089, Austin, Texas 78767.

If no appearance in opposition is made at the time this application comes on for hearing, hearing may be dispensed with by the commissioner. Issued this (date) at Austin, Travis County, Texas

§69.8. Exemption for Supervisory Merger. When the commissioner designates a merger to be a "supervisory merger," the provisions of this chapter relating to reorganization, merger, [acquisition,] and/or consolidation, §69.1 of this title (relating to Filing of Plan), §69.2 of this title (relating to Form and Content of Application), §69.3 of this title (relating to Use of Approved Forms), §69.4 of this title (relating to Notice and Hearing), §69.5 of this title (relating to Publication), §69.6 of this title (relating to Time of Decision), and §69.7 of this title (relating to Appeal), shall not be applicable, and the merger shall be effected pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §10.03.

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

Issued in Austin, Texas, on January 13, 1984.

TRD-840576 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Earliest possible date of adoption:
February 27, 1984

For further information, please call (512) 475-7991.

Chapter 73. Subsidiary Corporations

7 TAC §§73.1-73.4

The Texas Savings and Loan Department proposes amendments to §§73.1-73.4, concerning investments in subsidiary corporations.

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules. There will be no cost to small businesses.

Mr. Bowman also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased availability of various financial services and increased availability of financing for real estate ventures. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed, as the proposed amendments enlarge the powers of an association to invest in subsidiary corporations, thereby increasing the potential income to associations.

Comments on the proposed amendments may be submitted to L. L. Bowman III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca, Austin. Comments will be accepted for 30 days after publication in the Texas Register.

The amendments are proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and the statutes of this state and, from time to time, to amend the same.

§73.1 Investment in Subsidiary Corporations.

(a) An association may, with prior written approval of the commissioner, invest in a subsidiary corporation in accordance with the terms and conditions set forth in this chapter. The commissioner may approve an investment in a subsidiary corporation if he finds that:

- (1) there are no supervisory problems which would affect its ability to properly supervise and operate such subsidiary corporation;
(2) there are adequate income and reserves to support the proposed investment;
(3) the operations of the subsidiary corporation will be clearly distinguishable from those of the parent association; and
(4) the subsidiary corporation is or will be profitably operating within a reasonable period of time.

(b) If the commissioner finds that an association has abused or is abusing the authority granted in this chapter, he may at his discretion deny such association the right to future exercise thereof until such abuse or abuses have been corrected.

§73.2 Application

(a) In order to obtain such approval, the applying association shall file with the commissioner an applica-

tion form accompanied by [documentation from which the commissioner shall determine that]:

- (1) there are no serious supervisory problems which would affect its ability to properly supervise and operate such subsidiary corporation;
(2) there are adequate income and reserves to support the proposed investment;
(3) operations of the subsidiary corporation will be clearly distinguishable from those of the parent association;
(4) the subsidiary corporation is or will be profitably operating within a reasonable period of time;
(1)(5) an audited financial statement in the event of acquisition of an existing subsidiary corporation;
(2)(6) a certified resolution of the board of directors of the applying association approving the investment in the subsidiary; and
(3)(7) a certified copy of the articles of incorporation, certificate of incorporation, and bylaws of the subsidiary [shall be filed with the commissioner].

(b) (No change.)

(c) Records of the subsidiary corporation will be made available at all times to state and federal supervisory authorities [authority] for examination and review.

(d) The subsidiary corporation will keep complete and adequate books and records in accordance with generally accepted accounting principles where there are no specific accounting guidelines set forth by the rules of the Texas Savings and Loan Department or [Texas rules and] the regulations of the Federal Savings and Loan Insurance Corporation.

§73.3 Authorized Subsidiary Investments.

(a) Activities of a subsidiary corporation performed directly or through one or more wholly owned or partially owned subsidiaries or joint ventures, without prior approval of the commissioner, shall consist of one or more of the following:

(1)-(2) (No change)

(3) development and subdivision of and construction of improvements[,] on real estate; [including improvements to be used for commercial or community purposes when incidental to a housing project, for sale or for rental on real estate referred to in paragraph (2) of this section]

(4)-(5) (No change)

(6) maintenance and management of [rental] real estate [referred to in paragraphs (3), (4), and (5) of this section];

(7) serving as real estate brokers;

(8) [(7)] serving as insurance broker or agent [primarily dealing in policies for the association, their borrowers, and account-holders which provide protection such as homeowner's fire, theft, automobile, life, health, accident, and title];

(9) engaging in or owning an interest in insurance companies engaged in the property, casualty, fire and marine, life, health and accident, title, fidelity, guaranty, and surety insurance business;

(10)(8) serving in the capacity of trustee under deeds of trust or escrow agent;[.]

(11)(9) preparation of state and federal tax returns for the association's account-holders and/or borrowers;{ }

(12)[(10)] acquisition, maintenance, and management of real estate to be used for association offices and related facilities;[.]

(13)[(11)] investing [invest] in obligations of, or guaranteed as to principal and interest by, the United States or this state and in bonds, notes, or other evidences of indebtedness which are a general obligation of any city, town, village, county, school district, or other municipal corporation or political subdivision of this state;[.]

(14) investing in venture capital through small business investment corporations; and

(15)[(12)] other activities which may be approved by the commissioner.

(b)[(13)] The subsidiary shall not without prior approval of the commissioner invest in the stock of any savings and loan association.

(c)[(14)] A subsidiary shall not receive payments on new or established savings accounts or pay out withdrawals of monies from savings accounts, nor shall it perform any duties for the association other than those specifically authorized in this section.

(d) The association shall maintain the originals of all documents relating to the activities of its subsidiaries that do not require prior approval by the commissioner, which documents shall be made available at all times to state and federal supervisory authorities for examination and review.

§73.4. Operations.

(a) The association shall obtain prior written approval of the commissioner for the establishment and location of the main office, and any branch office, agency office, or any other office or facility of the subsidiary corporation. [Each subsidiary corporation main office, branch, agency, or any other type facility of the subsidiary corporation shall require prior written approval of the commissioner based on his findings of the facts as presented.]

(b) A verified copy of all contracts, instruments, joint ventures, and partnership agreements and financing arrangements of the subsidiary investments shall be furnished to the association [commissioner] within 30 days from the date of execution [approval].

(c)-(f) (No change.)

(g) Each request for approval of an investment by a subsidiary shall include a projected cash flow statement and a projected profit and loss statement setting forth funding requirements of the parent association and/or other subsidiaries [others].

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

Issued in Austin, Texas, on January 13, 1984.

TRD-840577 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Earliest possible date of adoption.
February 27, 1984

For further information, please call (512) 475-7991.

**TITLE 16. ECONOMIC
REGULATION**

**Part II. Public Utility Commission of
Texas**

**Chapter 23. Substantive Rules
Records and Reports**

16 TAC §23.12

The Public Utility Commission of Texas proposes new §23.12, concerning financial records and reports. Previously proposed §23.12 is simultaneously withdrawn in this issue. Changes to this section have been necessitated by revisions to the Public Utility Regulatory Act as amended and reenacted by the 68th Legislature, 1983. Rewording and reorganization for the sake of clarity and conciseness also have been proposed.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule as proposed.

Ms. Ryan also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the accordancy of the rules with the Public Utility Regulatory Act as adopted by the 68th Legislature, 1983, and greater clarity of the rule. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The new section is proposed under Texas Civil Statutes, Article 1446c, § 16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

§23.12. Financial Records and Reports.

(a) Uniform system of accounts. Every public utility shall keep uniform accounts as prescribed by the commission of all business transacted. The classification of utilities, index of accounts, definitions, and general instructions pertaining to each uniform system of accounts as amended from time to time shall be adhered to at all times, unless provided otherwise by these rules, or specifically permitted by the commission.

(1) Classification. For the purpose of accounting and reporting to the commission, each public utility shall be classified with respect to its annual operating revenues as follows:

(A) Telephone utilities.

(i) Class A: annual operating revenues exceeding \$250,000.

(ii) Class B: annual operating revenues exceeding \$100,000 but not more than \$250,000.

(iii) Class C: annual operating revenues exceeding \$50,000 but not more than \$100,000.

(iv) Class D: annual operating revenues not exceeding \$50,000.

(B) Electric utilities.

(i) Class A: annual operating revenues exceeding \$2.5 million.

(ii) Class B: annual operating revenues exceeding \$1 million but not more than \$2.5 million.

(iii) Class C: annual operating revenues exceeding \$150,000 but not more than \$1 million.

(iv) Class D: annual operating revenues not exceeding \$150,000.

(C) Water and/or sewer utilities.

(i) Class A: annual operating revenues exceeding \$500,000.

(ii) Class B: annual operating revenues exceeding \$250,000 but not more than \$500,000.

(iii) Class C: annual operating revenues exceeding 50,000 but not more than \$250,000.

(iv) Class D: annual operating revenues not exceeding \$50,000.

(2) System of accounts For the purpose of accounting and reporting to the commission, each public utility shall maintain its books and records in accordance with the following prescribed uniform system of accounts:

(A) Telephone utilities.

(i) Class A: uniform systems of accounts as adopted and amended by the Federal Communications Commission for Class A utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(ii) Class B: uniform system of accounts as adopted and amended by the Federal Communications Commission for Class B utilities or other commission-approved system of account: as will be adequately informative for all regulatory purposes.

(iii) Class C: uniform system of accounts as adopted and amended by the Federal Communications Commission for Class C utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes

(iv) Class D: uniform system of accounts as adopted and amended by the Federal Communications Commission for Class D utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(B) Electric utilities

(i) Class A: uniform system of accounts as adopted and amended by the Federal Power Commission for Class A utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes

(ii) Class B. uniform system of accounts as adopted and amended by the Federal Power Commission for Class B utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(iii) Class C: uniform system of accounts as adopted and amended by the Federal Power Commission for Class C utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(iv) Class D: uniform system of accounts as adopted and amended by the Federal Power Commission for Class D utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(C) Water and/or sewer utilities.

(i) Class A: uniform system of accounts as adopted and amended by the National Association of Regulatory Utility Commissioners for Class A utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(ii) Class B: uniform system of accounts as adopted and amended by the National Association of Regulatory Utility Commissioners for Class B utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(iii) Class C: uniform system of accounts as adopted and amended by the National Association of Regulatory Utility Commissioners for Class C utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(iv) Class D: uniform system of accounts as adopted and amended by the National Association of Regulatory Utility Commissioners for Class D utilities or other commission-approved system of accounts as will be adequately informative for all regulatory purposes.

(D) Radio-telephone utilities. Uniform system of accounts as prescribed or permitted by the commission.

(E) Other system of accounts. When a utility has adopted a uniform system of accounts as may be required by a state or federal agency other than those previously mentioned in this section (e.g. United States Department of Agriculture—Rural Electrification Administration), that system of accounts may be adopted by the utility after notification to the commission.

(F) Merchandise accounting. Each utility shall keep separate accounts to show all revenues and expenses resulting from the sale or lease of appliances, fixtures, equipment, directory advertising, or other merchandise.

(3) Accounting period. Each utility shall keep its books on a monthly basis so that for each month all transactions applicable thereto shall be entered in the books of the utility

(4) Rules related to capitalization of construction costs. Each electric utility shall accrue allowance for funds used during construction and each telephone utility shall accrue interest during construction, on both short-term and long-term construction work in progress and projects under construction. In the event construction work in progress is included in rate base pursuant to the rules in subsection (c)(2)(D) of §23.21 of this title (relating to Cost of Service), capitalization of allowance for funds used during construction for electric utilities, and interest during construction for telephone utilities shall be discontinued to the extent construction work in progress is allowed.

(b) Financial and operating reports. The following financial and operating reports shall be filed with the commission.

(1) Annual reports.

(A) Telephone utilities.

(i) Each Class A and B telephone utility shall file with the commission the same annual report as

is required of such utility by the Federal Communications Commission or United States Department of Agriculture-Rural Electrification Administration, and a copy of all correspondence had with respect thereto. Class A and B telephone utilities which are not required to file such reports shall submit to the commission an annual report on the form prescribed by the Federal Communications Commission.

(ii) Each Class C and D telephone utility shall file with the commission the same annual report as is required of such utility by the United States Department of Agriculture-Rural Electrification Administration. Class C and D telephone utilities which are not required to file such report shall file with the commission an annual report on a form prescribed by the commission.

(iii) All telephone utilities filing a consolidated system report with the Federal Communications Commission or operating in the State of Texas and other states shall file a supplemental annual report on a form prescribed by the commission showing the total operation (interstate and intrastate combined) in Texas.

(B) Electric utilities.

(i) Each Class A and B electric utility shall file with the commission the same annual report required by the Federal Energy Regulatory Commission or United States Department of Agriculture-Rural Electrification Administration and a copy of all correspondence had with respect thereto. Such annual reports shall be filed with the commission on the dates same are required to be filed by the Federal Energy Regulatory Commission or United States Department of Agriculture-Rural Electrification Administration, whichever is applicable. Class A and B electric utilities which are not required to file such reports shall file with the commission an annual report on the form prescribed by the Federal Energy Regulatory Commission.

(ii) Each Class C and D electric utility shall file with the commission the same annual report as is required of such utility by the United States Department of Agriculture-Rural Electrification Administration. Class C and D electric utilities which are not required to file such report shall file with the commission an annual report on a form prescribed by the commission.

(C) Water and/or sewer utilities. All water and sewer utilities shall submit an annual report to the commission on a form prescribed by the commission, or the same annual report as required of such utility by the United States Department of Agriculture, Farmers Home Administration.

(D) Each utility shall submit to the commission two copies of its annual report to shareholders, customers, or members. Each utility or utility holding company subject to annual reporting to the Securities and Exchange Commission shall file a copy of such annual report with the commission.

(2) Quarterly reports. Each utility shall submit to the commission two copies of its quarterly report to shareholders, customers, or members. Each utility or utility holding company subject to quarterly reporting to the Securities and Exchange Commission shall file a copy of such report with the commission.

(3) Other reports. A copy of all filings and related correspondence with the Securities and Exchange

Commission shall be submitted to the commission at the time of such filings and correspondence. This would include but not be limited to registration statements for sale of new issues of equity or debt securities.

(4) Duplicate information. A utility shall not be required to file with the commission forms or reports which duplicate information already on file with the commission.

(c) Reports on sale of property and mergers.

(1) A public utility shall not sell, acquire, lease, or rent any plant as an operating unit or system in the State of Texas for a total consideration in excess of \$100,000 unless the public utility reports such pending transaction to the commission.

(2) A public utility shall not merge or consolidate with another public utility operating in the State of Texas unless the public utility reports such pending transaction to the commission.

(3) A public utility shall not purchase voting stock in another public utility doing business in the State of Texas, unless the utility reports such pending purchase to the commission.

(4) A public utility shall not loan money, stocks, bonds, notes, or other evidences of indebtedness to any corporation or person owning or holding directly or indirectly any stock of the public utility unless the public utility reports such transaction to the commission within a reasonable time. A properly filed tariff change with respect to energy conservation loans available to customers, who may or may not be shareholders as defined in this paragraph, will be considered adequate reporting to the commission.

(d) Reports on sale of 50% or more of stock. All transactions involving the sale of 50% or more of the stock of a public utility shall be reported to the commission within 30 days. If, after review, the commission finds that such transactions are not in the public interest, the commission shall take the effect of the transaction into consideration in the next rate-making proceeding and disallow any portion of the transaction found to be unreasonable.

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

Issued in Austin, Texas, on January 18, 1984

TRD-840831

Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption.

February 27, 1984

For further information, please call (512) 458-0100.



**TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 77. Comprehensive
Instruction
Subchapter A. Comprehensive
Educational Program
19 TAC §77.1, §77.2**

(Editor's note. The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §77.1 and §77.2, concerning the comprehensive educational program. The State Board of Education has proposed new rules in Chapter 75, concerning curriculum. The proposed new rules, which implement House Bill 246, 67th Legislature, 1981, address both the criteria for a comprehensive educational program and school district responsibility for that program. The proposed new curriculum rules make obsolete the provisions of Chapter 77, Subchapter A.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the deletion of rules which either duplicate or conflict with proposed new rules concerning curriculum. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after the notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels.

§77.1. Responsibility for a Comprehensive Educational Program

§77.2. Criteria for a Comprehensive Educational Program.

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

Issued in Austin, Texas, on January 20, 1984

TRD-840821 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077.

**Subchapter C. Curriculum for General
Education**

19 TAC §77.41-77.46

(Editor's note. The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §77.41-77.46, concerning curriculum for general education. The content of these rules is addressed in the proposed new curriculum rules which implement House Bill 246, 67th Legislature, 1981, and which are contained in proposed new Chapter 75, concerning curriculum. The proposed new curriculum rules make the provisions of §77.41-77.46 obsolete.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the repeal of rules which either duplicate or conflict with proposed new curriculum requirements. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to

provide instruction in those elements at appropriate grade levels.

- §77 41. *Recommended Curriculum.*
- §77 42. *Curriculum Elements Established by Statute.*
- §77 43. *Curriculum Elements Established by Senate Board of Education Policy.*
- §77 44. *Curriculum Established by School Districts.*
- §77 45. *Balanced Elementary Curriculum.*
- §77 46. *List of Approved Subjects and Courses, Grades 7 to 12*

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

Issued in Austin, Texas, on January 20, 1984

TRD-840820 Raymon L Bynum
 Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077

Subchapter T. Crime Prevention and Drug Education

19 TAC §77.411

(Editor's note. The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §77 411, concerning crime prevention and drug education. Statutory requirements concerning the teaching of crime prevention and drug education were repealed by House Bill 246, 67th Legislature, 1981, concerning curriculum. The area previously addressed by this special program is included in the proposed new essential elements for health courses, as part of new curriculum requirements proposed by the State Board of Education in Chapter 75, concerning curriculum.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the inclusion of knowledge and skills previously addressed by the crime prevention and drug education program within a new comprehensive and unified curriculum. There is no anticipated economic cost to individuals as a result of the repeal as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development,

201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels.

§77.411. Authorization and Description of Crime Prevention and Drug Education Programs.

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

Issued in Austin, Texas, on January 20, 1984

TRD-840816 Raymon L Bynum
 Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077.

Subchapter V. Adoptions by Reference

19 TAC §77.452

(Editor's note. The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §77 452, concerning the adoption by reference of the state plan for administration of the crime prevention and drug education program. The statutory requirement for the development of this plan was repealed by House Bill 246, 67th Legislature, 1981, concerning curriculum. The State Board of Education has proposed a comprehensive new set of curriculum requirements in Chapter 75, concerning curriculum. The new requirements implement House Bill 246. Elements previously covered by the crime prevention and drug education program are included in the proposed essential elements for health courses.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal as proposed is

in effect the public benefit anticipated as a result of the repeal is the incorporation of knowledge and skills previously included in the crime prevention and drug education program into a unified and comprehensive new curriculum. There is no anticipated economic cost to individuals as a result of the repeal as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels.

§77.452. State Plan for Administration of the Crime Prevention and Drug Education Program.

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

Issued in Austin, Texas, on January 20, 1984

TRD-840819 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077.

**Chapter 93. Instructional
Development
Subchapter A. Educational Program
Development**

19 TAC §93.1

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §93.1, concerning the instructional development process. New curriculum rules in Chapter 75, which have been proposed by the State Board of Education, include provision for review and revision of the new curriculum. To avoid conflict with those new rules, §93.1 is proposed for repeal.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the

repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the repeal of rules which conflict with new rules currently being proposed. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after the notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels.

§93.1. Instructional Development Process.

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

Issued in Austin, Texas, on January 20, 1984

TRD-840823 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077.

**Subchapter B. Educational Improvement
Support**

19 TAC §93.21

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §93.21, concerning resources for program development and implementation. The State Board of Education has proposed new rules in Chapter 75 concerning curriculum. The proposed new rules include provision for program development and implementation. To avoid conflict with those new rules, Subchapter B is proposed for repeal.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the

repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the avoidance of unnecessary duplication of rules.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels.

§93.21. Resources for Program Development and Implementation

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

Issued in Austin, Texas, on January 20, 1984

TRD-240825 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077

Subchapter D. Energy and Environmental Education

19 TAC §93.61

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §93.61, concerning the statewide design for energy and environmental education. Requirements for instruction in energy and environmental education are included in the essential elements for science and for social studies in proposed new Chapter 75, concerning curriculum. To avoid conflict with those new rules, §93.61 is proposed for repeal.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the

repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the inclusion of curriculum requirements for energy and environmental education within a comprehensive revised set of curriculum requirements for all grade levels, K-12. There is no anticipated economic cost to individuals as a result of the repeal as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels.

§93.61. Statewide Design for Energy and Environmental Education

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

Issued in Austin, Texas, on January 20, 1984

TRD-840822 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077.

Subchapter E. Consumer Education

19 TAC §93.81

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §93.81 concerning consumer education. The State Board of Education has proposed a comprehensive new set of curriculum requirements in Chapter 75, concerning curriculum. Consumer education is included in the new rules in the essential elements for the required economics course as well as mathematics,

business education, and home economics courses. To avoid conflict with the new rules, Subchapter E is proposed for repeal.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is that requirements for consumer education will be included in a comprehensive set of new curriculum requirements. There is no anticipated economic cost to individuals as a result of the repeal as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §21.101(b), which directs the State Board of Education to designate the essential elements of each subject listed in the Texas Education Code, §21.101(a), and to require each district to provide instruction in those elements at appropriate grade levels.

§93.81. Multidisciplinary Program

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

Issued in Austin, Texas, on January 20, 1984

TRD-840824 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077.



**Chapter 97. Planning and
Accreditation**

**Subchapter D. Principles, Standards, and
Procedures for the Accreditation of
School Districts**

Additional Accreditation Regulations

19 TAC §§97.111, 97.113, 97.118

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §§97.111, 97.113, and 97.118, in Chapter 97, concerning principles, standards, and procedures for the accreditation of school districts. Section 97.111 concerned essential curriculum elements prescribed by state law and State Board of Education policy. Section 97.113 concerned the description of a balanced elementary curriculum. Section 97.118 concerned regulations on correspondence courses and high school credit by examination/performance. These sections are superseded by the proposed new rules in Chapter 75, concerning curriculum. To avoid conflicts with the proposed new rules, §§97.111, 97.113, and 97.118 are proposed for repeal.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the repeal of rules which either duplicate or conflict with proposed new requirements concerning the curriculum. There is no anticipated economic cost to individuals as a result of the repeal as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to make rules for the accreditation of school districts.

§97.111. Essential Curriculum Elements Prescribed by State Law and State Board of Education Policy.

§97.113. *Description of Balanced Elementary Curriculum.*

§97.118. *Regulations on Correspondence Courses and High School Credit by Examination/Performance.*

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

Issued in Austin, Texas, on January 20, 1984.

TRD-840817 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077.

This repeal is proposed under the authority of the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to make rules for the accreditation of school districts.

§97.161. *Principles and Standards for Accrediting Institutional and Special Schools.*

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

Issued in Austin, Texas, on January 20, 1984.

TRD-840818 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
March 10, 1984

For further information, please call (512) 475-7077.

Subchapter F. Adoptions by Reference

19 TAC §97.161

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §97.161, concerning the adoption by reference of the principles and standards for accrediting institutional and special schools. These standards are out of date and have not been actually used for several years. Institutional and special schools must be in compliance with the same accreditation standards applicable to all other districts, as found in Chapter 97, Subchapter D, concerning principles, standards, and procedures for the accreditation of school districts.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal as proposed is the repeal of rules which are out of date and which in some cases conflict with rules currently applicable to institutional and special schools. There is no anticipated economic cost to individuals as a result of the repeal as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 29. Purchased Health Services

Subchapter L. General Administration

40 TAC §29.1116

The Texas Department of Human Resources proposes amendments to §29.1116, concerning purchase health services. The amendment will clarify the procedure for referring fraudulent and program abuse cases to the appropriate state agencies and law enforcement agency. The rule currently states that fraudulent and program abuse cases are referred only to "the appropriate law enforcement agency." The department proposes this amendment because some cases may be referred to the appropriate licensing agency for action.

David Hawes, program budget and statistics director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule as proposed.

Mr. Hawes also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a clearer understanding of the referral process. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Susan L. Johnson, Administrator, Policy Development Support Division - 795, Texas Department of Human

Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs.

§29.1116. Potential Fraud, Program Abuse, and Other Misutilization.

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

(d) The health insuring agent assists the department in the furnishing of any reports or other documentation necessary for the department to acquire and evaluate [such] facts [as are] necessary to determine if any offense, violation, program abuse, or other misutilization [in fact] exists. The department refers cases to the appropriate state agencies and law enforcement agency, if the seriousness of an offense, violation, program abuse, or other misutilization warrants the referral [appears to warrant such action].

(e)-(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 January 17, 1984

TRD-840632 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
February 27, 1984

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

Part IX. Texas Department on Aging

Chapter 259. Board on Aging Policies and Procedures

40 TAC §259.6

The Texas Department on Aging proposes amendments to §259.6, concerning Texas Department on Aging board meetings. The department proposes to include language that all Texas Department on Aging board meetings will be governed by *Robert's Rules of Order*. This wording has been added to formalize the conduct of the meetings. Further, in subsection (d), concerning attendance, the matter of a board member resigning *de facto* because of nonattendance shall be reported to the governor. Presently, the rule states that this occurrence may be reported to the governor.

Craig F. Sandling, legal services developer, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Sandling also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the Texas Department on Aging board meetings will be governed by a specific set of standards. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Craig F. Sandling, P.O. Box 12786, Austin, Texas 78711.

The amendments are proposed under the Human Resources Code, §101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§259.6. Meetings.

(a) Scheduling. The board shall hold meetings quarterly and may hold any additional meetings as deemed necessary by the chairman. The chairman shall set the dates and locations of all meetings; however, at least one meeting shall be held annually in Austin, Texas. The chair shall give notice to the executive director so that the members may have notice no less than three weeks in advance of the regular meeting. Special and emergency meetings may be held in response to a call of the chairman or a majority of the members at any time by giving one week's notice to all members. All meetings will be governed by *Robert's Rules of Order*, open to the public, and conducted in accordance with Texas Civil Statutes, Article 6252-17.

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

(d) Attendance. In the event a member shall fail to attend three consecutive, regularly scheduled meetings of the board over the period of four quarters, such member shall be deemed to have resigned *de facto*, and after due inquiry by the board as to reasons for such absences, the matter shall [may] be reported by the chairman to the governor.

(e)-(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 January 17, 1984.

TRD-840696 Tim Shank
General Counsel
Texas Department on Aging

Earliest possible date of adoption:
February 27, 1984

For further information, please call (512) 475-2717.

Chapter 261. Citizens Advisory Council on Aging Policies and Procedures

40 TAC §261.6

The Texas Department on Aging proposes amendments to §261.6, concerning Texas Department on Aging advisory committee meetings. The department

proposes to include language that all advisory council meetings will be governed by *Robert's Rules of Order*, that advisory council members shall not miss three consecutive meetings of the council, and a provision that no proxies shall be permitted at any meeting of the advisory council

Craig F. Sandling, legal services developer, has determined that for the first five-year period the rule 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 rule

Mr Sandling also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that Texas Department on Aging advisory council meetings will be governed by a specific set of standards. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Craig F Sandling, P O Box 12786, Austin, Texas 78711.

The amendments are proposed under the Human Resources Code, § 101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department

§216.6. Meetings

(a) Scheduling The council shall hold meetings quarterly and may hold any additional meetings as deemed necessary by the chair in coordination with the executive director. The chair shall set the dates and loca-

tions of all meetings; however, at least one meeting shall be held annually in Austin, Texas. The chair shall give notice to the executive director so that the members may have notice no less than three weeks in advance of the regular meeting. Special and emergency meetings may be held in response to a call of the chair or a majority of the members at any time by giving one week's notice to all members. All meetings will be governed by *Robert's Rules of Order*, open to the public, and conducted in accordance with Texas Civil Statutes, Article 6252-17.

(b)-(d) (No change)

(e) **Attendance.** In the event a member shall fail to attend three consecutive, regularly scheduled meetings of the council over the period of four quarters, such member shall be deemed to have resigned *de facto*, and after due inquiry by the council as to reasons for such absences, the matter shall be reported by the chairman of the advisory council to the chairman of the Texas Board on Aging.

(f) **Proxies.** No proxies shall be permitted at any meeting of the advisory council.

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

Issued in Austin, Texas, on January 17, 1984

TRD-840697 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption

February 27, 1984

For further information, please call (512) 475-2717.

Withdrawn Rules

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

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

TITLE 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules Records and Reports

16 TAC §23.12

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption new

§23.12, concerning records and reports. The text of the new section as proposed appeared in the October 18, 1983, issue of the *Texas Register* (8 TexReg 4247).

Issued in Austin, Texas, on January 20, 1984

TRD-840809

Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed January 20, 1984

For further information, please call (512) 458-0100.

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

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

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

Adopted Rules

TITLE 1. ADMINISTRATION Part VII. Texas Merit System Council Chapter 161. Merit System of Personnel Administration

1 TAC §§161.1, 161.8-161.13, 161.15

The Texas Merit System Council adopts amendments to §161.13, with one change to the proposed text published in the December 16, 1983, issue of the *Texas Register* (8 TexReg 5230). Sections 161.1, 161.8-161.12, and 161.15 are adopted without changes and will not be republished in this issue.

The amendments are necessary to improve the appeals procedure and lend consistency to term usage among merit system agencies. The rules enlarge the time period for filing appeals, enable the council and parties to move for continuances, and ensure a consistent use of terms.

Those commenting in favor of the rules were the Texas Employment Commission and Texas Air Control Board.

The Texas Department of Human Resources (DHR) supported the rules, but suggested the word "or" be added to §161.13(b)(1) for clarification purposes. The agency agreed with this suggestion. The agency must disagree with the DHR's other suggestion that the words "if appellant was not aware of said action at the time it was taken" be added to §161.13(b)(1), since implementation would contradict the intent of §161.12 of this title and would be almost impossible

to administer fairly. Section 161.12 requires an agency to furnish written notice to an adversely affected employee and thereby clearly provides a time from which appeal may be filed. Computing time from when an appellant was "aware" of an action is inadvisable since "awareness" is not always possible to accurately determine; the amount of prehearing argument before the council would be needlessly increased.

The amendments are adopted under Texas Civil Statutes, Article 6252-11d, which provide the Texas Merit System Council with the authority to adopt rules necessary to administer the Act.

§161.13. Appeals.

(a) Actions which may be appealed to the Texas Merit System Council.

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

(5) Appeal from dismissal, suspension, demotion, or salary reduction. A regular employee who is dismissed, suspended, demoted, or reduced in salary shall have the right to appeal such action to the council, except when the appointing authority has certified to the director that the agency has implemented an impartial grievance procedure which covers the adverse action. If such certification is made, the appointing authority may elect to give regular employees the right to seek relief either through the internal grievance procedure or through the Texas Merit System Council appeals procedure as provided in this section. Under the election, both procedures may not be utilized. The appointing authority must inform its adversely affected employees in writing of this right.

(b) Requirements and procedures governing appeals.

(1) Contents and time limitations on filing of appeals. All appeals shall be in writing and shall be received by the director within 30 days after either the action complained of, or the date of appellant's first official notice of the action complained of, or notice of denial of any administrative remedies sought by appellant. The appeal shall state the following:

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

(2) Scheduling and processing appeals. Upon receipt of an appeal, the director shall arrange for a council hearing to be held within 45 calendar days of receipt of the appeal, unless an extension of time is agreed to by the parties. The council may grant a motion for continuance filed by either party or may continue a hearing upon its own motion. The director shall notify the appellant and appointing authority, if applicable, of time and place of the hearing as soon as practicable, but in any event not less than 15 calendar days in advance thereof. The council shall issue its written decision on the appeal within 30 calendar days after the hearing. The director shall promptly transmit copies of the decision to the appellant and to the appointing authority, if the appellant is an employee.

(3) (No change.)

(c) (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 January 16, 1984.

TRD-840646 F Kemp Dixon
Executive Director
Texas Merit System Council

Effective date: February 7, 1984
Proposal publication date: December 16, 1983
For further information, please call (512) 477-9665.

**TITLE 16. ECONOMIC
REGULATION
Part I. Railroad Commission of
Texas
Chapter 5. Transportation Division
Subchapter W. Railroad Transportation
16 TAC §5.481**

The Railroad Commission of Texas adopts the repeal of §5.481, without changes to the proposal published in the September 20, 1983, issue of the *Texas Register* (8 TexReg 3731). This section was moved from Subchapter W, concerning railroad transportation, to Subchapter AA, concerning railroad safety, and redesignated as §5.612.

The anticipated public benefit resulting from the repeal of this section is simplification of the commission's railroad safety regulations. There is no anticipated

economic cost to individuals who are required to comply with the repeal as proposed.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 6259, *et seq.*, which provide the Railroad Commission of Texas with the authority to regulate railroad safety and to adopt reasonable regulations that ensure the safe operation of railroads within the state.

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

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

TRD-840592 Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: February 6, 1984
Proposed publication date: September 20, 1983
For further information, please call (512) 445-1186.

Subchapter AA. Rail Safety

16 TAC §§5.612-5.615

The Railroad Commission of Texas adopts new §§5.612-5.615, with changes to the proposed text of §§5.612, 5.614, and 5.615, as published in the September 20, 1983, issue of the *Texas Register* (8 TexReg 3731). Section 5.613 is adopted without changes to the proposed text and will not be republished.

These sections concern railroad safety standards, the right to inspect rail property, and enforcement of railroad safety standards, respectively.

The changes to the proposed text of new §5.612 were made to clarify telephonic and other reporting requirements, to minimize the reporting burden on railroads, and to clarify the scope of inspectors' right of entry under the rules.

The public benefit anticipated as a result of enforcing the rules is an increase in rail safety with diminished risk to the public. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

The following comments were received in opposition to the proposed rules.

(1) The proposed rules should conform to federal regulations by providing that if the Federal Railroad Administration (FRA) fails to take timely action on a request by the state for injunction or civil penalties, the state may apply directly to a federal district court within its boundaries.

(2) The proposed rules should not require railroads to make telephonic reports of each accident, since the railroads already notify the FRA of serious accidents.

(3) The proposed rules cannot legally prescribe accident reporting requirements, except to require railroads to submit copies of those reports filed with the FRA.

(4) The proposed rules set out no standards for determining when a Railroad Commission of Texas inspector is "authorized."

(5) The proposed rules are not within the authority of the commission to adopt, as the commission has never assumed the duties of safety regulation.

(6) The proposed rules are too broad to qualify as applying only to local safety matters.

(7) The proposed rules duplicate the scheme of federal regulation.

(8) The proposed rules should provide that the commission's right of entry is coextensive to and no broader than the right of entry of the FRA; in addition, that right should not extend to nonoperating facilities.

(9) Proposed §5.614 violates due process rights and constitutes authorization for unreasonable search and seizure.

(10) The proposed rules may not authorize commission inspectors to enter and inspect railroad property, since that function has been preempted by federal law.

(11) The proposed rules may not authorize the State of Texas to institute suit against a railroad even if the FRA fails to take action, because that authority is entirely within the jurisdiction of the federal agency.

Speaking against the rule were Burlington Northern Railroad, Missouri Pacific Railroad Company, Atchison, Topeka & Santa Fe Railway Company, and Southern Pacific Transportation Company

The commission disagrees with the comments received for the following reasons:

(1) The proposed rules conform to the federal regulations in substance and effect.

(2) The requirement of telephonic notification of accidents is necessary so that a state may immediately be made aware of any dangerous situation existing within the state, the monthly reports filed with the FRA cannot meet this need since they would not provide immediate notification

(3) Federal regulations do not prohibit a state from prescribing accident reporting requirements which provide for immediate notification of accidents occurring in that state

(4) Commission inspectors are qualified in accordance with federal standards

(5) The commission is the regulatory body of the State of Texas vested with jurisdiction over the operations of railroads, relating to both economic and safety matters

(6) The proposed rules relate to local safety concerns, an area entirely within the jurisdiction of the state under the Federal Railroad Safety Act of 1970.

(7) The rules as proposed will result in a cooperative effort between the FRA and the commission; the rules will not require duplicate efforts on the part of the railroads.

(8) To sufficiently carry out its duties under the proposed rules and the Federal Railroad Safety Act,

duly authorized inspectors of the commission must be able to inspect all facilities; this authority is entirely consistent with the intent of the Federal Railroad Safety Act of 1970.

(9) The proposed rules do not constitute violations of due process rights and do not provide authorization to conduct an unreasonable search and seizure.

(10) The right to enter and inspect railroad facilities is entirely consistent with the intent of the Federal Railroad Safety Act, which vests jurisdiction over local safety matters in the state's regulatory agency.

(11) The Federal Railroad Safety Act of 1970 and the regulations issued pursuant to that Act allow the state to institute suit against a railroad when the FRA fails to take timely action.

The rules are adopted under Texas Civil Statutes, Article 6259, *et seq.*, as well as Article 6252-13a, which together empower the commission to adopt reasonable regulations to ensure railroad safety.

§5.612. Reports of Railroad Accidents/Incidents.

(a) Each railroad shall promptly furnish the commission with a copy of each monthly accident/incident report filed with the Federal Railroad Administration, pursuant to 49 Code of Federal Regulations §225.

(b) A railroad must report immediately by telephone to Assistant Director-Rail Planning, (512) 445-1350, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, whenever it learns of the occurrence of any collision, derailment, fire, explosion, act of God, or other event occurring in the State of Texas and involving operation of railroad on-track equipment (standing or moving) which:

- (1) results in the death of any rail passenger, rail employee, or any other person;
- (2) involves a passenger train; or
- (3) involves a commodity classified as a hazardous material under 49 Code of Federal Regulations Part 172.

(c) Each report filed pursuant to subsection (b) must state the:

- (1) name of the railroad;
- (2) name, title, and telephone number of the individual making the report;
- (3) time, date, and location of accident/incident;
- (4) circumstances of the accident/incident;
- (5) number of fatalities involved; and
- (6) name of the hazardous commodity or commodities involved.

§5.614. Right to Inspect Rail Property. Authorized personnel of the Railroad Commission of Texas shall have the right, at any time, to enter onto the property of any railroad company operating within the State of Texas for the purpose of conducting inspections, investigations, and surveillance of railroad track, facilities, equipment, and operations in order to determine the railroad's level of compliance with relevant safety standards. The rights of state inspectors under this section shall be co-extensive with rights accorded federal inspectors under federal law.

§5.615. Enforcement of Rail Safety Standards.

(a) Federal enforcement action. The director of transportation may refer violations of rail safety standards to the Federal Railroad Administration (FRA) with a recommendation that the FRA seek either imposition of civil penalties or an injunction against further rail safety violations, or both.

(b) State enforcement action. The commission may, through the attorney general of Texas, bring an action in any court of competent jurisdiction and proper venue seeking either imposition of civil penalties or an injunction against further rail safety violations, or both, if the director of transportation has requested such action and the FRA has failed to take timely action on the request. Federal Railroad Administration action on a request that it seek to impose civil penalties is timely if, within 60 days after receipt of the request, the FRA has either assessed a civil penalty or determined, in writing, that no violations have occurred. Federal Railroad Administration action on a request that it seek an injunction against further rail safety violations is timely if, within 15 days after receipt of the request, the FRA has referred the matter to the United States attorney general for institution of litigation, has otherwise initiated action seeking injunctive relief, or has determined, in writing, that violations have not occurred.

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

Issued in Austin, Texas, on January 16, 1984

TRD-840593 Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: February 6, 1984
Proposal publication date: September 20, 1983
For further information, please call (512) 445-1186.

**Part IV. Texas Department of
Labor and Standards
Chapter 63. Labor/Licensing and
Enforcement
Labor Agencies
16 TAC §§63.14-63.17**

The Texas Department of Labor and Standards adopts new §63.15, with changes to the proposed text published in the November 8, 1983, issue of the *Texas Register* (8 TexReg 4643). Sections 63.14, 63.16, and 63.17 are adopted without changes and will not be republished in this issue.

There is a need to ensure that the temporary help utilized in Texas is better protected in terms of health, safety, and welfare on the worksite. The Texas De-

partment of Labor and Standards will administer this rule through its Labor/Licensing and Enforcement Division to better protect those who work in the temporary service industry.

Richard D. Tattersall, Interglobal Technical Services, Inc., branch manager, found the rules to be very satisfactory. Cedric A. Richmer, Jr., Kelly Services senior vice president and general counsel, and on behalf of the National Association of Temporary Services, urged permanent adoption of the rules. Ronald A. Kapche, Temporary Help Services Association of Texas president, is in full support and agreement of the rules adopted. The agency agrees with the comments in support of the rules.

The new sections are adopted under Texas Civil Statutes, Article 5221a-5, §12a, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations.

§63.15. Criteria for Exemption. For purposes of qualifying for an exemption under Texas Civil Statutes, Article 5221a-5, §2, a person who may operate a labor bureau or employment office in conjunction with his own business for the sole and exclusive purpose of employing help for his own use shall mean any entity which:

(1) pays federal social security taxes, makes state and federal unemployment insurance contributions, and carries worker's compensation insurance and who posts notice of such coverage in a conspicuous place on its premises indicating the coverage provided, the name of the insurance carrier providing such coverage, and the date of expiration of such policies; and

(2) provides workers with complete information, and maintains a record thereof for a period of two years, concerning work assignments, rate of pay, hours of work, nature of the work and its duration, and sees to the timely payment of their wages, which must be only by negotiable check or in cash (with receipt), for all hours worked, less only those deductions required or authorized by law; and

(3) provides workers with an itemized statement of gross earnings; advances, if any; required deductions; and net earnings for each pay period, irrespective of the form of wage payment; and

(4) provides for payment to workers by personal delivery or by mail or as otherwise requested by workers, but in no case by delivery to or requirement that checks be cashed at or by it or by or in any entity owned or controlled by it or in which it has a significant financial interest, or by or in any other specific place designated by it; and

(5) pays workers reporting to assigned work a minimum of four hours' wages if work is commenced; if work is not commenced, pays a worker so reporting a minimum of two hours' wages; and

(6) may, as a condition for employment, require that workers provide the necessary tools and personal safety equipment, if not already provided by its clients; and

(7) pays workers for work performed irrespective of whether it is paid by its clients; and

(8) provides that if transportation or other accommodations are provided to workers there is no obliga-

tion on the part of workers to use them either by contract or as an express or implied condition of employment; and

(9) provides overall supervision, direction, and control of workers, including the right to hire, offer work assignments, administer discipline, and terminate employment; and may provide direct on-the-job supervision of the workers to the extent of directing both what is to be done and the details of how it will be done; and

(10) accepts full responsibility for the actions of workers while performing the work and carries general liability and property damage insurance to discharge that responsibility.

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

Issued in Austin, Texas, on January 18, 1984.

TRD-840662 Allen Parker, Sr
Commissioner
Texas Department of Labor and
Standards

Effective date: February 8, 1984
Proposal publication date: November 8, 1983
For further information, please call (512) 475-0155.

Chapter 65. Boiler Division Heating Boilers

16 TAC §65.88

The Texas Department of Labor and Standards adopts amendments to §65.88, without changes to the proposed text published in the August 23, 1983, issue of the *Texas Register* (8 TexReg 3264).

The amendments make current rules consistent with the current construction code by establishing minimum requirements for bottom blowoff valves, drain valves, and minimum pressure ratings for valves and cocks.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Boiler Inspection Law, Article 5221c, §6, which provides the commissioner with the authority to enforce a code of rules for the operation of boilers in Texas.

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

Issued in Austin, Texas, on January 18, 1984.

TRD-840723 Allen Parker, Sr
Commissioner
Texas Department of Labor and
Standards

Effective date: February 10, 1984
Proposal publication date: August 23, 1983
For further information, please call (512) 475-0155.

Chapter 67. Auctioneers Licensing of Auctioneers

16 TAC §67.27, §67.28

The Texas Department of Labor and Standards adopts new §67.27 and §67.28, without changes to the proposed text published in the November 11, 1983, issue of the *Texas Register* (8 TexReg 4704).

The rules establish definite criteria to allow auctioneers to evaluate their eligibility for an auctioneer's license. The rules will be administered by the Labor/Licensing and Enforcement Division of the Texas Department of Labor and Standards and will determine the ability of an auctioneer to receive a license in the State of Texas.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 8700, §9, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt reasonable rules and regulations.

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

Issued in Austin, Texas, on January 18, 1984.

TRD-840663 Allen Parker, Sr
Commissioner
Texas Department of Labor and
Standards

Effective date: February 8, 1984
Proposal publication date: November 11, 1983
For further information, please call (512) 475-0155.

TITLE 22. EXAMINING BOARDS Part XVII. Texas State Board of Plumbing Examiners Chapter 363. Examination

22 TAC §363.1

The Texas State Board of Plumbing Examiners adopts amendments to §363.1, without changes to the proposed text published in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5095).

The rule ensures that those licensed as master plumbers and as plumbing inspectors will have at least a minimum educational background. The application to take the examination for a master plumber license will require the applicant to state that he is a high school graduate or holds a General Equivalency Diploma.

No comments were received regarding adoption of the amendments.

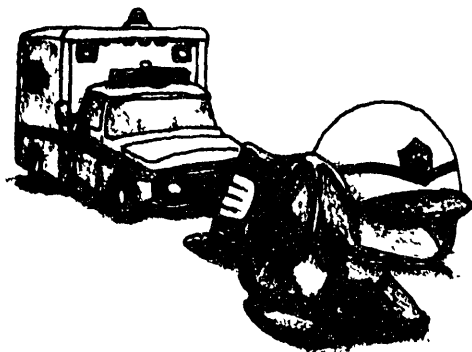
The amendments are adopted under Texas Civil Statutes, Article 6243-101, as amended, which provide the board with the authority to prescribe, amend, and enforce all rules necessary to carry out the Act.

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

Issued in Austin, Texas, on January 18, 1984.

TRD-840717 Lynn Brown
 Administrator
 Texas State Board of Plumbing
 Examiners

Effective date: February 9, 1984
Proposal publication date: December 9, 1983
For further information, please call (512) 458-2145.



TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 85. Community Health Services

Local Public Health

25 TAC §§85.11-85.14

The Texas Department of Health adopts new §§85.11-85.13, with minor changes, and §85.14 without changes to the proposed text published in the November 15, 1983, issue of the *Texas Register* (8 TexReg 4736).

The public benefit will be the appointment of health authorities, approval of directors of public health districts and local health departments, and establishment of public health regions.

The new rules implement Texas Civil Statutes, Article 4436b, effective September 1, 1983, by establishing public health regions and by spelling out procedures for the appointment of health authorities and approval of directors of public health districts and local health departments.

Several comments were made regarding §85.11 and §85.12, relating to the definition and qualifications of a director of a public health district or local health department. The commenters recommended that §85.11 and §85.12 be clarified to allow nonphysicians, who served in the capacity of a director on

September 1, 1983, the effective date of Article 4436b, to continue to serve as provided in §4.04(a) and §4.07(c) of the statute. The agency agrees with the reasons given by the commenters and has modified §§85.11, 83.12(b), and 85.13(a) to conform to Article 4436b.

A commenter recommended that the qualifications provision in §85.13(c)(3) be expanded to include recognition of certification by a specialty board in radiology, nuclear medicine, or pathology. The agency disagrees because these specialties are not primarily public health-related and because the specialty board certification is not a requirement but is a permissive consideration.

The agency also has made several other miscellaneous changes throughout the rules to clarify language and wording in the rules.

The commenters were the City of Waco, the City of Amarillo, the City of Beaumont, the Texas Municipal League, and the Angleton Clinic in Angleton, Texas. No commenter opposed the rules, but several recommended that changes be made.

These new sections are adopted under authority of Texas Civil Statutes, Article 4436b, §4.04 and §4.07, which authorize the Texas Board of Health to approve the appointment of directors of public health districts and local health departments; Article III, §3.01 and §3.02, which prescribe the relationship between the Texas Board of Health and health authorities; and Article V, §5.01 and §5.03, which authorize the Texas Board of Health to establish public health regions and appoint regional directors to serve as health authorities.

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

Board—The Texas Board of Health.

Commissioner—The Texas Commissioner of Health.

Department—The Texas Department of Health.

Director — The chief administrative officer of a public health district or a local health department.

Health authority—The physician who is to administer state and local laws relating to public health.

Local health department—A department of health created by the governing body of an incorporated municipality or the commissioners court of a county under Texas Civil Statutes, Article 4436b.

Member—A municipality, a county, or other governmental entity which is a participant in a public health district.

Physician—A person licensed to practice medicine by the Texas State Board of Medical Examiners.

Public health district—A department of health established under Texas Civil Statutes, Article 4436b.

Region—A geographic area of the State of Texas as may be determined by the department.

Regional director—The physician who is the chief administrative officer of a region.

§85.12. Health Authorities.

(a) The physician who is the director of a public health district or local health department shall be the health authority within the jurisdiction of such district or department.

(b) If a nonphysician serves as the director of a public health district or local health department pursuant to Texas Civil Statutes, Article 4436b, §4.04(a) or §4.07(c), the director shall appoint a physician to serve as the health authority within the jurisdiction of such district or department subject to the approval of the members of the district, or if a local health department, subject to the approval of the governing body of the incorporated municipality or commissioners court of the county.

(c) The governing body of an incorporated municipality or the commissioners court of a county which has not established a public health district or local health department may appoint a physician to serve as the health authority within its jurisdiction.

(d) A health authority shall take and subscribe to the official oath and file a copy of the oath and appointment with the board.

(e) If a health authority ceases to hold office for any reason, the appointing authority shall immediately notify the department and the appropriate regional director.

§85.13. Criteria and Procedure for Approval of Directors.

(a) A director appointed on or after September 1, 1983, shall be approved by the board or its designee. A public health district or local health department shall submit its recommendation for director to the department on a form prescribed by the department.

(b) Within 30 days of its receipt by the department, the board, or its designee, shall either approve or disapprove the recommendation for director. Failure to take action on the recommendation within the 30-day period shall be approval of the recommendation.

(c) The board, or its designee, shall approve the appointment of a director who:

(1) is currently licensed to practice medicine in Texas by the Texas State Board of Medical Examiners and is of reputable professional standing;

(2) is a resident of the State of Texas and of the jurisdiction to which he or she is appointed; and

(3) is competent to perform the duties of a director and a health authority. In evaluating competency, the board may consider the following qualifications: the physician holds a master of public health degree from an accredited school of public health and has one year of experience in public health; is certified by an American medical or osteopathic specialty board in preventive medicine, family practice, pediatrics, or internal medicine and has one year of experience in public health; or has three years of experience in public health. The board may also consider proficiency as demonstrated in past job performance.

(d) If the board or its designee disapproves the recommendation for director, notice of the grounds for disapproval shall be sent to the public health district or local health department and an opportunity for a hearing provided in accordance with the Administrative Pro-

cedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

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

Issued in Austin, Texas, on January 23, 1984.

TRD-840839

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

Effective date: February 13, 1984

Proposal publication date: November 15, 1983

For further information, please call (512) 458-7770.

TITLE 28. INSURANCE

Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)

General Provisions

Miscellaneous II

The following adoptions submitted by the State Board of Insurance will be serialized beginning in the January 31, 1984, issue of the *Texas Register*. The effective date for the documents is February 10, 1984.

059.21.49.006(a) and (c)
amendment

059.21.49.006(b), (d), (e), (g), and (h)
amendment

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

Part I. General Land Office

**Chapter 3. Energy Resources
Rentals; Minimum Royalties**

31 TAC §3.31

The General Land Office adopts amendments to §3.31, without changes to the proposed text published in the December 16, 1983, issue of the *Texas Register* (8 TexReg 5249).

The amendments insure that rentals are not rejected in circumstances where the lessee made every reasonable effort to tender the rental before it was due,

but it was not received on time through no fault of the lessee.

The amendments provide that if payment is received after the anniversary date, the lease will terminate unless the lessee shows the rental was properly mailed, certified or registered, no less than 14 days before the anniversary date.

One comment supporting the rule and urging adoption was received from Texaco, Inc.

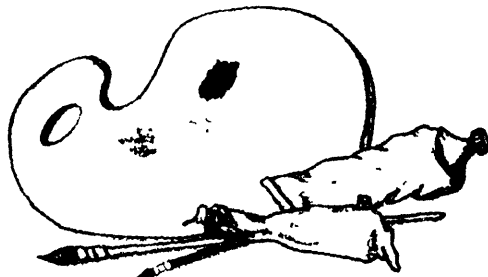
The amendments are adopted under the provisions of the Natural Resources Code, §31.051 and §52.001 *et. seq.* which authorizes the commissioner of the General Land Office to adopt rules governing the leasing of public lands for the production of oil and gas.

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

Issued in Austin, Texas, on January 17, 1984

TRD-840643 Garry Mauro
 Commissioner
 General Land Office

Effective date: February 7, 1984
Proposal publication date: December 16, 1983
For further information, please call (512) 475-5661



Chapter 11. Legal Division Oil and Gas Leases, Mineral Classified Lands

31 TAC §11.15

The General Land Office adopts new §11.15, without changes to the proposed text published in the December 16, 1983, issue of the *Texas Register* (8 TexReg 5250).

The new section is adopted to establish guidelines and procedures for suspension of oil and gas leases. The new section establishes guidelines and procedures for suspension of leases covering lands dedicated to the permanent school fund (except lands subject to lease under the Natural Resources Code, Chapter 52, Subchapter F, commonly known as the "Relinquishment Act").

No comments were received regarding adoption of the new section.

The new section is adopted under the Natural Resources Code, §32.062 and §32.063, which au-

thorizes the board to adopt rules of procedure for the sale and lease of lands affected thereby.

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

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

TRD-840623 Garry Mauro
 Commissioner
 General Land Office

Effective date: February 7, 1984
Proposal publication date: December 16, 1983
For further information, please call (512) 475-5661.

Part IV. School Land Board Chapter 153. Exploration and Development Oil, Gas, and Mineral Lease Sales

31 TAC §153.1

The School Land Board adopts amendments to §153.1, without changes to the proposed text published in the December 16, 1983, issue of the *Texas Register* (8 TexReg 5252).

The amendments are adopted to help defray the costs of processing tracts nominated and setting up a lease sale. The amendments provide for a \$100 fee for each tract nominated.

One comment was received stating the fee is burdensome and should not be paid by prospective lessees. The comment also suggested refund of duplicate fees or proration among the nominating parties. Texaco, Inc., commented against the rule.

The costs of processing tracts nominated for lease sales should be borne by those who benefit from the sales. Costs of processing are incurred on each nominated tract whether or not duplicated. It is hoped the fee will encourage bidding on all tracts nominated and prevent nomination of "scenery" tracts to hide the valuable tracts nominated.

The amendments are adopted under the authority of the Natural Resources Code, §32.062, which authorizes the board to adopt rules for the sale and lease of land.

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

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

TRD-840625 Garry Mauro
 Chairman
 School Land Board

Effective date: February 7, 1984
Proposal publication date: December 16, 1983
For further information, please call (512) 475-5661.

**Operations on Permanent Free School
Fund Lands**

31 TAC §153.37

The School Land Office adopts new §153.37, without changes to the proposed text published in the December 16, 1983, issue of the *Texas Register* (8 TexReg 5253).

The new section is adopted to establish guidelines and procedures for suspension of oil and gas leases. The new section establishes guidelines and procedures for suspension of leases covering lands dedicated to the permanent school fund (except lands subject to lease under the Natural Resources Code, Chapter 52, Subchapter F, commonly known as the "Relinquishment Act")

No comments were received regarding adoption of the new section.

The new section is adopted under the Natural Resources Code, §32.062 and §32.063, which authorizes the board to adopt rules of procedure for the sale and lease of lands affected thereby.

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

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

TRD-840624 Garry Mauro
 Chairman
 School Land Board

Effective date: February 7, 1984
Proposal publication date: December 16, 1983
For further information, please call (512) 475-5661.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration**

The following adoptions submitted by the Comptroller of Public Accounts will be serialized beginning in the January 31, 1984, issue of the *Texas Register*. The effective date for the documents is February 13, 1984.

Subchapter D. Minerals Tax Division—Occupation Tax
on Sulphur Producers
§3.42
(new)

Subchapter F. Motor Vehicle Tax Division
§3.61
(amendment)
§3.90
(repeal)
§3.90
(new)
§3.92
(new)

Subchapter I. Miscellaneous Tax Division—
Miscellaneous Occupation Tax
§3.141
(repeal)
§3.142
(repeal)

Subchapter O. Sales Tax Division—State Taxes
§3.288
(amendment)
§3.339
(amendment)

**Part II. State Treasurer
Chapter 13. Unclaimed Property
Reporting and Compliance**

34 TAC §§13.1-13.4

The Texas State Treasurer adopts new §§13.1-13.4, without changes to the proposed text published in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5121).

Section 13.1 defines the period of dormancy for unclaimed property. Section 13.2 defines the term "owner-generated activity" as it relates to unclaimed property. Section 13.3 addresses how a holder of unclaimed property may establish its knowledge of the existence or whereabouts of the owner of that property. Section 13.4 relieves a holder of unclaimed property from the responsibility of advertising property with a value of less than \$50. These sections increase the uniformity in reporting and compliance with the Texas unclaimed property status.

No comments were received regarding adoption of the new sections.

The sections are adopted under Texas Civil Statutes, Article 3272a and Article 3272b, which authorize the Texas State Treasurer to adopt rules and regulations governing compliance with unclaimed property statutes.

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

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

TRD-840781 Ann W. Richards
 State Treasurer

Effective date: February 10, 1984
Proposal publication date: December 9, 1983
For further information, please call (512) 475-2591.

**Part IV. Employees Retirement
System of Texas
Chapter 71. Creditable Service**

34 TAC §71.9

The Employees Retirement System of Texas adopts an amendment to §71.9, without changes to the pro-

posed text published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5173).

This amendment is adopted solely to increase the clarity of §71.9, for members who wish to establish credit for military service. The section will function with no substantive changes.

No comments were received regarding adoption of the amendment.

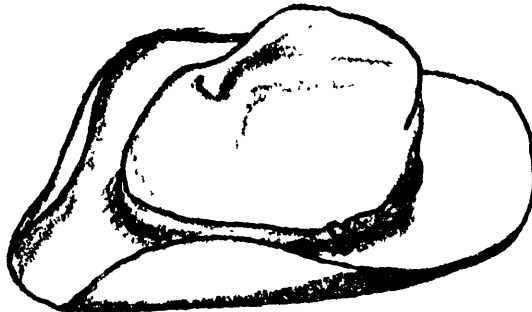
The amendment is adopted under Texas Civil Statutes, Title 110B, §25.102, which provide the Employees Retirement System of Texas with the authority to adopt rules to establish eligible periods of service for which a member is eligible to establish service credit.

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

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

TRD-840584 Clayton T. Garrison
Executive Director
Employees Retirement System of Texas

Effective date: February 6, 1984
Proposal publication date: December 13, 1983
For further information, please call (512) 476-6431, ext. 176.



TITLE 37. PUBLIC SAFETY AND CORRECTIONS
Part X. Texas Adult Probation Commission
Chapter 232. Fund Distribution

37 TAC §323.2

The Texas Adult Probation Commission adopts amendments to §323.2, without changes to the proposed text published in the July 29, 1983, issue of the *Texas Register* (8 TexReg 2884).

The amendments provide for the implementation of legislation appropriations approved by the 68th Legislature, 1983.

The rule provides for equitable distribution of state aid funds to those probation departments which have Intensive Supervision Probation Programs.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

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

Issued in Austin, Texas, on January 20, 1984.

TRD-840801 David Spencer
General Counsel
Texas Adult Probation Commission

Effective date: February 10, 1984
Proposal publication date: July 29, 1983
For further information, please call (512) 476-1374.

Chapter 73. Benefits

34 TAC §73.25

The Employees Retirement System of Texas adopts amendments to §73.25, without changes to the proposed text published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5173).

Adoption of the amendments will permit avoidance of unnecessary probate proceedings now undertaken solely to receive comparatively small sums from the Employees Retirement System of Texas and the Judicial Retirement System.

Where no legal representative of a decedent is named by a court, payments of up to \$1,500 payable to a decedent may be sent to the decedent's estate at his last known address or in care of a family member. Currently, the limit for such distribution is \$500.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Title 110B, §25.102, which provide the Employees Retirement System of Texas with the authority to administer death and retirement 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 January 16, 1984.

TRD-840585 Clayton T. Garrison
Executive Director
Employees Retirement System of Texas

Effective date: February 6, 1984
Proposal publication date: December 13, 1983
For further information, please call (512) 476-6431, ext. 176.

Chapter 83. Investment Policies

34 TAC §§83.1, 83.3, 83.5, 83.7, 83.9, 83.11, 83.13, 83.15

The Employees Retirement System of Texas adopts the repeal of §§83.1, 83.3, 83.5, 83.7, 83.9, 83.11, 83.13, and 83.15, without changes to the proposed text published in the October 18, 1983, issue of the *Texas Register* (8 TexReg 4269).

A comprehensive investment policy has been adopted by the board of trustees. The pre-existing rules governing the internal operation of the system are no longer needed. All board rules relating to investments are repealed.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Title 110B, §25.102(2), which provide the Employees Retirement System of Texas with the authority to adopt rules for the administration of the funds of the retirement system.

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

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

TRD-840586 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Effective date: February 6, 1984
Proposal publication date: October 18, 1983
For further information, please call (512) 476-6431,
ext. 176.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

**Part I. Texas Department of Human Resources
Chapter 9. Food Stamps**

The Texas Department of Human Resources adopts the repeal of existing §9.5406 and new §9.5406, concerning strikers, and adopts an amendment to §9.2128, concerning household determination, in its food stamp rules. The repeal, new rule, and amend-

ment are adopted because of regulations issued by the U.S. Department of Agriculture on November 19, 1982, to be effective January 1, 1983. The regulations change the policy about computing the income of people on strike and allow clients to include boarders as household members.

Subchapter V. Household Concept

40 TAC §9.2128

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs. The amendment is adopted under federal requirements to be effective January 1, 1983.

§9.2128. *Household Determination.* An applicant must complete an application on behalf of a household.

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

(4) The following people cannot be household members and are ineligible for food stamps:

(A) Boarders, defined as residents of boarding houses, or people who live with others and pay a reasonable amount (7 Code of Federal Regulations §273.1(c)(2)) for meals and lodging. Clients may choose to include boarders as household members for food stamps; this includes residents of a boarding house if the proprietor chooses to include them.

(B) Institutional residents who receive more than half of their meals from an institution that is not authorized to accept food stamps. Neither residents of federally subsidized housing for the elderly built under the Housing Act of 1959, §202, the National Housing Act, §236, nor people described in paragraph (1)(C)-(E) of this section, are institutional residents for food stamp purposes.

(C) (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 January 11, 1984.

TRD-840392 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: January 1, 1983
Proposal publication date: N/A
For further information, please call (512) 441-3355,
ext. 2037.

Subchapter YY. Special Households

40 TAC §9.5406

The repeal is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which authorizes the department to administer public assistance pro-

grams. The repeal is adopted under federal requirements to be effective January 1, 1983.

§9.5406. Rules on Strikers.

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

Issued in Austin, Texas, on January 12, 1984.

TRD-840410 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Effective date: January 1, 1983
Proposal publication date: N/A
For further information, please call (512) 441-3355, ext 2037

The new rule is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs. The new rule is adopted under federal requirements to be effective January 1, 1983.

§9.5406. Strikers.

(a) Households with members on strike are entitled to food stamps only if they were or would have been eligible immediately before the strike and also are currently eligible. Those households that were ineligible immediately before striking remain ineligible for food stamps even if their income and resources decrease because of the strike.

(b) Certified households with members who go on strike are not entitled to increased benefits if their income decreases because of the strike.

(c) The DHR computes a striker's income as of the day before the strike and also the current date, and budgets the higher of the two.

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

Issued in Austin, Texas, on January 12, 1984

TRD-840412 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Effective date: January 1, 1983
Proposal publication date: N/A
For further information, please call (512) 441-3355, ext. 2037

Chapter 29. Purchased Health Services

The Texas Department of Human Resources adopts an amendment to §29.1001, concerning general definitions for purchased health services, and adds new Subchapter N, concerning ambulatory surgical centers (§§29.1301-29.1303), in its purchased health ser-

vices rules. The amendment and rules were proposed in the November 4, 1983, issue of the *Texas Register* (8 TexReg 4562). The amendment is adopted without changes to the proposed text. The new sections are adopted with editorial changes to be consistent with the language in the state plan for medical assistance.

The department is adopting rules on ambulatory surgical centers to provide surgical services to eligible Medicaid recipients in the most appropriate setting. The amendment to §29.1001 is the addition of a definition for ambulatory surgical center. The new rules address conditions for participation for ambulatory surgical centers, services provided and limitations, and reimbursement for services.

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

Subchapter K. Definitions

40 TAC §29.1001.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public and medical 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 January 17, 1984.

TRD-840633 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Effective date: February 7, 1984
Proposal publication date: November 4, 1983
For further information, please call (512) 441-3355, ext 2037.

Subchapter N. Ambulatory Surgical Centers

40 TAC §§29.1301-29.1303

The new rules are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs.

§29.1301. Conditions for Participation. Subject to the specifications and limitations established by the department, an ambulatory surgical center (ASC) must meet the following conditions for participation in the Texas Medical Assistance (Medicaid) Program.

(1) The ambulatory surgical center must meet and comply with:

(A) applicable federal and state laws, regulations, rules, and licensure requirements for ambulatory surgical centers; and

(B) provisions of the state plan under Title XIX of the Social Security Act for Medical Assistance.

(2) The ambulatory surgical center must be approved:

(A) for and be participating as an ambulatory surgical center in Medicare (Title XVIII of the Social Security Act), and

(B) by and have a written agreement with the department to participate in the Texas Medicaid Program as an ambulatory surgical center.

§29.1302. *Services and Limitations.* Subject to the specifications, conditions, and limitations established by the department, ambulatory surgical center facility services are limited to items and services furnished by an ambulatory surgical center (ASC) in connection with or directly related to a covered surgical procedure, unless otherwise specified by the department. Covered surgical procedures are those surgical procedures approved by the Health Care Financing Administration and covered by Medicare, when performed in an ASC, unless otherwise specified by the department.

§29.1303. *Reimbursement.*

(a) Subject to the specifications, conditions, and limitations established by the department, payment for ambulatory surgical center facility services is made based on Medicare rules and prospectively determined rates, unless otherwise specified by the department. Payment for services provided in or by an ambulatory surgical center, other than ambulatory surgical center facility services, is made under other provisions of the state plan, as appropriate to the service and the provider performing the service.

(b) Physicians must bill the Medicaid Program separately for services they provide in an ambulatory surgical center.

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

Issued in Austin, Texas, on January 17, 1984

TRD-840634 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date. February 7, 1984
Proposal publication date. November 4, 1983
For further information, please call (512) 441-3355,
ext. 2037.

Part VII. Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Chapter 189. General Rules

40 TAC §§189.3, 189.5, 189.8, 189.17,
189.18

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons adopts amendments to §§189.3, 189.5, 189.8,

189.17, and new §189.18, without changes to the proposed text published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5175).

The amendments and new section are required to comply with legislative changes made in Senate Bill 329 (Human Resources Code, Texas Civil Statutes, Chapter 122) in areas relating to payment of expenses of committee members; determining a fair market price; record depository; and annual reports.

The amendments and new section authorize the appointment of a subcommittee to recommend a fair market value for products and services, and require certain reports to be made to the committee by the central nonprofit agency.

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

The amendments and new section are adopted under the Human Resources Code, §122.010, which provides the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons with the authority to adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter.

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

Issued in Austin, Texas, on January 13, 1984.

TRD-840562 Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Effective date: February 6, 1984
Proposal publication date. December 13, 1983
For further information, please call (512) 445-8126.

Part XI. Texas Commission on Human Rights

Chapter 321. General Provisions

40 TAC §§321.1-321.6

The Texas Commission on Human Rights adopts new §§321.1-321.6. Section 321.1 and §321.3 are adopted with changes to the proposed text published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4847). Sections 321.2 and 321.4-321.6 are adopted without changes and will not be republished in this issue.

The purpose of these rules is to set forth appropriate definitions of terms as used in the context of the rules, the purpose for issuing such rules, the general rule construction, authority for issuing rules, severability, and availability for obtaining the rules. Proposed §321.3 was changed to clarify that failure by the commission to comply with these rules, unless otherwise required under these rules or the Act, is not a bar to administrative or legal action by the complainant.

These rules establish uniform procedures for processing complaints alleging employment discrimination and exercising its powers pursuant to the Texas Commission on Human Rights Act. These procedures cover processing complaints filed under the Texas Commission on Human Rights Act and complaints deferred to the Texas Commission on Human Rights by the U.S. Equal Employment Opportunity Commission.

In reference to §321.3, there were two comments. One comment stressed that a failure to comply with these rules should represent a bar to administrative or legal action. Another comment expressed concern over the definitions related to person, religion, and sex as set forth in the rules.

Gloria Portela, attorney with Hutcheson and Grundy, and Howard Spiegel, employee/Equal Employment Opportunity (EEO) manager of Teneco Oil Company, commented against the rules.

The commission does not believe that a technical failure to comply with these rules by the commission should bar a charging party from administrative or legal action under the Act as long as there is a good faith effort by the commission to comply with the rules and requirements of the Act. It is clear that the rule as stated operates within the context of the Act. The word "commission" was inserted in §321.3 for clarification. As to the second comment, the definitions in question are based on those definitions set forth in the Act.

The new rules are adopted under House Bill 14, Article 3, §3.02(10), which provides the Texas Commission on Human Rights with the authority to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act.

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

Act—The Texas Commission on Human Rights Act.

Age—"Because of" or "on the basis of age" refers only to discrimination because of age or on the basis of age against an individual 40 years of age or older and under 70 years of age. Nothing in this Act prohibits the compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if the employee is entitled to an immediate, non-forfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of plans, of the employer of the employee, that equals, in the aggregate, at least \$27,000.

Bona fide occupational qualification—A qualification:

- (A) that is reasonably related to the satisfactory performance of the duties of a job; and
- (B) for which there is a factual basis for believing that a person of the excluded group would be unable to perform satisfactorily the duties of the job with safety or efficiency.

Chairman—That member of the commission designated by the governor, pursuant to the Act, Article 3, §3.01(a).

Commission—The Texas Commission on Human Rights.

Commissioner—Any one of the duly appointed members of the commission, including the chairman, pursuant to the Act, Article 3, §3.01(a).

Complainant—A person claiming to be aggrieved by an unlawful employment practice, or that person's agent.

Complaint—A written statement made under oath or affirmation stating that an unlawful employment practice has been committed, setting forth the facts on which the complaint is based, including the dates, places, and circumstances of the alleged unlawful employment practice, and setting forth facts sufficient to enable the commission to identify the person charged.

Court—The district court in a county in which the alleged unlawful employment practice that is the subject of the complaint occurred, or in a county in which the respondent resides.

Deferral and referral—The same meaning pursuant to the Act, Article 4, §4.03 and §4.04.

Designee—An employee of the commission authorized to execute such duties, powers, and authority as may be conferred by the executive director subject to the provisions of the Act or these rules.

Employee—An individual employed by an employer, including an individual subject to the civil service laws of the state or a political subdivision of the state; except that the term "employee" does not include an individual elected by the qualified voters to public office in the state or a political subdivision of the state, an individual chosen by the officer to be on the officer's personal staff, an appointee on the policy-making level, or an immediate adviser with respect to the exercise of the constitutional or legal powers of the public office.

Employer—A person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year and any agent of that person. The term includes a political subdivision and any state agency or instrumentality, including public institutions of higher education.

Employment agency—A person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, including an agent of that person.

Executive director—The chief administrative officer employed by the commission to execute such duties, powers, and authority as may be conferred by the commission subject to the provisions of the Act or these rules.

Federal government—The U.S. Equal Employment Opportunity Commission (EEOC) or any agency of the federal government enforcing the Rehabilitation Act of 1973.

Federal law—The Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, and Rehabilitation Act of 1973.

Handicap—

(A) A condition either mental or physical that includes mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, being crippled, or any other health impairment that requires special ambulatory devices or services, as defined in the Human Resources Code, §121.002(4), but does not include a condition of addiction to any drugs or illegal or federally controlled substances or a condition of addiction to the use of alcohol.

(B) "Because of" or "on the basis of" refers to discrimination because of or on the basis of a physical or mental condition that does not impair an individual's ability to reasonably perform a job.

Handicapped person—A person who has a mental or physical handicap, including mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, being crippled, or any other health impairment that requires special ambulatory devices or services, as defined in the Human Resources Code, §121.002(4), but does not include a person because he is addicted to any drug or illegal or federally controlled substances or because he is addicted to the use of alcohol.

Labor organization—A labor organization engaged in an industry affecting commerce and includes:

(A) any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;

(B) any conference, general committee, joint or system board, or joint council so engaged that is subordinate to a national or international labor organization; and

(C) an agent of a labor organization.

Local commission—Created by a political subdivision or two or more political subdivisions acting jointly pursuant to the Act, Article 4, and recognized as a deferral agency by the EEOC pursuant to the U.S. Civil Rights Act, Title VII, §706(c), as amended by the Equal Employment Opportunity Act of 1972.

Local ordinance—An ordinance adopted and enforced by a local political subdivision that prohibits practices designated as unlawful under this Act or otherwise declared unlawful under federal or state law.

National origin—The national origin of an ancestor

Person—One or more individuals or an association, corporation, joint-stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, the state, or a political subdivision or agency of the state.

Political subdivision—A county or an incorporated city or town.

Religion—All aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable reasonably to accommodate the religious observance or practice of an employee or applicant without undue hardship on the conduct of the employer's business.

Respondent—A person who is alleged to have committed an unlawful employment practice in a complaint filed with the commission or deferred by the federal government or the federal government has deferral jurisdiction over the subject matter of the complaint.

Sex—"Because of" or "on the basis of sex" includes, but is not limited to, discrimination because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other individuals not so affected but similar in their ability or inability to work. An employer is not required by this Act to pay for health insurance benefits for abortion, except if the life of the mother would be endangered were the fetus carried to term. This Act does not preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

§321.3. General Construction. These rules shall be construed according to the fair import of their meaning so as to further policies and purposes of the Act. The commission does not intend that a failure to comply with these rules by the commission should constitute a jurisdictional or other bar to administrative or legal action unless otherwise required under these rules or the Act.

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

Issued in Austin, Texas, on December 29, 1983.

TRD-840748

William M. Hale
Executive Director
Texas Commission on Human
Rights

Effective date: February 10, 1984

Proposal publication date: November 22, 1983

For further information, please call (512) 475-1178.

Chapter 323. Commission

40 TAC §323.1-323.5

The Texas Commission on Human Rights adopts new §323.1-323.5. Sections 323.1-323.3 and 323.5 are adopted without changes and will not be republished in this issue. Section 323.4 is adopted with changes to the proposed text published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4847).

The purpose of these rules is to set forth the general description of the commission, the term of office of commissioners, the meeting requirements, reimbursement of commissioners, and general powers of the commission.

These rules establish uniform procedures for processing complaints alleging employment discrimination and exercising its powers pursuant to the Texas Commission on Human Rights Act. These procedures cover processing complaints filed under the Texas Commis-

sion on Human Rights Act and complaints deferred to the Texas Commission on Human Rights by the U.S. Equal Employment Opportunity Commission.

In reference to §323.3(f), there was one comment concerning the need to insure conformity with confidential requirements pursuant to the rules and the Act. Gloria Portela, attorney with Hutcheson and Grundy, commented against the rule.

The commission believes changes in the rules are unnecessary to ensure confidentiality, since both the Act and federal law address the issue.

The new rules are adopted under House Bill 14, Article 3, §3.02(10), which provides the Texas Commission on Human Rights with the authority to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act.

§323.4. Reimbursements. A commissioner is entitled to reimbursement of actual and necessary expenses incurred in the performance of official duties pursuant to the Act, Article 3, §3.01(e), and Senate Bill 179, Article 5, §4.

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 December 29, 1983

TRD-840749 William M Hale
Executive Director
Texas Commission on Human
Rights

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Proposal publication date: November 22, 1983
For further information, please call (512) 475-1178.

Chapter 325. Local Commissions

40 TAC §§325.1-325.5

The Texas Commission on Human Rights adopts new §§325.1-325.5. Sections 325.1-325.3 are adopted with changes to the proposed text published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4847). Section 325.4 and §325.5 are adopted without changes and will not be republished in this issue.

The purpose of these rules is to set forth the relationship between the Texas Commission on Human Rights and local commissions as relates to deferral authority, deferral procedures, final determinations by a local commission, cooperative agreements, eligibility, and ineligibility. Section 325.1 was changed to specify five working days as the time frame for the commission to defer complaints to a local commission. Section 325.2(k) was changed to allow for the respondent to be notified that a complaint has been deferred to a local commission. Section 325.3(b) was changed to

require a local commission to notify the commission in 120 days regarding the local commission's final actions and requiring a local commission to notify the commission in five working days if the local commission does not intend to act on the deferred complaint.

These rules will establish uniform procedures for processing complaints alleging employment discrimination and exercising its powers pursuant to the Texas Commission on Human Rights Act. These procedures cover processing complaints filed under the Texas Commission on Human Rights Act and complaints deferred to the Texas Commission on Human Rights by the U.S. Equal Employment Opportunity Commission.

In reference to §325.1, one comment was received concerning the time frame of 30 days for the commission to defer to a local commission. On §325.2(g), one comment was received concerning the time frame for acknowledging a complaint mailed to the commission. On §325.2(k), one comment was received concerning the respondent being notified as well as the complainant. Gloria Portela, attorney with Hutcheson and Grundy, made comments against the rules.

The commission believes the 30-day period should be decreased to five days. The suggested change on §325.2(g) was unnecessary because the commission will immediately contact the complainant to perfect a complaint to be filed with the commission. The commission believed that the suggested comment should not be incorporated in the adopted rules to resolve jurisdictional issues where a local commission requires the complaint to be filed in less than 180 days.

The new sections are proposed under House Bill 14, Article 3, §3.02(10), which provides the Texas Commission on Human Rights with the authority to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act.

§325.1. Deferral Authority. The commission shall defer a complaint filed with it to a local commission within five working days pursuant to the Act, Article 4, §4.04(a).

§325.2. Deferral Procedures.

(a) For a complaint filed with the commission over which the federal government has deferred jurisdiction, timeliness of the complaint shall be measured by the date on which the complaint is received by the commission for the purpose of satisfying the filing requirements of the Act, Article 6, §6.01(a)

(b) For a complaint deferred to the commission by the federal government, timeliness of the complaint shall be measured by the date on which the complaint is received by the federal government for the purpose of satisfying the filing requirements of the Act, Article 6, §6.01(a).

(c) For a complaint deferred to the commission by a local commission, timeliness of the complaint shall be measured by the date on which the complaint is received by the local commission for the purpose of satisfying the filing requirements of the Act, Article 6, §6.01(a).

(d) To encourage the maximum degree of effectiveness by local commissions, the commission shall endeavor to maintain close communication with respect to all matters forwarded to them and shall provide such assistance to local commissions as permitted by law and as is practicable.

(e) The Act grants a local commission the exclusive right to take appropriate action within the scope of its powers and jurisdiction to process a complaint deferred by the commission pursuant to the requirements of the Act, Article 4, §4.04, and this chapter.

(f) A local commission may waive its right to the period of exclusive processing of a complaint provided by the Act with respect to any complaint or category of complaints by deferring a matter under its jurisdiction to the commission pursuant to the Act, Article 4, §4(c).

(g) All complaints received by the commission subject to deferral to a local commission shall be dated and time stamped upon receipt.

(h) The original complaint shall be retained in a suspense file by the commission until the local commission has submitted a copy of its final determination to the commission; the commission has reassumed responsibility for the complaint after affording the local commission a reasonable time, but not less than 60 days, to remedy the practice alleged to be discriminatory in the deferred complaint; or the local commission has deferred the matter under its jurisdiction to the commission.

(i) A copy of a complaint received by the commission subject to deferral to a local commission shall be transmitted by registered mail, return receipt requested, to the appropriate local commission. Proceedings by the local commission are deemed to have commenced on the date such complaint is mailed.

(j) A copy of a complaint deferred to a local commission by federal government over which the commission has deferral jurisdiction shall be transmitted by registered mail, return receipt requested, to the commission by the local commission.

(k) The complainant and respondent shall be notified in writing that the complaint received by the commission has been forwarded to the local commission.

(l) For purposes of satisfying the requirements of the Act, Article 4, §4.04, the commission shall not assume jurisdiction over a complaint deferred to a local commission, except as follows:

(1) where the local commission may defer a complaint under its jurisdiction to the commission;

(2) where the complaint is received by the commission within 180 days of the alleged violation but beyond the period of limitation of the appropriate local commission;

(3) where the local commission has not acted on the complaint pursuant to the requirements of the Act, Article 4, §4.04(b), and this chapter.

§325.3. *Final Determination of a Local Commission.*

(a) A local commission shall submit to the commission by registered mail, return receipt requested, a copy of the document stating the final finding of the local commission as to the merits of a deferred complaint or a copy of the document stating the appropriate action taken by the local commission to resolve the practice alleged as discriminatory in a deferred complaint.

(b) For purposes of satisfying the Act, Article 7, §7.01(a), a local commission shall submit to the commission by registered mail, return receipt requested, notification if a deferred complaint is dismissed, or shall submit, within 120 days of the date the complaint is deferred by the commission, written notification if the local commission has not filed a civil action or not successfully negotiated a conciliation agreement between the complainant and respondent. A local commission shall notify the commission within five working days, if the local commission does not intend to act on a complaint deferred by the commission or over which the commission has deferral jurisdiction.

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 December 29, 1983.

TRD-840750

William M. Hale
Executive Director
Texas Commission on Human
Rights

Effective date: February 10, 1984

Proposal publication date: November 22, 1983

For further information, please call (512) 475-1178.

Chapter 327. Administrative Review

40 TAC §§327.1-327.11

The Texas Commission on Human Rights adopts new §§327.1-327.11. Sections 327.1, 327.2, 327.4, 327.5, 327.7, 327.8, and 327.11 are adopted with changes to the proposed text published in the November 22, 1983, issue of the *Texas Register* (8 Tex-Reg 4847). Sections 327.3, 327.6, 327.9, and 327.10, are adopted without changes and will not be republished in this issue.

The purpose of these rules is to set forth the administrative procedures for processing complaints filed with the commission or deferred to the commission by the U.S. Equal Employment Opportunity Commission. Section 327.1(i) was changed by deleting the last sentence in the proposed rule concerning the service of notice to the respondent in 10 days. Section 327.2(c) was changed to include the phrase "to which the commission is a party." Section 327.4(c) was changed to require the respondent intending not to comply with a subpoena of the commission to request the subpoena to be revoked or modified within five days of receipt. Section 327.5(c) was changed by deleting the term "due notice" and inserting the term "notify." Section 327.5(g) was changed to include the respondent. Section 327.7(a) was changed by deleting "an unlawful employment practice" and inserting "there is a reasonable cause to believe that an unlawful employment practice." Section 327.7(c) was changed to ensure that both the complainant and the respondent receive a copy of the draft conciliation agreement. Section 327.8 was changed to include "respon-

dent." Section 327.11 was changed to include the words "designated agent."

These rules establish uniform procedures for processing complaints alleging employment discrimination and exercising its powers pursuant to the Texas Commission on Human Rights Act. These procedures cover processing complaints filed under the Texas Commission on Human Rights Act and complaints deferred to the Texas Commission on Human Rights by the U.S. Equal Employment Opportunity Commission.

In reference to §327.1(a), one comment was received regarding the complaint being in writing and under oath or affirmation or verified. In reference to §327.1(b), two comments were received regarding the use of the terms "facts" and "circumstances," as well as limiting the content of the rule to refuse to accept the complaint if it is untimely. In reference to §327.1(c), one comment was received concerning a time frame for contacting the complainant after a complaint has been filed. In reference to §327.1(d), one comment was received expressing concern about the wording of the rule and requesting a different approach to describing the facts and circumstances alleged in the complaint. In reference to §327.1(f), two comments were received suggesting that a complaint may be withdrawn without approval of the commission prior to the commission finding on the merits of the complaint, and an expression of concern over the commission proceeding on a complaint if it is withdrawn. In reference to §327.1(g), three comments were received concerning amending a complaint filed with the commission. In reference to §327.1(i), two comments were received regarding notification to the respondent that a complaint was filed with the commission. These comments were resolved by changes in adopted rules.

In reference to §327.2(b), one comment was received regarding the commission facilitating a settlement through withdrawing the complaint. In reference to §327.2(c), one comment was received regarding the commission as a party to a settlement agreement which contains a provision about a judgment of the commission on the merits of the complaint. This comment was accommodated in the adopted rules.

In reference to §327.3(e), two comments were received concerning the commission requiring fact-finding conferences. In reference to §327.3(f), one comment was received referring to the use of fact-finding conferences exclusively to obtain facts. In reference to §327.3(g), two comments were received concerning the determination as to who can present information at a fact-finding conference. In reference to §327.3(h), one comment was received regarding the words "any person." In reference to §327.3(i), two comments were received concerning the scope of the investigation of a complaint. In reference to §327.3(k), two comments were received regarding the access of the commission to necessary witnesses and documents of the respondent in investigating a complaint.

In reference to §327.4(c), one comment was received concerning the time frame for respondents to request that a commission subpoena be revoked or modified and the time frame for the commission to act on such a request. In reference to §327.4(d), one comment was received concerning the time frame for the commission to enforce in court a subpoena issued by the commission.

In reference to §327.5(a), one comment was received related to the commission accepting a complaint under certain conditions related to the timeliness and facts or circumstances alleged by the complainant. In reference to §327.5(c)-(f), two comments were received related to the use of the terms "reasonable time" and "full relief," as well as the time frame for notification. In reference to §327.5(g), two comments were received concerning notification of the respondent, which was accommodated by a change in the adopted rules.

In reference to §327.7(a), one comment was received related to the terms used in identifying an unlawful employment practice in a determination by the commission that was accommodated in the adopted rules. In reference to §327.7(c), one comment was received related to the complainant and respondent receiving copies of the draft conciliation agreement, which was accommodated in the adopted rules.

In reference to §327.8, one comment was received related to the respondent receiving a copy of the 180-day notice to be sent to the complainant, which was accommodated in the adopted rules.

In reference to §327.9, two comments were received expressing concern about the release of confidential information, who could receive such confidential information, and restricting certain information from the commission by a respondent on the basis of its confidential content.

In reference to §327.11, two comments were received concerning persons who might represent the respondent, which was accommodated to include designated agent.

Gloria Portela, attorney with Hutcheson and Grundy, Howard Spiegel, employee/Equal Employment Opportunity manager of Tenneco Oil Company, Marlin Johnston, Texas Department of Human Resources, and Eliseo Medina, Texas State Employees Union, commented against the rules.

The issues raised by comments concerning §327.1(a) are resolved by the definition of complaint set forth in the rules. In regard to §327.1(b), the commission cannot deny a person the right to file a complaint, but can dismiss a complaint that does not meet the jurisdictional requirements of the Act. Also, the terms "facts and circumstances" are used in the Act. The issues raised in comments on §327.1(c) are resolved by the definition of complaint in the rules. Also, the commission will be responsible for perfecting complaints so that immediate contact with the complainant shall be a routine procedure. In terms of §327.1(d), the adopted rule conforms with the framing of a complaint by the U.S. Equal Employment Opportunity

Commission and the requirements of the Act. In reference to §327.1(f), the commission reserves the right to make a judgment about the withdrawal of a complaint and will only act after a complaint has been filed as required by the Act. In regard to §327.1(g), the commission shall follow universally applied procedures to accept an amendment to a complaint relating back to the original date of the complaint where, in the judgment of the commission, such an amendment is proper pursuant to the Act. It is more efficient for all parties to process an amendment than for each incident to represent a new complaint.

In regard to §327.2(b), the commission should not be placed in a position of persuading complainants to withdraw their complaint.

In terms of §327.3(e), the commission believes the proposed rule is sufficiently permissive. In terms of §327.3(f), the commission believes the adopted rule is clear as to the appropriate utilization of fact-finding conferences. In regard to §327.3(g), the commission holds that fact-finding conferences are an investigative forum of the commission and it therefore reserves the right to determine the relevant participants and who presents information related to the complaint. In terms of §327.3(h), the commission reserves the right to determine sources of information relevant to an investigation. In reference to §327.3(j), the adopted rules are appropriate since any investigation tracks the allegations set forth in the complaint. In terms of §327.3(k), the adopted rule is appropriate since the commission has the responsibility for identifying witnesses and documents relevant to an investigation and obtaining necessary access to such sources.

In terms of §327.4(c), the commission agreed that a time frame should be set for respondents requesting the commission to revoke or modify a subpoena, but set the time frame of five working days in the adopted rules. In regard to §327.4(d), the commission did not establish a specific time frame in the adopted rules for the enforcement of its subpoena in court since such matters will be based upon the resource capabilities and workload of the commission.

In regard to §327.5(a), the commission believes that the adopted rules were sufficient to resolve the issues raised by those comments on the proposed rules. In reference to §327.5(c)-(f), in the context of the adopted rules, the commission believed that the use of the terms "reasonable time," "full relief," and the time frames for notifying the complainant were necessary to insure acceptance by the U.S. Equal Employment Opportunity Commission of the final actions of the commission pursuant to the substantial weight requirements of the U.S. Equal Employment Opportunity Commission.

In terms of §327.8, the rules were adopted as proposed since the respondent will be notified by the court if the complainant pursues judicial relief.

In reference to §327.9, the proposed rules were adopted since the Act was clear on its face in terms of confidentiality. The commission rejected the notion

that a respondent could determine sources of information relevant to an investigation that were unavailable to the commission because of reasons of confidentiality.

The new sections are adopted under House Bill 14, 68th Legislature, 1983, Article 3, §3.02(10), which provides the Texas Commission on Human Rights with the authority to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act.

§327.1. Filing a Complaint.

(a) A complainant may telephone, write, or visit the commission office or a local commission office to obtain information about filing a complaint with the commission.

(b) The executive director or his or her designee may counsel with the complainant about the facts and circumstances which constitute the alleged unlawful employment practice. If the facts and circumstances do not constitute an unlawful employment practice, the executive director or his or her designee shall so advise the complainant. If the facts and circumstances constitute an alleged unlawful employment practice, the executive director or his or her designee shall assist the complainant in perfecting the complaint.

(c) The complaint shall be filed at the commission office in writing or in person with the executive director or his or her designee on a form provided by the commission, or filed in writing at an office of a local commission, or at an office of the federal government.

(d) Notwithstanding any other rule of the commission, the complaint shall identify personal harm, respondent's reasons for the actions taken, and a discrimination statement.

(e) A complaint shall be filed within 180 days after the date the alleged unlawful employment practice occurred.

(f) A complaint may be withdrawn by a complainant only with the consent of the commission. The commission hereby delegates authority to the executive director or his or her designee to grant consent to a request to withdraw a complaint where the withdrawal of the complaint shall not defeat the purposes of the Act.

(g) A complaint may be amended to cure technical defects or omissions, including failure to verify the complaint and to clarify and amplify allegations made therein. Such amendment or amendments alleging additional acts which constitute unlawful employment practices related to or growing out of the subject matter of the original complaint shall relate back to the date the complaint was first received. The respondent shall receive a copy of the amended complaint. An amended complaint shall be subject to the procedures set forth in these rules.

(h) Upon receipt of a complaint to be processed by the commission, the complaint shall be docketed to include all pertinent information, assigned a complaint number, and assigned for processing to a commission employee.

(i) Within 10 days after the receipt of the complaint, the executive director or his or her designee shall serve the respondent with a copy of the complaint by registered mail, return receipt requested.

§327.2. Voluntary Resolution.

(a) Prior to the initiation and completion of an investigation, the executive director or his or his designee shall invite both the complainant and the respondent to attempt voluntarily to resolve their dispute.

(b) The executive director or his or her designee shall have the authority to sign in behalf of the commission any voluntary agreement to resolve the dispute which is agreeable to both the complainant and the respondent.

(c) Any voluntary agreement to resolve the dispute to which the commission is a party shall contain a provision that the commission has made no judgment on the merits of the complaint and that such agreement shall not affect the processing of any other complaint, including, but not limited to, allegations which are like or related to the individual allegations resolved.

(d) The commission shall limit its undertaking in such voluntary agreement to an agreement not to process that complaint further

§327.4. Subpoena.

(a) To effectuate the purposes of this Act pursuant to the Act, Article 3, §3.02(7), any commissioner shall have the authority to sign and issue a subpoena to compel attendance of necessary witnesses for examination or testimony under oath or affirmation, and the production of records, documents, and other evidence relevant to the investigation of alleged violations of this Act, for inspection and copying. The issuance of subpoenas shall be governed by Texas Civil Statutes, Article 6252(a), §14. The commission authorizes the executive director or commissioner to exercise this power on behalf of the commission.

(b) Notwithstanding the requirements pursuant to any other state law, the subpoena shall state the name and address of its issuer, identify the person or evidence subpoenaed, the person to whom and the place, date, and the time at which it is returnable, or the nature of the evidence to be examined or copied and the date and time when access is requested. A subpoena shall be returnable to the executive director. Neither the complainant nor the respondent shall have the right to demand that a subpoena be issued.

(c) Notwithstanding the requirements of any other state law, any person served with a subpoena issued by the commission who intends not to comply therewith shall petition in writing the commission to revoke or modify the subpoena within five working days after receipt of the subpoena. Such petition shall separately identify each portion of the subpoena with which the petitioner does not intend to comply, and shall state, with respect to each such portion, the grounds upon which the petitioner relies. A copy of the subpoena shall be attached. The commission shall review the petition and make a final determination on revoking or modifying the subpoena. The commission shall serve a copy of the final determination of the petition upon the petitioner by registered mail, return receipt requested.

(d) On a failure to comply with a subpoena, the commission shall apply to the district court of the county in which the person is found, resides, or transacts business, for an order directing compliance.

§327.5 Dismissal of Complaint.

(a) Where a complaint, on its face or as amplified by statements of the complainant, discloses, or where the investigation reveals that the complaint and every portion thereof is not timely filed or otherwise fails to state a claim under this Act, the commission shall dismiss the complaint. This authority shall be delegated to the executive director or his or her designee by the commission.

(b) Where the executive director or his or her designee after an investigation has determined that there is no reasonable cause to believe that the respondent has engaged in an unlawful employment practice as alleged in the complaint, the executive director or his or her designee shall dismiss the complaint. The executive director or his or her designee shall issue a written determination in the form of a letter of determination incorporating the finding that the evidence does not support the complaint, and shall serve a copy of the letter of determination on the complainant, the respondent, and other agencies as required by law and by registered mail, return receipt requested.

(c) Where complainant fails to provide requested necessary information, fails or refuses to appear or to be available for interviews or conferences as necessary, or fails or refuses to provide requested necessary information for completing the complaint, the executive director or his or her designee may dismiss the complaint. Prior to dismissing the complaint, the complainant shall be notified and be given a reasonable time to respond.

(d) Where the complainant fails or refuses to cooperate to the extent that the commission is unable to resolve the complaint, and after due notice to which the complainant has had a reasonable time to respond, the executive director or his or her designee may dismiss the complaint.

(e) Where reasonable efforts have been made to locate the complainant and the complainant has not responded in a reasonable time, the executive director or his or her designee may dismiss the complaint.

(f) Where a respondent has made a resolution offer which is in writing and specific in its terms, the executive director may dismiss the complaint if the complainant refuses to accept the offer, provided that the offer would afford full relief for the harm alleged by the complainant and the complainant fails to accept such an offer within a reasonable time after actual notice of the offer.

(g) Where the commission dismisses a complaint filed with it, the commission shall so notify in writing the complainant and the respondent by registered mail, return receipt requested. Such notification shall inform the complainant of his or her right to file a civil action against the respondent named in the complaint pursuant to the Act, Article 7, §7.01(a). The commission shall delegate authority to issue such notifications to the executive director or his or her designee

§327.7. Conciliation

(a) Where the commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such unlawful employment practice by informal methods of conference, conciliation, and persua-

sion. This authority shall be delegated to the executive director or his or her designee by the commission.

(b) Where a determination of reasonable cause has been made, the commission shall attempt to achieve a just resolution of all violations found and to obtain agreement that the respondent will eliminate the unlawful employment practice and provide appropriate relief to the complainant.

(c) The executive director or his or her designee shall prepare a written draft of a conciliation agreement that incorporates provisions eliminating the unlawful employment practices and providing appropriate relief for the complainant. The commission shall provide a copy of the draft conciliation agreement to the complainant and respondent.

(d) Where practical, the executive director or his or her designee shall conduct the conciliation conference in person with the respondent, but this does not preclude conducting such conciliation conferences by telephone with the respondent or complainant.

(e) Where such conciliation attempts are successful, the terms of the conciliation agreement shall be reduced to writing and signed by the respondent, complainant, and the executive director in behalf of the commission.

(f) The executive director shall report to the commission the results of successful and unsuccessful conciliation attempts.

(g) Where the commission has not successfully negotiated a conciliation agreement between the respondent and complainant, the commission shall so notify in writing the complainant and respondent by registered mail return receipt requested. Such notification shall inform the complainant or his or her right to file a civil action against the respondent named in the complaint pursuant to the Act, Article 7, §7.01(a). The executive director is authorized to issue this notification in behalf of the commission.

(h) Proof of compliance with the terms of the conciliation agreement by the respondent shall be obtained by the executive director before the case is closed.

§327.8. Notice to Complainant. Unless the commission has earlier dismissed the complaint, or if within 180 days after the date of filing of the complaint the commission has not filed a civil action or has not successfully negotiated a conciliation agreement, the commission shall so notify the complainant and respondent by registered mail, return receipt requested, pursuant to the Act, Article 7, §7.01(a).

§327.11. Legal Representation. The respondent and the complainant may be represented by an attorney or designated agent.

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 December 29, 1983

TRD-840751 William M. Hale
Executive Director
Texas Commission on Human
Rights

Effective date: February 10, 1984
Proposal publication date: November 22, 1983
For further information, please call (512) 475-1178.

Chapter 329. Judicial Action

40 TAC §329.1

The Texas Commission on Human Rights adopts new §329.1, without changes to the proposed text published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4847).

The rule sets forth judicial action by the commission to effectuate the purposes of the Act.

This rule establishes uniform procedures for processing complaints alleging employment discrimination and exercising the commission's powers pursuant to the Texas Commission on Human Rights Act. These procedures cover processing complaints filed under the Texas Commission on Human Rights Act and complaints deferred to the Texas Commission on Human Rights by the U.S. Equal Employment Opportunity Commission.

In reference to §329.1(b), Gloria Portela, attorney, Hutcheson and Grundy, pointed out that the respondent should also be notified. In this instance, the commission did not see the necessity for notifying the respondent, because such notice will be issued by the court, whereas the complainant would not be notified except by the commission that a civil action was to be filed.

The new section is adopted under House Bill 14, Article 3, §3.02(10), which provides the Texas Commission on Human Rights with the authority to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act.

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

Issued in Austin, Texas, on December 29, 1983.

TRD-840752 William M. Hale
Executive Director
Texas Commission on Human
Rights

Effective date: February 10, 1984
Proposal publication date: November 22, 1983
For further information, please call (512) 475-1178.

Chapter 331. Reports and Record Keeping

40 TAC §331.1

The Texas Commission on Human Rights adopts new §331.1, without changes to the proposed text published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4847).

The rule sets forth requirements for the preservation of records. The rule establishes uniform procedures for processing complaints alleging employment discrimination and exercising the commission's powers pursuant to the Texas Commission on Human Rights

Act. These procedures cover processing complaints filed under the Texas Commission on Human Rights Act and complaints deferred to the Texas Commission on Human Rights by the U.S. Equal Employment Opportunity Commission.

In reference to §331.1, Gloria Portela, attorney, Hutcheson and Grundy, commented about specifying the federal law and regulations to follow in defining reporting requirements. The commission believes that the rule is sufficiently specific as required by the Act.

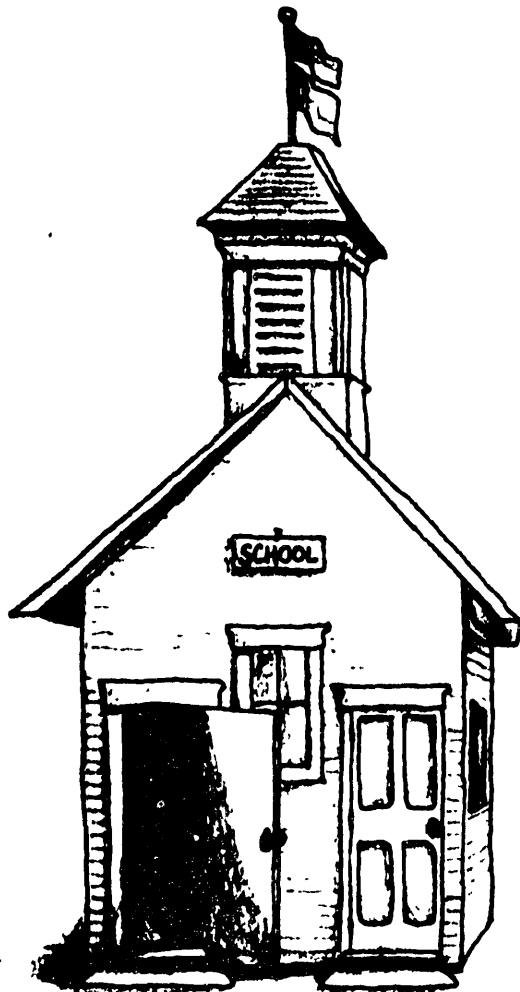
The new section is adopted under House Bill 14, Article 3, §3.02(10), which provides the Texas Commission on Human Rights with the authority to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act.

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

Issued in Austin, Texas, on December 29, 1983.

TRD-840753 William M. Hale
Executive Director
Texas Commission on Human
Rights

Effective date: February 10, 1984
Proposal publication date: November 22, 1983
For further information, please call (512) 475-1178.



Chapter 333. Conformity

40 TAC §333.1

The Texas Commission on Human Rights adopts new §333.1, without changes to the proposed text published in the November 22, 1983, issue of the *Texas Register* (8 TexReg 4347).

The new section insures that provisions of the Act do not prohibit deferral agency status and funding from the U.S. Equal Employment Opportunity Commission. The rule establishes uniform procedures for processing complaints alleging employment discrimination and exercising the commission's powers pursuant to the Texas Commission on Human Rights Act. These procedures cover processing complaints filed under the Texas Commission on Human Rights Act and complaints deferred to the Texas Commission on Human Rights by the U.S. Equal Employment Opportunity Commission.

No comments were received regarding adoption of the new section.

The section is adopted under House Bill 14, Article 3, §3.02(10), which provides the Texas Commission on Human Rights with the authority to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act.

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

Issued in Austin, Texas, on December 29, 1983.

TRD-840754 William M. Hale
Executive Director
Texas Commission on Human
Rights

Effective date: February 10, 1984
Proposal publication date: November 22, 1983
For further information, please call (512) 475-1178.

TITLE 43. TRANSPORTATION Part I. State Department of Highways and Public Transportation

Chapter 25. Maintenance Division General

43 TAC §25.1

The State Department of Highways and Public Transportation adopts an amendment to §25.1, without changes to the proposed text published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5176).

The proposed changes to the *Texas Manual on Uniform Traffic Control Devices for Streets and Highways*

will apply to several sections of the manual and is made to maintain conformance with the *National Manual on Uniform Traffic Control Devices for Streets and Highways*.

The amendment will clarify regulation of motor vehicles by means of official traffic control devices such as signs, traffic signals, and markings.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6701d, §29, which provide that the State Highway Commission shall adopt a manual and specifications for a uniform system of traffic control devices

consistent with the provisions of this Act for use upon highways within this state.

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

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

TRD-840619

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

Effective date: February 17, 1984

Proposal publication date: December 13, 1983

For further information, please call (512) 475-2141.

State Board of Insurance Exempt Filings

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

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

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

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

The State Board of Insurance has approved a filing of a standard and uniform endorsement form, Rider SR 6136, for use with comprehensive 3-D and blanket crime policies by the Surety Association of America.

This endorsement consolidates several existing endorsements used to provide for deductible amounts for various insuring agreements in the comprehensive

3-D and blanket crime policies. Because this endorsement is applicable to policies under the joint jurisdiction of the Surety Association and Insurance Services Office (ISO), and the ISO has previously filed the endorsement, the association is also making the same filing.

This all-purpose endorsement can be used to replace Endorsements 46A (SR5183b), 46B (SR5223b), 58A (SR5685), 58B (SR5685), and 162 (SR5719), applicable to the comprehensive 3-D policy, and Endorsement 13 (SR5624b), applicable to the blanket crime policy.

There is no rate consideration involved with the consolidation of the previously listed endorsements into one form.

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

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

Issued in Austin, Texas, on January 20, 1984.

TRD-840826

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: February 12, 1984

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

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. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Department on Aging

Wednesday, January 25, 1984, 9:30 a.m.

The Texas Board on Aging of the Texas Department on Aging met on the fifth floor, 210 Barton Springs Road, Austin. According to the agenda, the board selected an executive director. The board also met in executive session.

Contact: Tim Shank, P.O. Box 127
Austin, Texas 78711, (512) 475-2717

Filed: January 17, 1984, 11:25 a.
TRD-840618

Texas Department of Agriculture

Tuesday, January 31, 1984, 2 p.m. The Texas Department of Agriculture will meet in Room 930A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing for possible suspension, modification, or revocation of commercial ground applicator License 5860, held by Mary Wallace, doing business as Woodchuck Tree Service, for an alleged

violation of Texas Agriculture Code, 76.116(a)(5).

Contact: Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711.

Filed: January 18, 1984, 4:01 p.m.
TRD-840699



Texas Alcoholic Beverage Commission

Monday, January 30, 1984, 10:30 a.m. The Texas Alcoholic Beverage Commission made an emergency revision of a rescheduled meeting to be held in Suite 210, Jefferson Building, 1600 West 38th Street,

Austin. The additions to the agenda concerned the approval of the December 12, 1983, minutes, administrator's and staffs' report of agency activity, and affidavits of destruction of tested alcoholic beverages. The emergency status was necessary because the meeting was originally scheduled for January 23, 1984, and was rescheduled due to the weather.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: January 23, 1984, 1:02 p.m.
TRD-840908

Automated Information Systems Advisory Council

Tuesday, February 7, 1984, 9 a.m. The board of the Automated Information Systems Advisory Council will meet in Room 100-E, John H. Reagan Building, West 15th Street and Congress Avenue, Austin. According to the agenda, the board will discuss procurement proposals.

Contact: John C. Musgrove, John H. Reagan Building, Room 313, West 15th

Street and Congress Avenue, Austin, Texas, (512) 475-2362, or STS 822-2362.

Filed: January 23, 1984, 10:34 a.m.
TRD-840864

State Bar of Texas

Thursday, January 26, 1984, 1 p.m. The Executive-Budget Committee of the State Bar of Texas met in the President's Room, third floor, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee heard reports of the president, general, organization of the Bar and committee matters; model rules of professional conduct; interest on lawyers trust accounts; the Federal Trade Commission; the trip to China; appointment of a special Ad Hoc Committee to study the print shop; budgetary matters and audit reports and the 1984-1985 proposed budget report; reports of the executive director, president-elect, board chairman, supreme court liaison, immediate past president, general counsel, and director of professional development; insurance trust concerning disability insurance; the 1984 convention; a progress report on the disciplinary procedural rules referendum; and considered a request for \$20,000 for the Bar Leadership Conference.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78711, (512) 475-4746.

Filed: January 18, 1984, 2:52 p.m.
TRD-840694

Friday and Saturday, January 27 and 28, 1984, 9 a.m., daily. The Board of Directors of the State Bar of Texas will meet in the Board of Directors Room, first floor, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear a report from the Fact Finding Committee and reports of the president, ratification of prior actions of the Executive-Budget Committee, appointments by the president, model rules of professional conduct, interest on lawyers trust accounts, and Federal Trade Commission matters; consider the trip to China and budgetary matters; hear audit reports; approve capital expenditures; review board policy decisions relating to the 1984-1985 budget; hear reports of the executive directors, president-elect, immediate past president, board chairman, judicial section, general counsel, director of professional development, and associate executive director; reports on the 1984 convention and Texas

lawyers insurance exchange; board, standing and special committees and sections reports; reports of the Supreme Court liaison, the Texas Young Lawyers Association president, the Texas Bar Foundation, and Tex-Lex, Inc., meeting, and committee and section midyear reports.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78711, (512) 475-4746.

Filed: January 18, 1984, 2:51 p.m.
TRD-840695

Texas Cosmetology Commission

The Texas Cosmetology Commission will meet at the Holiday Inn, 1102 South Shoreline Drive, Corpus Christi. Days, times, and agendas follow.

Saturday, January 28, 1984, 9:30 a.m. According to the agenda, the commission will conduct a public hearing on proposed rule changes at the previous meeting.

Sunday, January 29, 1984, 9:30 a.m. Items on the agenda include proposed rule changes; a presentation of a letter from Dr. Bernstein on deletion of the tuberculosis test; a speech by Faye Pool on several topics concerning students; a presentation of a proposal by Jim Zukowski on printing cosmetology books; National Interstate Council membership; and minutes of the prior meeting. The commission also will meet in executive session.

Contact: Herbert E. Cohen, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-3304.

Filed: January 18, 1984, 10:18 a.m.
TRD-840679, 840680

State Board of Dental Examiners

Thursday-Saturday, January 26-28, 1984, 8:30 a.m., daily. The State Board of Dental Examiners revised the agenda of a meeting held in the Duncan A and B Meeting Room, Hyatt Regency Hotel, 300 Reunion Boulevard, Dallas. The additions concerned the discussion of revisions to the board rules, The Dentist Place, the California dental hygiene law, and the request to have a dental hygiene license issued without retaking the entire examination.

Contact: William S. Nail, P.O. Box 13165, Austin, Texas 78711, (512) 475-2443.

Filed: January 17, 1984, 2:46 p.m.
TRD-840650

Addition to the above agenda:

Discussion of dental hygiene permitted duties and a rule amendment regulating referral services.

Contact: William S. Nail, P.O. Box 13165, Austin, Texas 78711, (512) 475-2443.

Filed: January 18, 1984, 10:55 a.m.
TRD-840670

Interagency Council on Economic Development

Tuesday, January 31, 1984, 10 a.m. The Interagency Council on Economic Development will meet in Room 104, Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda include introduction of Harden Wiedemann, director, Governor's Office of Economic Development; a brief overview of the Governor's Office of Economic Development (OED) and of the Interagency Council on Economic Development (ICED), Harden Wiedemann; ICED procedures; and the ICED Work Program.

Contact: Tom Adams, P.O. Box 13561, Austin, Texas 78711, (512) 475-1147.

Filed: January 23, 1984, 4:53 p.m.
TRD-840929

Texas Economic Development Commission

Monday, January 23, 1984, 9 a.m. The State Enterprise Zone Board of the Texas Economic Development Commission met in emergency session in Room 221, 410 East Fifth Street, Austin. Items on the agenda included a review of enterprise zone legislation, rules and procedures, and organization and administration. The emergency status was necessary to initially organize the board.

Contact: Kent Yeates, 410 East Fifth Street, Austin, Texas, (512) 472-5059.

Filed: January 17, 1984, 3:31 p.m.
TRD-840649

Select Committee on Public Education

Wednesday, January 18, 1984, 9 a.m. The Subcommittee on the Teaching Profession of the Select Committee on Public Education made an emergency revision to the

agenda of a meeting held in the Addison Hospitality Suite, Registry Hotel, 15201 Dallas Parkway, Dallas. According to the revised agenda, the subcommittee changed the meeting location from the Metroplex Room to the Addison Hospitality Suite, both in the Registry Hotel. The emergency status was necessary because the Registry Hotel could no longer accommodate the subcommittee due to scheduling problems.

Contact: Margaret LaMontagne, John H. Reagan Building, 105 West 15th Street, Austin, Texas 78701, (512) 475-3506.

Filed: January 17, 1984, 4:33 p.m.
TRD-840654

Saturday, January 21, 1984, 11 a.m. The Subcommittee on the Teaching Profession of the Select Committee on Public Education made an emergency revision to the agenda of a meeting held in Room 346, State Capitol, Austin. According to the revised agenda, the subcommittee considered a status report from a consultant on the subcommittee's scope of work; and a presentation on colleges of education/teacher education programs concerning curriculum evaluation, state control over colleges of education and teacher education programs, and recruitment and the select scholars program. The development of career ladders was removed from the agenda. The emergency status was necessary to enable the subcommittee to remain on schedule in its review of various topics and to develop preliminary recommendations for a subcommittee report.

Contact: Margaret LaMontagne, John H. Reagan Building, 105 West 15th Street, Austin, Texas 78701, (512) 475-3506.

Filed: January 20, 1984, 2:55 p.m.
TRD-840812

Saturday, January 28, 1984, 2 p.m. The Subcommittee on Legislative Action of the Select Committee on Public Education will meet in Committee Room 1, State Capitol, Austin. According to the agenda, the subcommittee will hold an organizational meeting.

Contact: Sally Haenelt, State Archives Building, Room 413, Austin, Texas 78711, (512) 475-2020.

Filed: January 20, 1984, 2:55 p.m.
TRD-840811

Sunday, January 29, 1984, 1 p.m. The Subcommittee on Educating the Child of the Select Committee on Public Education will meet in Room 346, State Capitol, Austin. According to the agenda, the subcommit-

tee will continue its discussion of bilingual and vocational education.

Contact: Sally Williams, 7171 Forest Lane, Dallas, Texas 75230, (214) 661-6526.

Filed: January 20, 1984, 2:54 p.m.
TRD-840813

Monday, January 30, 1984, 9 a.m. The Subcommittee on Educating the Child of the Select Committee on Public Education will meet in Room 346, State Capitol, Austin. Items on the agenda include Texas Education Agency presentations on student testing, diploma awards, and textbook selection; core curriculum; extracurricular activities; and electives.

Contact: Sally Williams, 7171 Forest Lane, Dallas, Texas 75230, (214) 661-6526.

Filed: January 20, 1984, 2:54 p.m.
TRD-840807

Employees Retirement System of Texas

Wednesday, February 1, 1984, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas (ERS) will meet in the board room, fourth floor ERS Building, 18th and Brazos Streets, Austin. According to the agenda, the committee will consider the January 18, 1984, minutes, discuss the Group Insurance Program plan of coverage and possible changes, and discuss and act upon any other matters related to the insurance program.

Contact: Clayton T. Garrison, Box 13207, Austin, Texas 78711, (512) 476-6431.

Filed: January 23, 1984, 11:03 a.m.
TRD-840894

Texas Employment Commission

Tuesday, January 24, 1984, 9 a.m. The Texas Employment Commission (TEC) met in a rescheduled emergency session in Room 644, TEC Building, West 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will discuss prior meeting notes and internal procedures of the Office of Commission Appeals; consider and act on higher level appeals in unemployment compensation cases on Dockets 2, 3, and 4; and set the date of next the meeting. Consideration of Docket 2 was originally scheduled for January 10, 1984, and Docket 3 was originally scheduled for January 19, 1984. The emergency status was necessary due to having to com-

ply with federal time lapse requirements and having canceled meetings originally scheduled due to lack of a quorum of the commissioners to take action on the cases.

Contact: Courtenay Browning, TEC Building, Room 608, West 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: January 23, 1984, 3:23 p.m.
TRD-840917

Tuesday, January 31, 1984, 9 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, West 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 5, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, West 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: January 23, 1984, 3:24 p.m.
TRD-840918

Wednesday, January 25, 1984. The Texas Employment Commission (TEC) rescheduled meetings held in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. The meetings were originally scheduled for January 18, 1984, as published at 9 TexReg 379. Times and agendas follow.

9 a.m. According to the agenda, the commission considered the architectural design of the new headquarters building and had a public comment period.

1 p.m. Items on the agenda included approval of prior meeting notes; reports by administrative staff on program operations, funding, and legislation; a public comment period; a discussion of sharing cost with other agencies to study federal funding formulas that affect Texas; a review of the Purchasing and General Services Commission's proposal regarding purchase of TEC properties; preliminary discussion of an evaluation system for the administrator position; a discussion of the general counsel position and legal representation for the commission; and a discussion of the Department of Labor's request for an attorney general's opinion on a proposed commission rule. The commission also met in executive ses-

sion to consider premises leases and contracts, hear status reports on litigation relating to outstanding suits and attorney general opinion requests, and set the date and agenda for the next meeting.

Contact: Pat Joiner, TEC Building, Room 656, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4514.

Filed: January 17, 1984, 3:38 p.m.
TRD-840647, 840648

Joint Select Committee on Fiscal Policy

Thursday, February 9, 1984, 9 a.m. The Joint Select Committee on Fiscal Policy will meet at the E. H. Hereford University Center, University of Texas at Arlington, Arlington. Items on the agenda summary include a Texas economic overview by Dr. Ray Perryman, professor of economics, Baylor University and by Dr. John Boatwright, principal economist, Exxon Company, U.S.A. (tentative); "High Technology" by Dr. George Kozmetsky, executive associate for economic affairs, University of Texas System Board of Regents; oil and gas exploration and production by James C. Calaway, president, Southwest Minerals, Inc.; oil and gas refining, marketing, and petrochemicals by Dr. Charles H. Bowman, president, Gulf Refining and Marketing Company; retail trade by Robert Sakowitz, president, Sakowitz, Inc.; construction by J. McDonald Williams, managing partner, Trammel Crow Company; finance by James D. Berry, chairman, RepublicBank Corporation; and a wrap-up and other business.

Contact: Tom Scott, P.O. Box 12068, Austin, Texas 78711, (512) 475-3106.

Filed: January 18, 1984, 10:50 a.m.
TRD-840672

General Land Office

Tuesday, January 24, 1984, 10 a.m. The General Land Office met in emergency session in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda included comments on and a discussion of proposed amendments to 31 TAC §3.10. The emergency status was necessary because on January 17, 1984, the School Land Board requested that the January 24 meeting (originally scheduled with representatives of the Texas Mid-Continent

Oil & Gas Association) be made open to the public.

Contact: Jim Phillips, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-5661.

Filed: January 18, 1984, 9:27 a.m.
TRD-840657

Office of the Governor

Tuesday, January 24, 1984, 2 p.m. The Study Committee on Nutrition and Wellness in State Supported Institutions of the Office of the Governor met in emergency session in the conference room, seventh floor, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda included charge of the committee, a timetable, the implementation plan, subcommittee formation, and other business. The emergency status was necessary because of the difficulty in arranging a mutually convenient meeting date for all new members of the committee.

Contact: Patricia Otis, P.O. Box 12428, Austin, Texas 78701, (512) 475-2427.

Filed: January 23, 1984, 10:41 a.m.
TRD-840866

Thursday, January 26, 1984, 9:30 a.m. The Governor's Advisory Committee on Minority Business Enterprise of the Governor's Small Business and Equal Employment Opportunity Office met in Room 410, Reagan Building, Austin. According to the agenda summary, the committee examined the Texas Economic Development Commission, the State Department of Highways and Public Transportation, the State Purchasing and General Services Commission, the University of Texas System, and the Department of Water Resources and their relationship with minority business enterprise. Specific areas of concern were procurement, professional services, and construction contracts. Other minority business projects in various states also were discussed.

Contact: Deborah Brown, 201 East 14th Street, Room 108, Austin, Texas 78711, (512) 475-6507.

Filed: January 17, 1984, 2:33 p.m.
TRD-840631

Friday, January 27, 1984, 10 a.m. The Subcommittee on Bidding of the Governor's Task Force on State Employee Health Insurance Quality and Cost Containment will meet in Room 350, State Board of Insurance, 1110 San Jacinto Street, Austin.

According to the agenda, the subcommittee will consider the December 1, 1983, minutes, discuss the content and form of a report and recommendations to be made to the task force, and set times for future meetings.

Contact: Evelyn Ireland, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4285.

Filed: January 18, 1984, 10:45 a.m.
TRD-840666

Texas Health and Human Services Coordinating Council

Tuesday, January 31, 1984, 10 a.m. The Planning Committee of the Texas Health and Human Services Coordinating Council will meet in Room C, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will review a planning process and discuss and develop a work plan for the committees.

Contact: Lynn H. Leverty, P.O. Box 12428, Austin, Texas 78711, (512) 475-1306.

Filed: January 18, 1984, 4:09 p.m.
TRD-840698

Texas Historical Commission

Monday, January 23, 1984, 1:15 p.m. The Texas Historical Commission submitted an emergency revised agenda for a meeting held on the eighth floor, LBJ Library, Austin. According to the revised agenda, §E, concerning Rule 17.2(c), was added. The emergency status was necessary because of the time element in changing a 1985 application requirement for the selection of Main Street cities to fund the salary of the project manager from one year to three.

Contact: Kay Harvey Mosley, P.O. Box 12276, Austin, Texas 78711, (512) 475-3092.

Filed: January 23, 1984, 11:05 a.m.
TRD-840875

Saturday, January 28, 1984, 10 a.m. The State Board of Review of the Texas Historical Commission will meet at Gethsemane Church, 1510 Congress Avenue, Austin. According to the agenda summary, the board will approve the minutes of the last meeting and review National Register nominations.

Contact: Peter Flagg Maxson, P.O. Box 12276, Austin, Texas 78711, (512) 475-3094.

Filed: January 18, 1984, 10:55 a.m.
TRD-840673

**Texas Department of Human
Resources**

Thursday, February 2, 1984, 10 a.m. The Texas Board of Human Resources of the Texas Department of Human Resources will meet at the Beaumont Civic Center, 701 Main Street, Beaumont. According to the agenda summary, the board will approve the November meeting minutes and rules and rates for emergency response service, discuss rate setting methodology and rates for intermediate care and skilled nursing facilities and intermediate care for the mentally retarded, discuss the Unaccompanied Minors Refugee Program, proposed rates for mental health and mental retardation community based services, and foster care rates for residential treatment centers; hear various reports, consider child care licensing review and recommendations; hear a report on Medicaid eligibility for pregnant women; discuss the departmental long-range plan, consider adjustments to the fiscal year 1983 and 1984 operating budgets; hear the planning and budget calendar report, consider reimbursement rates for food stamp prosecutions, appointments to advisory committees, and technical amendments to program policies and procedures; and hear the commissioner's report and the regional report

Contact: Bill Woods, P O Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 2060

Filed: January 23, 1984, 4:42 p.m.
TRD-840928

**Texas Commission on Human
Rights**

Friday, January 27, 1984, 2 p.m. The Texas Commission on Human Rights will meet in Room 309, Court of Criminal Appeals, State Capitol, Austin. Items on the agenda summary include approval of minutes of the prior meeting, personnel matters, contractual relations with the Equal Employment Opportunity Commission, in-service training, a joint venture with the Governor's Equal Employment Opportunity Office on the Equal Employment Opportunity Conference, new office space, and information on workshops and presentations concerning the Texas Commission on Human Rights

Contact: William Hale, Sam Houston Building, Room 208, 201 East 14th Street, Austin, Texas, (512) 475-1178.

Filed: January 18, 1984, 4:52 p.m.
TRD-840700

Texas Industrial Accident Board

Monday, February 6, 1984, 9 a.m. The Texas Industrial Accident Board will meet in Room 107, first floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board will discuss establishment of a Legislative Advisory Committee; Attorney General Opinion JM-21; computation of a compensation rate *Fair and Just* 280-day formula; board policy on the provisions of Article 8306, §18a; board approval of bylaws on arbitration panels, Article 8306, §7; and a waiver of confidentiality, Article 8307, §9a.

Contact: William Treacy, 200 East Riverside Drive, first floor, Austin, Texas 78704, (512) 475-4538.

Filed: January 17, 1984, 1:36 p.m.
TRD-840622



State Board of Insurance

Monday, January 30, 1984, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will hold a public hearing to consider the appeal of Domestic Lloyds of Texas Insurance Company from Commissioner's Order 83-3093.

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

Filed: January 18, 1984, 10:54 a.m.
TRD-840674

Monday, January 30, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7557—application for original charter of Southern Sun Life Insurance Company, Helotes

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: January 18, 1984, 2:29 p.m.
TRD-840691

Addition to the above agenda:

Docket 7562—application of Texas Fidelity Life Insurance Company of Denton Coun-

ty, Krum, for a charter amendment to convert a stipulated premium company (Insurance Code, Chapter 22) to a legal reserve life, accident, and health insurance company (Insurance Code, Chapter 3).

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: January 18, 1984, 2:29 p.m.
TRD-840692

Monday, January 30, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will make a decision on commercial automobile rates set in a hearing held January 11, 1984.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: January 20, 1984, 3:09 p.m.
TRD-840814

Tuesday, January 31, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will hear reports of the commissioner and fire marshal; consider personnel matters; and consider a board order respecting the board's decision on commercial automobile rates made in a public meeting on January 30, 1984, including proposed findings of fact and conclusions of law, a board order respecting the board's decision on premium rates for the Texas Townhouse Program made in public meeting on January 6, 1984, including proposed findings of fact and conclusions of law, and board orders on several different matters as itemized on the complete agenda

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: January 23, 1984, 4:06 p.m.
TRD-840925

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

Tuesday, January 31, 1984, 1:30 p.m. Docket 7558—application for original charter of PWM Life Insurance Company, Dallas

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: January 23, 1984, 2:49 p.m.
TRD-840909

Addition to the above agenda:

Docket 7525—whether the Group 11, health and accident insurance agent's license held

by Ronald Alan Doss, Amarillo, should be canceled or revoked.

Contact: Tom McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: January 23, 1984, 2:49 p.m.
TRD-840910

Wednesday, February 1, 1984, 9 a.m. Docket 7559—application of William Dale Carter, Oakhurst, for a legal reserve life insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: January 23, 1984, 2:49 p.m.
TRD-840911

Wednesday, February 1, 1984, 1:30 p.m. Docket 7551—application for original charter of Midland Financial Life Insurance Company, Midland.

Contact: Tom McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: January 23, 1984, 2:49 p.m.
TRD-840912

Thursday, February 2, 1984, 9 a.m. Docket 7560—application of Theodore Whatley Sterling, Jr., Hilltop Lakes, for a legal reserve life insurance agent's license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: January 23, 1984, 2:49 p.m.
TRD-840913

Thursday, February 2, 1984. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Times and agendas follow.

10 a.m. Items on the agenda include a request by Van T. Smith Driving Schools for automobile insurance credit for "Defensive Driving-Awareness," a request by the Department of the Air Force Training Command for automobile insurance credit for "Most Plus," and a request by the Texas Safety Association for Automobile Insurance Credit for Professional Driver Improvement Course.

2 p.m. According to the agenda, the board will hold a public hearing to consider the appeal of Air Traffic Management, Inc., doing business as ATM Air Freight from action of the Texas Workers' Compensation Assigned Risk Pool.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: January 18, 1984, 10:54 a.m.
TRD-840675, 840676

Friday, February 3, 1984, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7561—application of Fred A. Weise, Corpus Christi, for a legal reserve life insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: January 23, 1984, 2:49 p.m.
TRD-840914

Commission on Jail Standards

Wednesday, January 25, 1984, 8:30 a.m. The Commission on Jail Standards made an emergency addition to the agenda of a meeting held in Room 206, Texas Law Center, 1414 Colorado, Austin. The addition concerned consideration of Travis County under new business. The emergency status was necessary due to a new contract for the renovation of door operation, which requires commission approval prior to proceeding.

Contact: Robert O. Viterna, 411 West 13th Street, Suite 900, Austin, Texas 78711, (512) 475-2716.

Filed: January 20, 1984, 2:22 p.m.
TRD-840815

Texas Department of Labor and Standards

Tuesday, January 24, 1984, 9:30 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards met in emergency session in Room 100B, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division conducted a public hearing to receive comments on proposed rules. The emergency status was necessary for the protection and welfare of manufactured housing consumers.

Contact: John Steele, P O Box 12157, Austin, Texas, (512) 475-0155.

Filed: January 18, 1984, 10 a.m.
TRD-840664

Texas Commission on Law Enforcement Officer Standards and Education

Wednesday, February 1, 1984, 10 a.m. The Texas Commission on Law Enforcement

Officer Standards and Education will meet at 1606 Headway Circle, Austin. Items on the agenda include recognition of visitors; minutes; proposed changes to 37 TAC §§211.75-211.79; final adoption of §211.74; report from Chief Lee P. Brown, Houston Police Department; consideration of applications for academy certification pending before the commission; entry of final orders in license revocation proceedings pending before the commission; staff activity reports; and formal adoption of procedural rules for the conduct of regular commission meetings.

Contact: Alfredo Villarreal, 1606 Headway Circle, Austin, Texas 78754, (512) 834-9222.

Filed: January 18, 1984, 12:50 p.m.
TRD-840677

Texas State Library and Archives Commission

Monday, January 30, 1984, 10 a.m. The Library Services and Construction Act Advisory Council of the Texas State Library and Archives Commission will meet in Room 202, 12th and Brazos Streets, Austin. According to the agenda, the council will review and approve the 1984 Library Services and Construction Act (LSCA) annual program and long-range plan and review procedures for evaluating LSCA Title III applications.

Contact: Patricia Smith, P.O. Box 12927, Austin, Texas 78711, (512) 475-4119.

Filed: January 18, 1984, 2:02 p.m.
TRD-840681

Texas Low-Level Radioactive Waste Disposal Authority

Thursday, February 16, 1984, 10 a.m. The Texas Low-Level Radioactive Waste Disposal Authority will meet in Room 100-C, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include approval of minutes from the previous meeting; general manager's report and communications on financial and legal matters, engineering, and special programs; adoption of a board policies code; new business, including publication of private donor rules, approval of staff signature authority, and election of board officers; and public comment. The committee also

Texas Register

will meet in executive session, pursuant to Texas Civil Statutes, Article 6252-17, §2(f).

Contact: Lawrence R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

Filed: January 20, 1984, 2:24 p.m.
TRD-840802

Texas State Board of Medical Examiners

Saturday, January 28, 1984, 2 p.m. The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. Items on the agenda include election of new officers and reorganization of the Texas State Board of Medical Examiners. The board also will meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d) and §5.06(e)(1), and Attorney General Opinion H-484, 1974.

Contact: Jean Davis or Nan Fuller, P.O. Box 13552, Austin, Texas, (512) 452-1078.

Filed: January 20, 1984, 1:18 p.m.
TRD-840755

Tuesday, January 31, 1984, 2 p.m. The Ad Hoc Committee to Study Operation of the Board and Central Office of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will consider recommendations regarding the role of officers, the administration and set-up of offices, board efficiency, funding, legal services, and hearing and exam procedures. The committee also will meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d), and §5.06(e)(1) and Attorney General Opinion H-484, 1974.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas, (512) 452-0741.

Filed: January 17, 1984, 2:46 p.m.
TRD-840651

Texas Merit System Council

Tuesday, January 31, 1984, 9 a.m. The Texas Merit System Council will meet in emergency session at 507 Brown Building, Austin. According to the agenda, the council will hold a business meeting to make a decision concerning the reorganization plan. The council will also meet in executive session to discuss the reorganization plan. The

emergency status is necessary because the outcome of this decision may affect personnel decisions which may be effective on February 1, 1984.

Contact: F. Kemp Dixon, P.O. Box 13366, Austin, Texas 78711, (512) 477-9665.

Filed: January 24, 1984, 8:38 a.m.
TRD-846937

Texas National Guard Armory Board

Saturday, January 28, 1984, 1 p.m. The Texas National Guard Armory Board will meet in Building 64, Camp Mabry, Austin. According to the agenda summary, the board will consider administrative and fiscal matters and facility construction, remodeling, and renovation.

Contact: Donald J. Kerr, P.O. Box 5218, Austin, Texas 78763, (512) 451-6394.

Filed: January 17, 1984, 3:47 p.m.
TRD-840655

North Texas State University

Friday, January 20, 1984, 2 p.m. The Board of Regents of North Texas State University met in emergency session in Room 201, Administration Building, North Texas State University, Denton. Items on the agenda included approval of an estoppel letter and an agreement on the Sheraton-North Texas Conference Center and Hotel. The emergency status was necessary because the document must have Board of Regents approval prior to the next regularly scheduled meeting for construction to begin by the previously agreed deadline.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas, (817) 565-2198.

Filed: January 19, 1984, 2:23 p.m.
TRD-840718

Board of Pardons and Paroles

Monday-Friday, February 6-10, 1984, 9 a.m., daily. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will review cases of inmates for parole consideration; take action on requests for executive clemency; review and act upon reports regarding administrative releases; review procedures affecting the

daily operation of staff; consider and act regarding needed administrative rule changes; take action upon gubernatorial directives; take action concerning certifying and contracting with community residential facilities; and consider and act in personnel matters.

Contact: John W. Byrd, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2716.

Filed: January 23, 1984, 10:20 a.m.
TRD-840863

Texas State Board of Public Accountancy

Wednesday, January 25, 1984, 2 p.m. The Examinations Committee of the Texas State Board of Public Accountancy submitted an emergency revised agenda for a meeting held in Suite 340, 1033 La Posada, Austin. According to the revised agenda, the committee audited the grades of candidates taking the November 1984, Uniform CPA Examination. The committee also met in executive session for the purpose of auditing grades considered confidential per the Public Accountancy Act of 1979, §25, as amended. The emergency status was necessary because the grade tapes arrived following submission of the meeting notice, and additional time was required to audit the tapes as grade release is prior to the next meeting.

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

Filed: January 23, 1984, 3:50 p.m.
TRD-840924

Texas Public Building Authority

Thursday, January 26, 1984, 10 a.m. The Texas Public Building Authority met in emergency session in Room D, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda included contracts and agreements with underwriters; a report from the underwriters; and consideration of applicants for the position of executive director. The emergency status was necessary to review applicants for the executive director position and meet with underwriters.

Contact: Gerald J. Goff, 400 West 15th Street, Suite 404, Austin, Texas 78701.

Filed: January 20, 1984, 4:30 p.m.
TRD-840810

Public Utility Commission of Texas

Monday, January 23, 1984, 9 a.m. The Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission considered the adoption of §23.81, concerning solar standards. The emergency status was necessary to comply with the Public Utility Regulatory Act as modified by the 68th Legislature, 1983.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 20, 1984, 2:23 p.m.
TRD-840805

Wednesday, January 25, 1984, 9 a.m. The Hearings Division of the Public Utility Commission of Texas met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division considered final orders in Dockets 3967, 4852, 5065, 5084, 5204, 5244, 5263, 5278, 5292, 5305, 5335, 5345, 5357, 5358, 5367, 5419, 5333, and 5441.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1984, 4:07 p.m.
TRD-840652

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

Monday, January 30, 1984, 9 a.m. A prehearing in Docket 5568—application of Texas-New Mexico Power Company for a rate increase.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 19, 1984, 10:17 a.m.
TRD-840704

Monday, January 30, 1984, 9:30 a.m. A prehearing conference in Docket 5556—application of Central Telephone Company-Midstate for approval of measured service rates for the Decatur exchange.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 19, 1984, 10:18 a.m.
TRD-840711

Monday, January 30, 1984, 10 a.m. A hearing in Docket 5569—appeals of South-

western Electric Power Company from rate-making ordinances of the Cities of Carthage *et al.*

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1984, 2:45 p.m.
TRD-840653

Tuesday, January 31, 1984, 10 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will hear public comments on the need for an appropriate structure of rules relating to deposit requirements of local exchange companies which provide billing and/or collection services for interexchange carriers, particularly whether a local exchange carrier should be allowed to base its deposit requirements on the extent of usage of interexchange carrier service; disconnection practices of local exchange companies which provide billing and/or collection services for interexchange carriers, particularly whether a local exchange carrier should be permitted to disconnect all or a portion of its service to its customer, based on that customer's failure to pay all or part of his or her bill owed to the interexchange carrier; notice requirements for dominant interexchange carriers in rate cases filed by those carriers; and timing procedure and permissibility of requiring additional deposit requirements, based on usage, for regulated telecommunications utilities.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 20, 1984, 2:42 p.m.
TRD-840803

Friday, February 3, 1984, 10 a.m. A hearing in Docket 5301 and 5369—application of Southwestern Electric Power Company for authority to increase rates.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 20, 1984, 2:23 p.m.
TRD-840804

Friday, February 10, 1984, 9 a.m. A hearing in Docket 4684—application of Frazier Development Corporation for a certificate of convenience and necessity within Denton County and Docket 5289—inquiry into the legality of rates charged and service

rendered by Frazier Development Corporation.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 19, 1984, 10:18 a.m.
TRD-840712

Monday, February 13, 1984, 10 a.m. A prehearing conference in Docket 5486—application of Spring Valley Water Company, doing business as Spring Valley Utility Company, for a certificate of convenience and necessity in Parker County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 20, 1984, 10:17 a.m.
TRD-840724

Thursday, February 16, 1984, 9:30 a.m. A rescheduled hearing in Docket 5361—application of Lake of the Hills Estates Water Company for a certificate of convenience and necessity within Blanco and Comal Counties. The hearing was originally scheduled for January 25, 1984, as published at 8 TexReg 5463.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1984, 11:11 a.m.
TRD-840620

Wednesday, March 7, 1984, 1:30 p.m. A prehearing conference in Docket 5541—application of United Telephone Company of Texas, Inc., for authority to implement optional local measured service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 23, 1984, 9:31 a.m.
TRD-840853

Monday, March 12, 1984, 9 a.m. A hearing on the merits in Docket 5538—application of Rusk County Electric Cooperative, Inc., for a rate increase.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 19, 1984, 10:17 a.m.
TRD-840713

Thursday, March 29, 1984, 1 p.m. A hearing in Docket 5237—inquiry into the quality of service of Century Telephone Enterprises, Inc.

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Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: January 20, 1984, 2:23 p.m.
TRD-840806

Thursday, April 5, 1984, 10 a.m. A second prehearing conference in Docket 5547—application of Southwestern Bell Telephone Company for rate/tariff revisions for four-element measured service and lifeline residence service

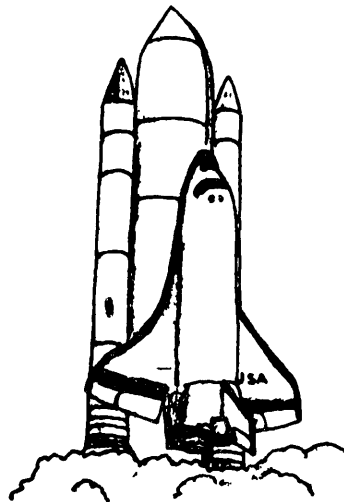
Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: January 23, 1984, 9:32 a.m.
TRD-840855

Monday, May 14, 1984, 10 a.m. A hearing in Docket 5547—application of Southwestern Bell Telephone Company for rate/tariff revisions for four-element measured service and lifeline residence service

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 23, 1984, 9:32 a.m.
TRD-840854



Railroad Commission of Texas

Monday, January 23, 1984, 9 a.m. Divisions of the Railroad Commission of Texas made emergency additions to the agendas of meetings held in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow.

The Oil and Gas Division considered Docket 8-81,379—to review the operation of Stanton SWD Systems, Wilkinson-Yater Lease, Well 1, Sprayberry (Trend Area) Field, Martin County, granted under Permit 03816 and the protested proposed per-

mit amendment to include the San Andres Formation. The emergency status was necessary because of the possibility of pollution, which could cause harm to the public health, safety, or welfare.

Contact: Bob Rago or Pearl Mays-Taborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1363.

Filed: January 20, 1984, 11:44 a.m.
TRD-840731

The Oil and Gas Division considered Docket 89,175—Bar M Petroleum, Inc., Rule 37, Grimm Unit Lease, Well 1, Giddings (Austin Chalk-3), (Buda) and Wildcat Fields, Lee County; Docket 3-79,532—Thurmond, Windham, and Bernath, Concrete Mipa, Bryan (Woodbine) Field, Brazos County. The emergency status was necessary because the items were properly noticed for the meeting of January 16, 1984, and were passed.

Contact: Sandra Buchor Norman Bonner, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292.

Filed: January 20, 1984, 11:44 a.m.
TRD-840732

The Oil and Gas Division considered whether to use state funds to plug the Ritter 16, Pierce-Junction Field, Harris County. This well was plugged by Crown Central in 1971 and was leaking into a public stream. The emergency status was necessary because of the possibility of pollution, which could cause harm to the public health, safety, or welfare.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1301.

Filed: January 20, 1984, 3:17 p.m.
TRD-840779

The Transportation Division considered Dockets 02565BA3A, 02837BA2A, and 004518A2A—applications of Industrial Bus Lines, Inc., to amend two motor bus and one common carrier certificates. The applicant sought emergency authority to serve listed points. The emergency status was necessary to protect the public from loss or injury due to the existing carrier's noncompliance with commission regulations.

Contact: Holly C. Noelke, 1124 IH 35 South, Austin, Texas 78711, (512) 445-1331.

Filed: January 20, 1984, 11:17 a.m.
TRD-840738

Monday, January 30, 1984, 9 a.m. Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow.

The Administrative Services Division will meet to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: January 20, 1984, 11:43 a.m.
TRD-840734

The Automatic Data Processing Division will meet to consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: January 20, 1984, 11:43 a.m.
TRD-840735

The Flight Division will meet to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: January 20, 1984, 11:16 a.m.
TRD-840739

The Gas Utilities Division will meet to consider various matters falling within the Railroad Commission's Gas Utilities Division regulatory jurisdiction

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: January 20, 1984, 11:14 a.m.
TRD-840744

The Office of Information Services will meet to consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 20, 1984, 11:15 a.m.
TRD-840742

The LP-Gas Division will meet to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1000.

Filed: January 20, 1984, 11:17 a.m.
TRD-840737

The Oil and Gas Division will meet for consideration of various matters falling within

the Railroad Commission's Oil and Gas regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: January 20, 1984, 11:44 a.m.
TRD-840733

Additions to the above agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: January 20, 1984, 11:42 a.m.
TRD-840736

Docket 7C-79,134—Iverson Exploration, Inc., MIPA, JKT (Canyon) Field, Schleicher County.

Contact: Sandra Joseph, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

Filed: January 20, 1984, 3:19 p.m.
TRD-840780

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: January 20, 1984, 11:15 a.m.
TRD-840741

The Office of Special Counsel will meet in the conference room, third floor, to consider and act on the division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lile, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: January 20, 1984, 11:16 a.m.
TRD-840740

The Surface Mining and Reclamation Division will meet to consider an order for partial release of a bond increment of 255.2 acres that has been graded and vegetated and a bond increment of 154.9 acres that has been graded at the Palafox Mine of Farco Mining Company under Permit 8 and that would cause the released funds to be retained by the commission, to be used for the next incremental bond under this permit, and consider and act on the division

director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: January 20, 1984, 11:14 a.m.
TRD-840743

The Transportation Division will meet to consider various matters falling with the Railroad Commission's transportation regulatory jurisdiction.

Contact: Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: January 20, 1984, 11:13 a.m.
TRD-840745

Texas Rehabilitation Commission

Friday, January 27, 1984, 9 a.m. The Autism Task Force of the Texas Rehabilitation Commission will meet in Room 202, Texas Law Center, 14th and Colorado, Austin. Items on the agenda include an overview of the Texas Society for Autistic Citizens, an update on the Home and Community-Based Services Waiver, subcommittee work sessions and reports, and other organizational concerns and announcements.

Contact: Roger Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8870.

Filed: January 18, 1984, 10:56 a.m.
TRD-840678

Friday, January 27, 1984, 2 p.m. The Governor's Committee and Information and Referral Subcommittee of the Texas Rehabilitation Commission will meet at 118 East Riverside Drive, Austin. According to the agenda, the committee will discuss the Information and Referral Service and develop a recommendation for presentation to the Governor's Committee for Disabled Persons full committee.

Contact: John Burns, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8270.

Filed: January 18, 1984, 2:39 p.m.
TRD-840693

Boards for Lease of State-Owned Lands

Monday, January 23, 1984, 1:30 p.m. The Board for Lease of State Park Lands of the Boards for Lease of State-Owned Lands submitted an emergency revised agenda for a rescheduled meeting held in the conference room, Houston Executive Air Service, 8601 Telephone Road, Houston. Items

on the revised agenda included the approval of the previous board meeting minutes; nominations, terms, conditions and procedures for the April 3, 1984 oil, gas, and other minerals lease sale; and consideration of an easement application and a geophysical permit application. The meeting was originally scheduled for January 20, 1984. The emergency status was necessary to meet the deadline for publication of a notice for bids for the April 3, 1984, lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-4307.

Filed: January 20, 1984, 8:03 a.m.
TRD-840721

Stephen F. Austin State University

Monday, January 30, 1984. Committees of the Board of Regents and the Board of Regents of Stephen F. Austin State University will meet at 9 a.m. and 1:30 p.m., respectively. According to the agenda summaries, the board and its committees will approve the minutes, elect presidents, consider personnel items, and approve budget adjustments, the Masters of Music, the Masters of Nursing, and construction projects.

Contact: Dr. William R. Johnson, Box 6078, Nacogdoches, Texas 75962, (409) 569-2201

Filed: January 19, 1984, 2:24 p.m.
TRD-840719, 840720

Texas A&M University System

Sunday, January 22, 1984, 1:30 p.m. and 3 p.m. Committees of the Board of Regents of the Texas A&M University System met at the MSC Annex, Texas A&M University, College Station. Times, committees, and agenda follow.

1:30 p.m. The Planning and Building Committee met to discuss the cancellation of unexpended balances of appropriations, and hear reports of contract actions and construction project appropriations/authorizations by the chancellor and contract actions by the deputy chancellor or presidents, Texas A&M University System; consider action on bids, appropriation for designs and preliminary designs, Texas A&M University; consider actions on bids and appropriation for detailed design for the intramural facilities and renovations, Tarleton State University; and consider action on bids and hear a report of construction contract awards and appropriations by the chancellor.

lor for repairs due to Hurricane Alicia damage, Texas A&M University at Galveston.

3 p.m. The Committee for Service Units met to consider an increase in fees for soil and irrigation water tests for the Texas Agricultural Extension Service and authorization for renewal of an avigation easement across the Texas Agricultural Experiment Station at Lubbock and right-of-way easements across the Texas Agricultural Research Station at Beeville and the Texas Agricultural Experiment Station at McGregor.

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

Filed: January 17, 1984, 2:38 p.m.
TRD-840636, 830637

Sunday, January 22, 1984, 3:30 p.m. The Committee for Academic Campuses of the Texas A&M University met at the MSC Annex, Texas A&M University, College Station. Items on the agenda summary included the establishment of fees, Texas A&M University System; the establishment of a Military Studies Institute, the adoption of a resolution in memory of Professor Fred P. Jones, and the granting of the title of Professor Emeritus, Texas A&M University; and the approval of articles of incorporation and by-laws for the Texas A&M University at Galveston development foundation.

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

Filed: January 17, 1984, 2:38 p.m.
TRD-840638

Monday, January 23, 1984, 8:30 a.m. The Committee of the Whole of the Board of Regents of the Texas A&M University System met at the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the committee received reports from various ad hoc committees; considered the sale of oil, gas, and sulphur leases, Texas A&M University System (TAMUS); approved guidelines for 1984-1985 operating budgets, TAMUS; confirmed sales of surplus and obsolete property valued in excess of \$1,000, budget and fiscal changes and personnel actions, TAMUS; approved recommendations for academic tenure, TAMUS; confirmed appointments, promotions, and terminations of employment, TAMUS; consider a request for acceptance of gifts, grants, loans, and bequests, TAMUS; amended the objec-

tives, rules and regulations for TAMUS, took final action for appointment of secretary of the Board of Regents and vice chancellor for state affairs, TAMUS; considered personnel and real estate matters, TAMUS; changed the structure and title of the office of the academic programs, TAMUS; appropriated funds, Texas A&M University (TAMU); authorized a right-of-way easement across TAMU property, Hensel Park area, TAMU; took final action on approval of an additional 1.754 acres for the association of former students complex building, TAMU; and considered the appropriation of funds for the Texas Forest Service.

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

Filed: January 17, 1984, 2:37 p.m.
TRD-840640

Tuesday, January 24, 1984, 8:30 a.m. The Board of Regents of the Texas A&M University System met at the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board discussed construction for the Texas A&M University System (TAMUS); an increase in fees, Texas Agricultural Experiment Station (TAES); right-of-way easements, TAES; an increase in fees, Tarleton State University (TSU); a decrease in fees, Texas A&M University at Galveston (TAMUG); the establishment of a Military Studies Institute, Texas A&M University (TAMU); a resolution in memory of Professor R. Jones, TAMU; granting of the title of Professor Emeritus, TAMU; approval of articles of incorporation and by-laws for the TAMUG development foundation, TAMUG; authorization to create a Department of Speech Communications and Theatre Arts and establish B.A. degrees in Speech Communications and Theatre Arts and Speech Communications, TAMU; the sale of oil, gas, and sulphur leases, TAMUS; guidelines for 1984-1985 operating budgets, TAMUS; appropriations of funds, TAMU and Texas Forest Service (TFS); sales of surplus and obsolete property valued in excess of \$1,000, TAMUS; budget and fiscal changes and personnel actions, TAMUS, approval of recommendations for academic tenure, TAMUS; terminations of employment, TAMUS; gifts, grants, loans, and bequests, TAMUS; consideration of a right-of-way easement, TAMU; the amendment of objectives, rules, and regulations for TAMUS; final action for approval of an additional 1.754 acres for the association of former students,

TAMU; final action for appointment of secretary of the Board of Regents and vice chancellor for state affairs, TAMUS; personnel and real estate matters, TAMUS; change in the structure and title of the office of academic programs, TAMUS; the establishment of a Military Studies Institute, TAMU; consideration of student fees, TSU and TAMUG; and the confirmation of appointments and promotions, TAMUS.

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

Filed: January 17, 1984, 2:37 p.m.
TRD-840641

Tuesday, January 24, 1984, 8:30 a.m. The Board of Regents of the Texas A&M University System submitted an emergency revised agenda for a meeting held in the MSC Annex, Texas A&M University, College Station. According to the revised agenda, the board considered an agreement between it and the Texas A&M University Development Foundation. The emergency status was necessary because it was determined that an agreement was in final form for consideration by the board of regents.

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

Filed: January 23, 1984, 2:58 p.m.
TRD-840915

Emergency addition to the above agenda:

Consideration of the employment of an outside counsel regarding matters relating to desegregation in higher education and the Texas Plan and regarding the Attorney General of the State of Texas to approve such employment. The emergency status was due to the resignation of the vice-chancellor of legal affairs effective February 1, 1984, and the requiring of legal counsel regarding these matters.

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

Filed: January 23, 1984, 2:46 p.m.
TRD-840926

Texas State University System

Wednesday, January 25, 1984, 9:30 a.m. The Committee on Quality of Higher Education of the Board of Regents of the Texas State University System met in Room 505, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the

committee continued discussions on methods for improving the quality of education provided by the Texas State University System.

Contact: Lamar Urbanovsky, Sam Houston Building, Room 505, 201 East 14th Street, Austin, Texas 78701, (512) 475-3876.

Filed: January 20, 1984, 8:14 a.m.
TRD-840722

Texas Tech University

The Campus and Building Committee of the Texas Tech University Health Sciences Center Board of Regents and the full board made emergency additions to the agendas of meetings held in the board suite, Administration Building, Texas Tech University campus, Lubbock. The emergency status was necessary to consider awarding a contract prior to the March 23, 1984, meeting, because bids are effective for only 30 days after the date of receipt. Days, times, and additions follow.

Thursday, January 19, 1984, 1 p.m. The Campus and Building Committee authorized the award of a contract for renovation of the Biochemistry Teaching Laboratory, Pod A, Fifth Floor, Texas Tech University Health Sciences Center.

Friday, January 20, 1984, 10:45 a.m. The Board of Regents authorized award of a contract for renovation of the Biochemistry Teaching Laboratory, Pod A, Fifth Floor, Texas Tech University Health Sciences Center. The board also met in executive session to consider reports and action on minutes and on the Academic and Student Affairs, Finance, Campus and Building, and Development Committees

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: January 17, 1984, 2:39 p.m.
TRD-840642, 840645

Texas State Technical Institute

Friday and Saturday, January 27 and 28, 6 p.m. and 7 a.m., respectively. The Board of Regents of Texas State Technical Institute will hold a workshop beginning at 6 p.m. on Friday and 7 a.m. on Saturday at the Hilton Inn, South Padre Island. Ac-

ording to the agenda, the board will review policy and procedures.

Contact: Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: January 23, 1984, 9:37 a.m.
TRD-840856

Sunday and Monday, January 29 and 30, 1:15 p.m. and 9 a.m., respectively. Policy Committees of the Board of Regents of the Texas State Technical Institute (TSTI) and the full board will meet at TSTI, Harlingen. The Policy Committees will meet at 1:15 p.m. on Sunday and the Board of Regents will meet at 9 a.m. on Monday. According to the agenda summary, the committees and board will discuss lease agreements, contracts, pay rates, insurance provisions, and ratification of Executive Committee approvals.

Contact: Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: January 23, 1984, 9:37 a.m.
TRD-840857

Texas Water Commission

Monday, January 30, 1984, 2 p.m. The Texas Water Commission will meet in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will meet in conference with the representatives of the Sunset Advisory Commission. The emergency status was necessary to accommodate everyone's schedules.

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

Filed: January 23, 1984, 2:48 p.m.
TRD-840916

Tuesday, January 31, 1984, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider water district bond issues, release from escrow, use of surplus funds, change in plans, set hearing date for district creation, water quality permits, amendments and renewals, the consideration of production area authorization, certification of water, applications for amend-

ments to certificates of adjudication, and the filing and setting of hearing dates

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

Filed: January 20, 1984, 1:50 p.m.
TRD-840757

Monday-Friday, February 13-17, 1 p.m. Monday, 8:30 a.m. daily, Tuesday-Friday.

The Texas Water Commission will meet in Room 105, Brazos Center, 3232 Briarcrest Drive, Bryan. According to the agenda, the commission will conduct hearings for the adjudication of water right claims for the Brazos IV segment of the Brazos River Basin, including the San Jacinto-Brazos Coastal Basin.

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

Filed: January 18, 1984, 2:08 p.m.
TRD-840685

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms and agendas follow.

Wednesday, February 22, 1984, 10 a.m. In Room 124A, Application 4427 of Jack M. Allen, Jose I. Rael, and Charles O. Cathcart for a permit to authorize construction and maintenance of a dam and a 235 acre-foot capacity on-channel reservoir located on an unnamed tributary of West Amarillo Creek, tributary of Canadian River, Canadian River Basin; impoundment in the reservoir not to exceed 169 acre-feet of water; use of water, impounded in the reservoir for aesthetic and recreational purposes, and diversion from the reservoir not to exceed 425 acre-feet of water per year for irrigation purposes in Potter County.

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

Filed: January 17, 1984, 10:04 a.m.
TRD-840596

Thursday, February 23, 1984, 10 a.m. In Room 124A, Application 1563D of Brazos River Authority and Fort Bend County Water Control and Improvement District 1, seeking an amendment to Permit 1467 to increase the impounding capacity of the permitted reservoir system on Jones Creek and (Upper) Oyster Creek, San Jacinto-Brazos Coastal Basin, in Fort Bend County for recreational, domestic, municipal, industri-

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al, commercial, manufacturing and irrigation purposes.

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

Filed: January 17, 1984, 10:05 a.m.
TRD-840597

Thursday, February 23, 1984, 10 a.m. In Room 124A, Application 1950C of Houston Lighting and Power Company seeking an amendment to Permit 1812 to establish a new diversion point on the northeast shore of the reservoir, to correct the location of the low level discharge structure, to correct the location of the diversion point for Units 7 and 8, and to amend the maximum diversion rates. Permit 1812 authorizes the construction and maintenance of an 18,750 acre-foot capacity reservoir located in Dry Creek, tributary of Rabb Bayou, tributary of Big Creek, tributary of Brazos River, Brazos River Basin, in Fort Bend County, and the annual consumptive use of not to exceed 34,300 acre-feet of water for industrial purposes.

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

Filed: January 18, 1984, 9:52 a.m.
TRD-840659

Friday, February 24, 1984, 10 a.m. In Room 119, Application 4419 of David Kelley seeking a permit to construct and maintain a proposed overflow dam and 11 acre-foot capacity reservoir on the San Gabriel River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin, for livestock purposes in Williamson County.

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

Filed: January 17, 1984, 10:05 a.m.
TRD-840598

Monday, February 27, 1984, 10 a.m. In Room 124A, Application 4421 of Farouche Investments N. V. seeking a permit to divert and use 400 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation purposes in Falls County.

Addition to the above agenda:

Application 4420 of Dan S. Ferguson seeking a permit to divert and use 50 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation purposes in Fort Bend County.

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

Filed: January 17, 1984, 10:05 a.m.
TRD-840600, 840599

Wednesday, February 29, 1984, 9 a.m. The Texas Water Commission will meet in the board room, Chamber of Commerce, 311 East Tyler, Harlingen. According to the agenda summary, the commission will consider the application of Port Rio Grand, Inc., c/o Berryman Builders, 856 West Price Road, Brownsville, Texas 78520, to the Texas Department of Water Resources for proposed Permit 12823-01 to authorize the disposal by irrigation of treated domestic wastewater at a volume not to exceed an average flow of 70,000 gallons per day from a proposed sewage treatment plant which will serve a proposed resort complex. The applicant proposes to irrigate a 100-acre golf course within the complex. Application rates for the irrigated land shall not exceed 3.8 acre-feet/acre/year. No discharge of pollutants to the waters of the State of Texas is authorized.

Addition to the above agenda:

Application of J. P. Smith, Route 3 Box 716, Harlingen, Texas 78552 to the Texas Department of Water Resources for proposed Permit 12817-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 24,000 gallons per day from the proposed Fig Tree Resort Plant, which is to serve a proposed recreational trailer park

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711

Filed: January 18, 1984, 9:52 a.m.
TRD-840660, 840661

Wednesday, February 29, 1984, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Rooms and agendas follow

In Room 118, petition for creation of Harris County Municipal Utility District 255, containing 194,1148 acres of land.

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

Filed: January 18, 1984, 9:53 a.m.
TRD-840665

In Room 152, Application 4428 of the Lower Colorado River Authority seeking a permit to authorize the maintenance and construction of a dam and 9 acre-foot capacity reservoir located on an unnamed tributary of Big Sandy Creek, tributary of the Colorado River, Colorado River Basin, and to divert and use 34.45 acre-feet of water per annum from the reservoir for mining purposes in Bastrop County.

In Room 152, Application 4429 of the Lower Colorado River Authority seeking a

permit to authorize the construction and maintenance of a dam and 19 acre-foot capacity reservoir on an unnamed tributary of Big Sandy Creek, tributary of the Colorado River, Colorado River Basin, and divert from the reservoir not to exceed 19 acre-feet of water per year for mining use (dust control) in Bastrop County.

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

Filed: January 20, 1984, 10:27 a.m.
TRD-840728, 840727

Thursday, March 1, 1984, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on Application 4422 of the United States of America Department of Interior Fish and Wildlife Service seeking a permit to construct and maintain three low-level water control structures thereby creating a 3,450 acre-foot capacity reservoir adjacent to Wild Cow Bayou and an unnamed ditch, tributary of Wild Cow Bayou, tributary of Salt Bayou, tributary of Intracoastal Waterway, Neches-Trinity Coastal Basin, and use impounded water for game preserve use (fish and wildlife conservation) associated with the McFadden National Wildlife Refuge in Jefferson County.

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

Filed: January 17, 1984, 10:05 a.m.
TRD-840601

Monday, March 5, 1984, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on Application 4423 of Margarita V. Camargo seeking a permit to divert and use 37.5 acre-feet of water per year directly from the North Floodway Pilot Channel, Nueces-Rio Grande Coastal Basin, for irrigation purposes in Cameron County.

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

Filed: January 17, 1984, 10:06 a.m.
TRD-840603

Addition to the above agenda:

Application 4424 of Lulalia Tijerina seeking a permit to divert and use 37.5 acre-feet of water per year directly from the North Floodway Pilot Channel, Nueces-Rio

Grande Coastal Basin, for irrigation purposes in Cameron County.

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

Filed: January 17, 1984, 10:05 a.m.
TRD-840602

Monday-Friday, March 5-9, 1984, 2 p.m. Monday, and 8:30 a.m. daily, Tuesday-Friday. The Texas Water Commission will meet in the Commissioners Courtroom, third floor, Brazoria County Courthouse, 400 North Velasco, Angleton. According to the agenda, the commission will consider the adjudication of water right claims for the Brazos IV Segment of the Brazos River Basin, including the San Jacinto-Brazos Coastal Basin.

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

Filed: January 18 1984, 2:09 p.m.
TRD-840687

Wednesday, March 7, 1984, 9 a.m. The Texas Water Commission will meet in the auditorium, City of Houston Health Department, 1115 North MacGregor, Houston. According to the agenda, the commission will consider the application of Securities Investments, Inc., care of W. F. Jones, C.P.A., 9319 Katy Freeway, Suite 480, Houston, Texas 77024, to the Texas Department of Water Resources for proposed Permit 12796-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 150,000 gallons per day from the proposed Green Busch Wastewater Treatment Plant, which is to serve a proposed mobile home community.

Addition to the above agenda:

Application of C. B. Ward Company, Inc., 15819 Fleetwood Oaks, Houston, Texas 77079, to the Texas Department of Water Resources for proposed Permit 12848-01 to authorize a discharge of treated wastewater effluent at a volume not to exceed an average flow of 175,000 gallons per day from the proposed Beacon Estates Subdivision Wastewater Treatment Plant, which is to serve the needs of a proposed mobile home park with some commercial development.

Contact: Michael E. Field, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: January 18, 1984, 2:08 p.m.
TRD-840688, 840689

Friday, March 9, 1984, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider application 4426 of Lyle Bollinger and wife, Mary Bollinger, seeking a permit to authorize the use of water impounded in an existing dam and 48 acre-foot capacity reservoir on Andrews Branch, tributary of Porter Creek, tributary of Plum Creek, tributary of the San Marcos River, tributary of the Guadalupe River, Guadalupe River Basin, for industrial purposes (fish farming) in Hays County.

Addition to the above agenda:

Application 4425 of Texas A&M University seeking a permit to divert 200 acre-feet of water per annum from Bowles Creek, tributary of the Neches River, Neches River Basin, and from the Neches River itself into two existing 36 acre-foot capacity off-channel reservoirs for irrigation purposes in Cherokee County.

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

Filed: January 17, 1984, 10:06 a.m.
TRD-840604, 840605

Monday, March 12, 1984, 10 a.m. The Texas Water Commission will meet in Room 152, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on Application 4430 of Sidney Kacir seeking a permit to divert and use 240 acre-feet of water per annum from Little River, tributary of the Brazos River, Brazos River Basin, for irrigation purposes in Bell County

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

Filed: January 20, 1984, 1:50 p.m.
TRD-840758

Monday-Friday, April 9-13, 1984, 1 p.m. on Monday, 8:30 a.m. daily, Tuesday-Friday. The Texas Water Commission will meet in Room 109, Brazos Center, 3232 Briarcrest Drive, Bryan. According to the agenda, the commission will conduct a hearing for the adjudication of water right claims for the Brazos IV Segment of the Brazos River Basin, including the San Jacinto-Brazos Coastal Basin.

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

Filed: January 18, 1984, 2:09 p.m.
TRD-840690

Texas Department of Water Resources

Wednesday, January 18, 1984, 1:30 p.m. The Texas Water Development Board of the Texas Department of Water Resources made an emergency revision to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda summary, the board considered authorizing the Finance Committee of the Texas Water Development Board to proceed with the necessary steps for the sale of up to \$75 million in Texas Water Development bonds, to be used for the purposes provided in the Texas Constitution, Article III, §§49-c, 49-d, and 49-d-1. The emergency status was necessary to have available funds for lending.

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

Filed: January 18, 1984, 11:09 a.m.
TRD-840671

West Texas State University

Tuesday, January 31, 1984, 4 p.m. The Presidential Search Committee of the West Texas State University will meet at Mesa Petroleum Company, One Mesa Square, Amarillo. According to the agenda, the committee will meet in executive session, as authorized by Texas Civil Statutes, Article 6252-17, §2g, for a preliminary investigation of presidential candidates.

Contact: Texas Smith, WT Box 997, Canyon, Texas 79016, (806) 656-3962.

Filed: January 20, 1984, 10:16 a.m.
TRD-840838

Regional Agencies

Meetings Filed January 17

The Bastrop County Appraisal District, Board of Review, met in the conference room, Bastrop County Courthouse, 805 Pine Street, Bastrop, on January 23, 1984, at 7 p.m. The Board of Directors will meet at the same location on January 27, 1984, at 2 p.m. Information may be obtained from Roy E. Humble, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316.

The Central Texas Council of Governments, Private Industry Council, met at 302 East Central, Belton, on January 26, 1984, at 2 p.m. Information may be obtained

Texas Register

from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-1803.

The Region XVIII Education Service Center, Joint Committee, will meet at the center office on LaForce Boulevard, Midland, on February 1, 1984, at 10 a.m. The Board of Directors will meet at the same location on February 2, 1984, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79711, (915) 563-2380.

The Panhandle Groundwater Conservation District 3, Board of Directors, met at 300 South Omohundro, White Deer, on January 23, 1984, at 7 p.m. Information may be obtained from Richard S. Bowers, Box 637, White Deer, Texas 79097, (806) 883-2501.

The South Plains Health Provider Organization, Inc., Board of Directors, met at 715 Amarillo, Plainview, on January 23, 1984, at 8 p.m. Information may be obtained from Sue Terry, 706 Plainview, Texas 79072, (806) 293-8561.

The Tarrant Appraisal District, Appraisal Review Board, met in Suite 300, 1701 River Run, Fort Worth, on January 25, 1984, at 8:30 a.m. Information may be obtained from Dick Curry, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-3151.

The Upper Leon River Municipal Water District, Board of Directors, met at the general office of the filter plant, Proctor Lake, on January 26, 1984, at 6:30 p.m. Information may be obtained from Zollie D. Skaggs, Box 67, Comanche, Texas, (817) 879-2258.

The Wood County Appraisal District, Appraisal Review Board, met in emergency session in the conference room, 217 North Main, Quitman, on January 20, 1984, at 9 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-840617

Meetings Filed January 18

The Fisher County Appraisal District, Appraisal Review Board, met in the district courtroom, Fisher County Courthouse, Roby, on January 24, 1984, at 9 a.m. Information may be obtained from Harvie Davis, Route 2, Box 99, Sweetwater, Texas 79556, (915) 776-2733.

The Golden Crescent Regional Planning Commission, Board of Directors, met at the Texas Zoo, Riverside Park, Victoria, on

January 25, 1984, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587, ext. 7.

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 3800 Avenue H, Lubbock, on January 24, 1984, at 4:30 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213, ext. 202.

The West Central Texas Council of Governments, Executive Committee, met at 1025 East North 10th Street, Abilene, on January 25, 1984, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-840658

Meetings Filed January 19

The Amarillo Mental Health and Mental Retardation Regional Center, Executive Committee of the Board of Trustees, met in Room G-15, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on January 26, 1984, at noon. The Board of Trustees met in Room J-13, at the same location, on the same day, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Central Texas Council of Governments, Executive Committee, met at 302 East Central, Belton, on January 26, 1984, at 11 a.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Dallas Area Rapid Transit, Communications and Community Involvement Committee, met in Suite 406, Love Field Office, Love Field Terminal Building, Dallas, on January 23, 1984, at 8 a.m. Information may be obtained from Michael Miles, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The Deep East Texas Council of Governments, Board of Directors, met at the San Augustine County Senior Center, 405 South Bolivar, San Augustine, on January 26, 1984, at 1:30 p.m. Information may be obtained from Debbie Walker, P.O. Drawer 1170, Jasper, Texas, (409) 384-5704.

The Region XVII Education Service Center, Board of Directors, will meet at 4000 22nd Place, Lubbock, on February 7, 1984, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, met at 2105 Port Lavaca Drive, Victoria, on January 26, 1984, at noon. Information may be obtained from T. G. Kelliher, Jr., 2105 Port Lavaca Drive, Victoria, Texas 77901, (512) 578-5262.

The Hays County Central Appraisal District, Board of Review, met at the Hays County Courthouse Annex, San Marcos, on January 25, 1984, at 9 a.m. Information may be obtained from Lynnell Sedlar, Courthouse Annex, Third Floor, San Marcos, Texas 78666, (512) 396-4777.

The Johnson County Central Appraisal District, Board of Directors, met at 109 North Main, Cleburne, on January 25, 1984, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Lee County Appraisal District, Board of Directors, met at 218 East Richmond Street, Giddings, on January 25, 1984, at 9 a.m. The Board of Review met at the same location on January 26, 1984, at 9 a.m. Information may be obtained from James L. Dunham or Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Panhandle Regional Planning Commission, Board of Directors, met in the first floor conference room, Briercroft Building, Eighth and Jackson Streets, Amarillo, on January 26, 1984, at 11 a.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the Ward County Community Center, 400 East Fourth Street, Monahans, on January 27, 1984, at 11:30 a.m. and 1:30 p.m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

The West Central Texas Municipal Water District will meet in Conference Room 314, Cypress Building, 174 Cypress Street, Abilene, on January 31, 1984, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

TRD-840701

Meetings Filed January 20

The Austin-Travis County Mental Health and Mental Retardation Center, Board of

Trustees, Executive Committee, met in Suite 300, 44 East Avenue, Austin, on January 24, 1984, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. The Board of Trustees Personnel Committee met in the board room, 1430 Collier Street, Austin, on the same day at 5:30 p.m. Information may be obtained from Cynthia C. Garcia, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 50. The Finance and Control Committee met in the conference room, at the same location, on January 26, 1984, at 5:30 p.m. The Board of Trustees met at the same location and on the same day at 6 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 40.

The Edwards County Appraisal District, Board of Directors, met at the county building, Rocksprings, on January 23, 1984, at 10 a.m. Information may be obtained from Glen T. Whitehead, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-2337.

The Jasper County Appraisal District, Appraisal Review Board, will meet at the Jasper County Courthouse Annex, 102 North Austin, Jasper, on January 31, 1984, at 9 a.m. Information may be obtained from David W. Luther, Jasper County Courthouse Annex, Jasper, Texas 75952, (409) 384-2544.

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, Harlingen, on January 26, 1984, at 1 p.m. Information may be obtained from Robert A. Chandler, Texas Commerce Bank Building, Suite 207, McAllen, Texas 78501, (512) 682-3481.

The Middle Rio Grande Development Council, Board of Directors, met at the District Courtroom, Brackettville, on January 25, 1984, at 2 p.m. Information may be obtained from Paul A. Edwards, P.O. Box 702, Carrizo Springs, Tex. 78834, (512) 876-3533.

The Trinity River Industrial Development Authority, Board of Directors, met at 5300 South Collins, Arlington, on January 26, 1984, at 10:30 a.m. Information may be obtained from Ramona A. Lalena, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

The Tyler County Tax Appraisal District, Board of Review, will meet at 1004 West

Bluff, Woodville, on February 2, 1984, at 7 p.m. Information may be obtained from Mark Allen, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.
TRD-840726

Meetings Filed January 23

The Amarillo Mental Health and Mental Retardation Regional Center, Board of Trustees, met in emergency session in Room J-13, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on January 26, 1984, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79206, (806) 353-7235.

The Ark-Tex Council of Governments, Executive Committee, met at Casa Blanco Restaurant, 1702 South Jefferson, Mount Pleasant, on January 26, 1984, at 5:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

The Coastal Bend Council of Governments will meet in the central jury room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on January 27, 1984, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met in the board room, 2323 West Front Street, Tyler, on January 26, 1984, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Edwards County Appraisal District, Appraisal Review Board, met in emergency session at the new county office building, Rocksprings, on January 24, 1984, at 8:30 a.m. Information may be obtained from Charles Carson III, Box 378, Rocksprings, Texas 78880, (512) 683-2337.

The Fannin County Appraisal District, Board of Directors, met in emergency session in the Peeler Building, 410 North Main, Bonham, on January 24, 1984, at 7 p.m. The Board of Review will meet at the same location, on January 27, 1984, at 5:30 p.m. Information may be obtained from Joe Hart, 410 North Main, Bonham, Texas 75418, (214) 583-9546.

The Gillespie County Appraisal District, Board of Directors, will meet in the city hall

assembly room, Fredericksburg, on February 8, 1984, at 9 a.m. Information may be obtained from Gary Neffendorf, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-7655.

The Middle Rio Grande Development Council, Project Review and Comment Committee, met in emergency session in the district courtroom, Kinney County Courthouse, Brackettville, on January 25, 1984, at 10 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank, Room 307, Del Rio, Texas 78840, (512) 774-4949.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, met in emergency session in the district courtroom, Kinney County Courthouse, Brackettville, on January 25, 1984, at 1 p.m. Information may be obtained from Ramon S. Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The North Central Texas Council of Governments, Executive Board, met in emergency session in Suite 200, Centerpoint Two Building, 616 Six Flags Drive, Arlington, on January 26, 1984, at 12:30 p.m. Information may be obtained from Linda Keithley, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met in a rescheduled emergency session held in Building 244, Mental Health Outpatient Clinic, Fort Wolters, Route 3, Mineral Wells, on January 25, 1984, at noon. The meeting was originally scheduled for January 18, 1984. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 1500 Grand Avenue, Marshall, on January 26, 1984, at 7 p.m. Information may be obtained from Ronald R. Cookston, Ed.D., P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

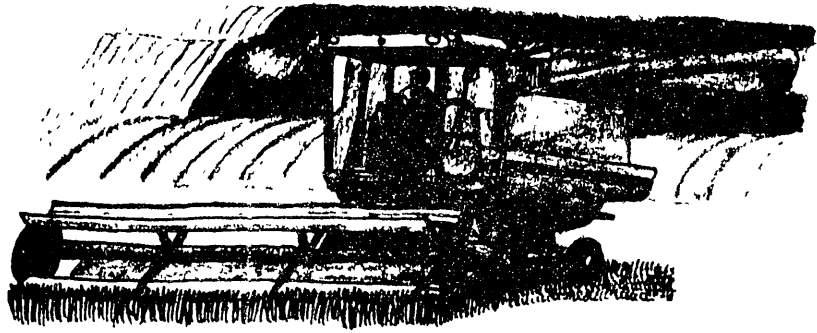
The South Texas Development Council, Board of Directors, met at Holiday Restaurant, Zapata, on January 26, 1984, at noon. Information may be obtained from Julieta V. Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 1004 West

Texas Register

Bluff, Woodville, on January 30, 1984, at 7 p m Information may be obtained from Mark Allen, P O Drawer 9, Woodville, Texas 75979, (409) 283-3736

The Wise County Appraisal District, Board of Directors, met in emergency session at 206 South State, Decatur, on January 26, 1984, at 9 a m Information may be obtained from Angela Caraway, P O. Box 509, Decatur, Texas 76234, (817) 627-3081.
TRD-840841



The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner), changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period January 9-January 13, 1984.

Information relative to the applications listed as follows, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously stated address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed is the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Rowena Pellet Mill, Inc., Rowena; cotton burr pellet mill; Rowena, Runnels County; 9417; new source

Issued in Austin, Texas, on January 13, 1984.

TRD-840621 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: January 17, 1984
For further information, please call (512) 451-5711,
ext. 354.

Texas Commission on the Arts Consultant Contract Award

Under the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Commission on the Arts announces

that Peat, Marwick, Mitchell, and Company has been awarded a contract for the period of January 11-September 15, 1984, for the purpose of preparing a report on the impact of the arts on the Texas economy. The consultant proposal request appeared in the October 28, 1983, issue of the *Texas Register* (8 TexReg 4510). Peat, Marwick, Mitchell and Company is located at 1100 American Plaza, West Fifth and Lavaca Streets, Austin, Texas 78701.

Contingent upon the commission's receipt of private funds to supplement the federal funds provided for this project, the total cost of this economic impact study will be \$125,000.

Peat, Marwick, Mitchell, and Company will survey and collect data from the arts industry in Texas, analyze such information, and prepare a final report on its findings. Data base of information compatible with the commission's computer capabilities shall be developed by Peat, Marwick, Mitchell, and Company. Upon completion of the report, this information shall be made available for dissemination to arts organizations in Texas and the general public.

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

TRD-840639 Jack Nokes
Assistant Director for
Administration
Texas Commission on the Arts

Filed: January 17, 1984
For further information, please call (512) 475-6593.

State Banking Board Public Hearing

The hearing officer of the State Banking Board will conduct a hearing on Wednesday, at 9 a.m. on March 21, 1984, at 2601 North Lamar Boulevard, Austin, on the charter application for Capital Bank of Arlington, to be located at 1712 West Randol Mill Road, Arlington.

Additional information may be obtained from O. A. Cassity III, Hearing Officer, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on January 18, 1984.

TRD-840716 O. A. Cassity III
Hearing Officer
State Banking Board

Filed: January 19, 1984
For further information, please call (512) 475-4451.

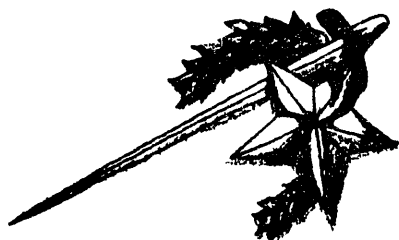
On January 16, 1984, the banking commissioner received an application to acquire control of Fannin Bank, Windom, by Ray Peeler, Jr., Bonham.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

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

TRD-840702 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: January 19, 1984
For further information, please call (512) 475-4451.



Banking Department of Texas Applications To Acquire Control of State Banks

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On January 18, 1984, the banking commissioner received an application to acquire control of First Bank of Saginaw, Saginaw, by James D. Atchley, trustee, Houston.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on January 18, 1984.

TRD-840715 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: January 19, 1984
For further information, please call (512) 475-4451.

On January 16, 1984, the banking commissioner received an application to acquire control of Peoples State Bank, Dallas, by Daniel A. Flynn, Dallas.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

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

TRD-840703 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: January 19, 1984
For further information, please call (512) 475-4451.

Comptroller of Public Accounts Decision 13,394

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The taxpayer contended that amounts advanced to it by its parent corporation represented loans, not contributions to capital, and thus were not includable in its taxable capital for franchise tax purposes. The comptroller agreed with the taxpayer, even in the absence of formal evidence of a loan agreement and interest payments, because of the relationship of the parties, continual repayments by the taxpayer, the taxpayer's debt-equity ratio, and the bookkeeping treatment of the transaction by the parties.

The taxpayer also contended that dividends properly declared by it were improperly included in surplus by a franchise tax audit. The Tax Division argued that the failure of the taxpayer to actually pay the dividends on the stated date of payment (or within the audit period) warranted their inclusion. The comptroller held that use of the word "declares" instead of "pays" in 34 TAC §3.405(b)(5) caused the taxpayer to prevail on this contention also.

Issued in Austin, Texas, on January 20, 1984.

TRD-840746 Bob Bullock
Comptroller of Public Accounts

Filed: January 20, 1984
For further information, please call (512) 475-1938.

Decision 13,605

Summary of Decision. The taxpayer contested assessment of sales tax on sales made to foreign corporations, arguing that the sales did not occur in Texas, since title to the equipment sold did not pass to the buyer until the equipment was installed in the buyer's plant out of state. The comptroller held that the transfer of the equipment in Texas by the taxpayer to the buyer's agents constituted

a "sale," since the Texas Tax Code, §151.005(1), defines "sale" as the transfer of title or possession.

Issued in Austin, Texas, on January 20, 1984.

TRD-840747 Bob Bullock
Comptroller of Public Accounts

Filed: January 20, 1984
For further information, please call (512) 475-1938.

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on January 23, 1984.

TRD-840851 Sam Kelly
Consumer Credit Commissioner

Filed: January 23, 1984
For further information, please call (512) 475-2111.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 01/30/84-02/05/84	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 01/01/84-01/31/84	18.31%	18.31%
Standard Quarterly Rate—Article 1.04(a)(2) 01/01/84-03/31/84	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 01/01/84-03/31/84	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 01/01/84-03/31/84	17.92%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 01/01/84-03/31/84	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 01/01/84-03/31/84	18.00%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 01/01/84-03/31/84	18.00%	N/A
Judgment Rate— Article 1.05, §2 02/01/84-02/29/84	10.00%	10.00%

Texas Department of Corrections Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Board of Corrections of the Texas Department of Corrections has determined that the agency would benefit from a study of its present management structure. The consultant proposal request was published in the November 18, 1983, issue of the *Texas Register* (8 TexReg 4826).

McKinsey and Company, Inc., 5944 Luther Lane, Suite 600, Dallas, Texas 75225, has been selected to provide the required study. The contract value for the required services is approximately \$150,000. The services will begin immediately and it is anticipated that the study could take approximately six weeks to complete. A completed study is anticipated within approximately six weeks.

Issued in Huntsville, Texas, on January 18, 1984.

TRD-840800 Richard A. Hartley
Administrative Assistant to the
Director
Texas Department of Corrections

Filed: January 20, 1984
For further information, please call (409) 295-6371,
ext. 132.

The Board of Corrections of the Texas Department of Corrections has determined that the Construction Division of the Texas Department of Corrections would benefit in terms of effectiveness and accountability from an examination of current construction operations. The consultant proposal request was published in the November 18, 1983, issue of the *Texas Register* (8 TexReg 4827).

In accordance with Texas Civil Statutes, Article 6252-11c, §6(b), the firm of Coopers and Lybrand First International Plaza, 1100 Louisiana, Suite 4100, Houston, Texas 77002, was selected.

The total contract value is approximately \$65,000. The services will begin immediately and could consist of a multiphase approach with the Board of Corrections requiring the first phase to be completed within 30 to 60 days.

A document depicting the first phase results will be presented at the end of the 30 to 60 day time period.

Issued in Huntsville, Texas, on January 18, 1984.

TRD-840858 Mike Doggett
Audit Director
Fiscal Audits
Texas Department of Corrections

Filed: January 23, 1984

For further information, please call (409) 295-6371, ext. 318

Texas Commission for the Deaf Consultant Contract Awards

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf hereby furnishes this notice of contract award. The consultant proposal request appeared in the October 11, 1983, issue of the *Texas Register* (8 TexReg 4148). The contract consists of providing a one-week outdoor training program for approximately 150 deaf and hearing-impaired students.

The contractor is Camp Stewart for Boys, Inc., Hunt, Texas 78024. The total value of the contract is \$30,700. The contract will begin August 10, 1984, and has an ending date of August 19, 1984.

The final report(s) prepared by Camp Stewart for Boys, Inc., under this contract shall be submitted by September 19, 1984.

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

TRD-840629 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Filed: January 17, 1984

For further information, please call (512) 475-2492.

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf hereby furnishes this notice of contract award. The consultant proposal request appeared in the October 28, 1983, issue of the *Texas Register* (8 TexReg 4511). The contract consists of providing a one-week overnight summer camp program for approximately 50 deaf-blind, multihandicapped individuals over the age of five.

The contractor is Camp Soroptomist, 7411 Hines Place, Suite 123, Dallas, Texas 75235. The total value of the contract is \$16,000. The contract will begin July 7, 1984, and has an ending date of July 15, 1984.

The final report(s) prepared by Camp Soroptomist under this contract shall be submitted by August 15, 1984.

Issued in Austin, Texas, on January 16, 1984

TRD-840630 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Filed: January 17, 1984

For further information, please call (512) 475-2492.

Employees Retirement System of Texas Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Employees Retirement System of Texas hereby furnishes notice of consultant award. The consultant proposal request appeared in the October 28, 1983, issue of the *Texas Register* (8 TexReg 4513). A description of the study follows.

The consultant will audit the 1982-1983 records of the insurance carrier of the Uniform Group Insurance Program relating to accident and health claims; review financial data pertaining to annual settlement of the contract; and review the usual, customary, and reasonable (UCR) charge screens used by the carrier to ensure that they are properly developed and updated.

All claims exceeding \$7,500 are to be reviewed, plus a random sample of the remainder based on a 95% confidence level, 5.0% expected error, and a desired precision of 2.0%. Compliance with the terms of the contract, accuracy of payment, and cost of liability are to be determined.

The contractor is Coopers and Lybrand, Certified Public Accountants, 1300 Interfirst Tower, Austin, Texas 78701.

The total value of the contract may not exceed \$29,100, plus out-of-pocket expenses not to exceed \$500. The beginning date of the contract was January 11, 1984, and the ending date will be April 10, 1984.

Issued in Austin, Texas, on January 13, 1984.

TRD-840641 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Filed: January 16, 1984

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

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Southwestern Medical Centers, Inc., Victoria
AN84-0112-026

NIEH—Request for a declaratory ruling that a certificate of need is not required for Southwestern Medical Centers, Inc., to acquire by purchase Grayson Square Health Care Center, an existing 81-bed ICF nursing facility located in San Antonio, from InterFirst Bank of San Antonio, N.A.

Thomas E. Mayers and Lynn Mayers for Williams
Nursing Home, Houston
AN82-0108-013A(010984)

CN/AMD—Request for an extension of the completion deadline from March 18, 1984, to December 18, 1984, and an increase in the total project cost from \$1,262,360 to \$1,302,360 in Certificate of Need AN82-0108-013, which authorized the certificate holder to add a net of 57 beds (52 skilled and 5 intermediate), a new kitchen, dining room, and office space to the facility through the construction of an 18,587 square foot building addition containing 60 beds, and the renovation of 1,000 square feet in the existing facility which will consist of the deletion of three beds.

Medical 21 Corporation, Dallas
AS84-0112-027

NIEH—Request for a declaratory ruling that a certificate of need is not required for Medical 21 Corporation to acquire Los Ebanos Surgicare Center, an existing ambulatory surgical facility located in Brownsville, from Surgicare Corporation. The acquisition will result from a merger whereby Surgicare Acquisition Corporation, a wholly-owned subsidiary of Medical 21 Corporation, will merge into Surgicare Corporation. After the merger, Surgicare Corporation will become a wholly-owned subsidiary of Medical 21 Corporation.

Issued in Austin, Texas, on January 23, 1984

TRD-840862 Judith Monaco
Assistant General Counsel
Texas Health Facilities
Commission

Filed: January 23, 1984

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

Texas Housing Agency Public Hearing

The Texas Housing Agency (THA) will conduct a public hearing concerning public approval for the issuance of industrial development bonds for residential real property. In accordance with federal law, the THA intends to seek public approval from the attorney general, the governor, or other applicable elected representative or designated official of the State of Texas for the issuance of a series of multifamily residential development revenue bonds (the bonds), in an amount not expected to exceed the following approximate amount.

The bonds, pursuant to Texas Civil Statutes, Article 12691-6 of the THA, are being proposed to provide financing for sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income. If issued, the bonds will constitute limited obligations of the THA. Neither the State of Texas nor any political subdivision, other than the THA, will be liable for the bonds. The bonds will not constitute a debt of the State of Texas.

The executive administrator or deputy administrator of the THA will hold public hearings on the residential projects proposed to be financed by the bonds. The hearing will be held Thursday, February 2, 1984, at 2 p.m., at the Marriott Hotel, 2101 Stemmons Freeway, Dallas. The proposed residential project and description is as follows.

(1) \$11.685 million for the benefit of Duck Creek Associates, a partnership having TriSource Interests and TriSource Interests Associates 1984 as general partners, to provide financing for a multifamily rental residential development consisting of approximately 348 units to be located on approximately 13.6 acres located on the south side of the 6200 block of Duck Creek Drive, approximately 793 feet west of the intersection of Duck Creek Drive and Broadway Boulevard (Belt Line Road), Garland, Dallas County.

(2) \$47.255 million for the benefit of Dupree Development 1, Ltd., a partnership having Dupree Construction Partners 1 as general partner, to provide financing for a multifamily rental residential development consisting of approximately 200 units to be located on approximately 10.5 acres located on the south side of Overton Road, approximately 456 feet east of the intersection of Overton Road and Beckley Avenue, Dallas, Dallas County.

(3) \$10.850 million for the benefit of Dupree Development 2, Ltd., a partnership having Dupree Construction Partners 2 as general partner, to provide financing for a multifamily rental residential development consisting of approximately 312 units to be located on approximately 14.9 acres located on the east side of Beckley Avenue, approximately 145 feet south of the intersection of Beckley Avenue and Overton Road, Dallas, Dallas County.

(4) \$6.885 million for the benefit of Dupree Development 3, Ltd., a partnership having Dupree Construction Partners 3 as general partner, to provide financing for a multi-family rental residential development consisting of approximately 208 units to be located on approximately 11.8 acres located on the south side of the proposed west extension of Garza Avenue, approximately 165 feet west

of the intersection of Garza Avenue and Vanette Lane, Dallas, Dallas County.

All interested persons are invited to attend the hearing to express their views on the projects and the issuance of the bonds. For details, contact Stan Kantrowitz, General Counsel, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearing and express views are encouraged to contact Mr. Kantrowitz before the hearing. Any interested persons unable to attend the hearing may submit their views in writing to Mr. Kantrowitz before the hearing. All written comments will be made available for review by all parties attending the public hearing.

Issued in Austin, Texas, on January 20, 1984

TRD-840783 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed: January 20, 1984
For further information, please call (512) 475-0812
or (800) 792-1119.

**Texas Department of Human Resources
Public Information**

Planning and Budget Schedule. The Texas Department of Human Resources (DHR) is publishing a planning and budget schedule for fiscal years 1985, 1986, and 1987. The DHR administers block grants in the state for social services and the Low-Income Home Energy Assistance Program. The DHR also conducts public meetings and publishes an intended use of federal block grant funds report. The DHR will solicit comments from the public and private sector through advisory groups, public hearings, interested persons, other agencies, clients, and providers of services. The intent of the publication of this schedule is to give notice of activities planned by DHR when all priorities, deliberations for block grants, alternatives, and resource (fund) allocations will be determined.

Schedule. The following are key dates in DHR's budgeting process.

February 1984—Public hearings will be conducted by DHR program advisory committee participants in the following cities:

Date	Location	Time
2-8-84	Texas Department of Human Resources, 2520 North Clossner, Edinburg, Texas	4-7 p.m.
2-9-84	Texas Department of Human Resources, DHR Region 11, Personnel Services Building, Room 6, 1349 East 40th, Houston, Texas	4-7 p.m.

2-10-84	Texas Commerce Bank, 213 North Fredonia, Longview, Texas	2-5 p.m.
2-13-84	Lubbock Memorial Civic Center, Rooms 108 and 109, 1501 Sixth Street, Lubbock, Texas	4-7 p.m.
2-14-84	University of Texas—Arlington, E.H. Hereford Center, Concho Room, Second Floor, 511 West Street, Arlington, Texas	4-7 p.m.
2-15-84	City Council Chambers, Second Floor, Civic Center Plaza, El Paso, Texas	4-7 p.m.
2-17-84	Texas Department of Human Resources, DHR Board Room, 706 Banister Lane, Austin, Texas	1-4 p.m.

March 1984—Development of priorities and alternatives by DHR staff.

April 1984—Work session of board/executive council to review recommendations, alternatives, and issues.

April 1984—DHR staff develop specific proposals and cost estimates for the fiscal year 1985 budget/legislative appropriation request for 1986-1987.

May 1984—Proposed fiscal year 1985 budget/legislative appropriation request for 1986-1987 presented to the Board of Human Resources for review and comment. (Public testimony taken.)

June 1984—The fiscal year 1985 budget/legislative appropriation request for 1986-1987 presented to the Board of Human Resources for final approval.

July 1984—Legislative appropriation request for 1986-1987 submitted to Legislative Budget Board and Management and Budget Office of the Governor.

Contact Person. Questions or requests for information may be sent to Thomas Suehs or Bobby Halfmann. Texas Department of Human Resources, Mail Code 000-B, P.O. Box 2960, Austin, Texas 78769.

Issued in Austin, Texas, on January 17, 1984

TRD-840635 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Filed: January 17, 1984
For further information, please call (512) 441-3355, ext. 2037



State Board of Insurance Consultant Proposal Request

This request for consulting services is filed under Texas Civil Statutes, Article 6252-11c.

Description. This notice is an invitation for offers of the following consultant services:

(a) evaluation and referral counseling for State Board of Insurance employees seeking assistance for personal problem(s) and employees referred by a supervisor because of job performance concerns;

(b) follow-up steps subsequent to referral or appointment counseling to make sure the employee receives appropriate help, including meetings with the employee on a recurring basis to evaluate progress and provision of on-going assistance respecting after-care and follow-up outpatient or self-help programs;

(c) supervisors' training workshops at least five times annually in specific subject areas which may relate to time management, stress management, or interpersonal skill development, etc.;

(d) assistance to supervisors attempting to deal with a troubled or problem employee or employees;

(e) information and education programs to increase awareness and to prevent problems such as alcoholism or other chemical dependency, legal, marital, and emotional problems, and other disorders affecting job performance;

(f) provision of a licensed, qualified counselor available 24 hours a day, seven days a week;

(g) monthly activity reports and an annual evaluation report showing, among other things, employee activity and types of progress. The reports will contain such information as is necessary for the State Board of Insurance to evaluate the continuing benefit of the program. The State Board of Insurance may request additional information to aid it in making this evaluation;

(h) continued updating by contractors of community resources network, and maintenance of solid working relationships with all referral agencies;

(i) periodic revitalization of promotional material as needed (new posters, cards, brochures, newsletters, etc.).

Cost. The State Board of Insurance will pay a reasonable monthly fee, which shall be negotiated. The program will be reviewed quarterly for the purpose of making any necessary fee adjustment based on the level of use by State Board of Insurance personnel and to determine the program's continuing benefit to the State Board of Insurance. At that time, the parties may agree to increase or decrease the fee, or the State Board of Insurance may, in its sole discretion, terminate the program. Unless precluded under the terms of the last sentence of this paragraph, there will be at least 30 days' notice of termination. It is understood that the continuation of this contract will be conditioned upon the availability of appropriate funds.

Contact. The person to contact by a private consultant who wishes to make an offer is Alexis Dick at (512) 475-2931. Offers will be received until 5 p.m. on February 7, 1984.

The State Board of Insurance will award this contract based on the offer which appears to provide the agency

with the best and most complete service under the terms of the contract as specified. This consulting service is a continuation of a service previously performed by Creative Assistance, Inc.

Issued in Austin, Texas, on January 20, 1984.

TRD-840827 James W. Norman
Chief Clerk
State Board of Insurance

Filed: January 20, 1984

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

Texas Department of Mental Health and Mental Retardation Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation serves notice of invitation for bids on a continuation of services currently performed by Charlie Schabel. The department intends to award the contract to the present contractor unless a better offer is submitted.

Description of services. Under the contract, the consultant will study, analyze, and monitor existing sheltered workshop programs in Texas Department of Mental Health and Mental Retardation facilities, and assist those facilities in the development and implementation of improved administrative and management methods. All information will be compiled and submitted to the central office of the Texas Department of Mental Health and Mental Retardation. Specific activities to be performed include:

(A) compiling a baseline assessment of work for pay services provided for clients and customers, location and means of service delivery, and current production;

(B) evaluating potential to develop and market additional products and services and diversify opportunities for clients to train, work, and earn;

(C) evaluation of the project's potential for the expansion of sales of current products and services;

(D) increasing productivity and client earnings and identifying new organization structures and funding arrangements to achieve coordination, mobility, and economy of scale;

(E) identifying products for production and providing assistance with new product development, such as market analysis, suppliers of materials, equipment requirements, shipping costs, and related basic marketing data;

(F) providing assistance to projects to access new markets through local political subdivisions, the state use law, federal government contracts, and industrial enterprises at the state and national level; and

(G) making administrative and management evaluations and recommendations relating to the sheltered industry goals of the department.

Other activities to be performed include determining the training needs of personnel in such areas as workshop management, contract procurement, bidding and pay practices, production methods, customer service, law and standards compliance, working with clients in a work set-

ting, and recommending and helping department staff plan cost-effective means for training.

Evaluation criteria. The contractor must have a minimum of a bachelor's degree and 10 years experience in the field of rehabilitation and/or sheltered workshops. Experience should include the areas of long-range and operational planning, analysis on a comprehensive as well as programmatic basis, interagency cooperation, and knowledge of the structure of Texas state government and those agencies providing sheltered workshop programs. The consultant demonstrating the most relevant experience and background, and having the greatest and most expert knowledge of the service to be performed, will be awarded the contract

Closing date for offers. The closing date for receipt of offers is February 20, 1984

Contact person. Prospective offerors should contact Gary E. Miller, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, (512) 465-4501

Issued in Austin, Texas, on January 20, 1984

TRD-840808 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Filed: January 20, 1984
For further information, please call (512) 465-4591.

Public Utility Commission of Texas Consultant Proposal Request

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Public Utility Commission (PUC) of Texas issues this invitation for proposals for consulting services. The commission seeks proposals from qualified firms, institutions, or individuals for the evaluation of a statewide residential energy cost control program, a cooperative effort involving government, community organizations, utilities, the private sector, and individuals. A statewide multimedia campaign will inform residential consumers of specific methods for controlling their energy usage and programs and services of participating organizations. The program will cover approximately a 90-day period in the spring of 1984. The primary objective is that residential consumers will take identifiable energy-saving action as a direct result of participation in the program.

For further information and materials on bid specifications, contact: Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0301

Procedure for selecting contractor. The PUC shall select the contractor through recommendation of a review committee established for the purpose of evaluating the proposals.

Closing date. Proposals must be submitted no later than noon, February 20, 1984.

Issued in Austin, Texas, on January 20, 1984.

TRD-840799 Rhonda Colbert Ryan
Secretary
Public Utility Commission of
Texas

Filed: January 20, 1984
For further information, please call (512) 458-0100.

Texas Savings and Loan Department Application for Change of Control of an Association

Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On January 13, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of Century Savings & Loan Association of Baytown, Texas, by Gerald D. Fish and James R. Gist, both of Great Falls, Montana.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on January 17, 1984

TRD-840627 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: January 17, 1984
For further information, please call (512) 475-7991.

Application to Establish Remote Service Units

Application has been filed with the savings and loan commissioner of Texas by First Texas Savings Association, Dallas, for approval to establish and operate remote service units at the following locations: 2201 West Grauwlyer Road, Irving, 9001 Kirby Drive, Houston; 17194 Preston Road, Dallas, and 1750 East Beltline, Richardson.

The applicant association asserts that security of the association's funds and that of its account holders will be maintained, and the proposed service will be a substantial convenience to the public.

Anyone desiring to protest the application must file a written protest with the commissioner within 10 days following publication of this notice. The commissioner may dispense with a hearing.

This application is filed pursuant to 7 TAC §§53.11-53.16 of the rules and regulations for savings and loan associa-

tions. Such rules are on file with the Office of the Secretary of State, Texas Register, or may be seen at the savings and loan department's offices at 1004 Lavaca Street, Austin.

Issued in Austin, Texas, on January 13, 1984

TRD-840568 Russell R. Oliver
 General Counsel
 Texas Savings and Loan
 Department

Filed: January 16, 1984
For further information, please call (512) 475-7991.

State Securities Board Correction of Error

A proposed rule submitted by the State Securities Board contained an error as submitted in the January 10, 1984, issue of the *Texas Register* (9 TexReg 227).

The first sentence of §105.3(b)(c) should read:

Any person or company requesting a review hearing pursuant to the Act, §24.A [§24], may request

in writing **addressed to the commissioner** that such hearing be held by the board in place of the commissioner pursuant to the Act, §2.G [§2.B].

Public Hearing

The State Securities Board has rescheduled the public hearing referred to in the notice of public hearing published in the January 10, 1984, issue of the *Texas Register* (9 TexReg 296). The hearing will be held at 9 a.m. on February 3, 1984, at 1800 San Jacinto Street, Austin. This change is being made so the hearing can be held in conjunction with a meeting of the State Securities Board tentatively scheduled for February 3, 1984.

For further information, call Denise Voigt Crawford at (512) 474-2233.

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

TRD-840644 Richard D. Latham
 Securities Commissioner

Filed: January 17, 1984
For further information, please call (512) 474-2233.

1984 Publication Schedule for the *Texas Register*

The 1984 Publication Schedule contained two errors as published in the December 23, 1983, issue of the *Texas Register*. For the issue published on Tuesday, January 31, all copy except notices of open meetings must be filed by Wednesday, January 25. For the issue published on Friday, October 12, all copy except notices of open meetings must be received by Friday, October 5. The corrected publication schedule is published below.

FOR ISSUE PUBLISHED ON

Tuesday, January 3
Friday, January 6
Tuesday, January 10
Friday, January 13
Tuesday, January 17
Friday, January 20
Tuesday, January 24
Friday, January 27
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ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.

Wednesday, December 28
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Wednesday, January 4
Monday, January 9
Wednesday, January 11
Monday, January 16
NO ISSUE PUBLISHED
Monday, January 23
Wednesday, January 25

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Tuesday, August 7	Monday, August 6	Tuesday, August 7
Friday, August 10	Wednesday, August 8	Thursday, August 9
Tuesday, August 14	Monday, August 13	Tuesday, August 14
Friday, August 17	Wednesday, August 15	Thursday, August 16
Tuesday, August 21	Monday, August 20	Tuesday, August 21
Friday, August 24	Wednesday, August 22	Thursday, August 23
Tuesday, August 28	Friday, August 24	Tuesday, August 28
★ Friday, August 31		

Tuesday, September 4	Wednesday, August 29	Thursday, August 30
★ Friday, September 7	Friday, August 31	Tuesday, September 4
Tuesday, September 11	Wednesday, September 5	Thursday, September 6
Friday, September 14	Monday, September 10	Tuesday, September 11
Tuesday, September 18	Wednesday, September 12	Thursday, September 13
Friday, September 21	Monday, September 17	Tuesday, September 18
Tuesday, September 25	Wednesday, September 19	Thursday, September 20
Friday, September 28	Monday, September 24	Tuesday, September 25

Tuesday, October 2	Wednesday, September 26	Thursday, September 27
Friday, October 5	Monday, October 1	Tuesday, October 2
Tuesday, October 9	Wednesday, October 3	Thursday, October 4
★ Friday, October 12	Friday, October 5	Tuesday, October 9
Tuesday, October 16	Wednesday, October 10	Thursday, October 11
Friday, October 19	Monday, October 15	Tuesday, October 16
Tuesday, October 23	Wednesday, October 17	Thursday, October 18
Friday, October 26	Monday, October 22	Tuesday, October 23
Tuesday, October 30	Wednesday, October 24	Thursday, October 25

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Friday, November 2	Wednesday, October 31	Thursday, November 1
Tuesday, November 6	Friday, November 2	Monday, November 5
★ Friday, November 9	Wednesday, November 7	Thursday, November 8
Tuesday, November 13	Monday, November 12	Tuesday, November 13
Friday, November 16	Wednesday, November 14	Thursday, November 15
Tuesday, November 20	Monday, November 19	Tuesday, November 20
Friday, November 23	NO ISSUE PUBLISHED	
Tuesday, November 27	Monday, November 26	Tuesday, November 27
Friday, November 30		

Tuesday, December 4	Wednesday, November 28	Thursday, November 29
Friday, December 7	Monday, December 3	Tuesday, December 4
Tuesday, December 11	Wednesday, December 5	Thursday, December 6
Friday, December 14	Monday, December 10	Tuesday, December 11
Tuesday, December 18	Wednesday, December 12	Thursday, December 13
Friday, December 21	Monday, December 17	Tuesday, December 18
Tuesday, December 25	Wednesday, December 19	Thursday, December 20
Friday, December 28	NO ISSUE PUBLISHED	

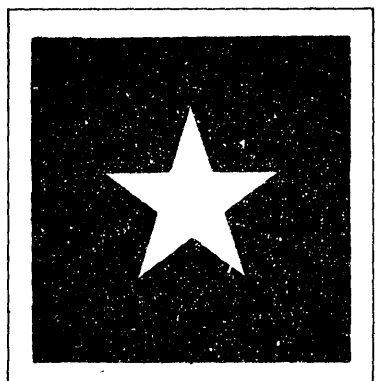


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