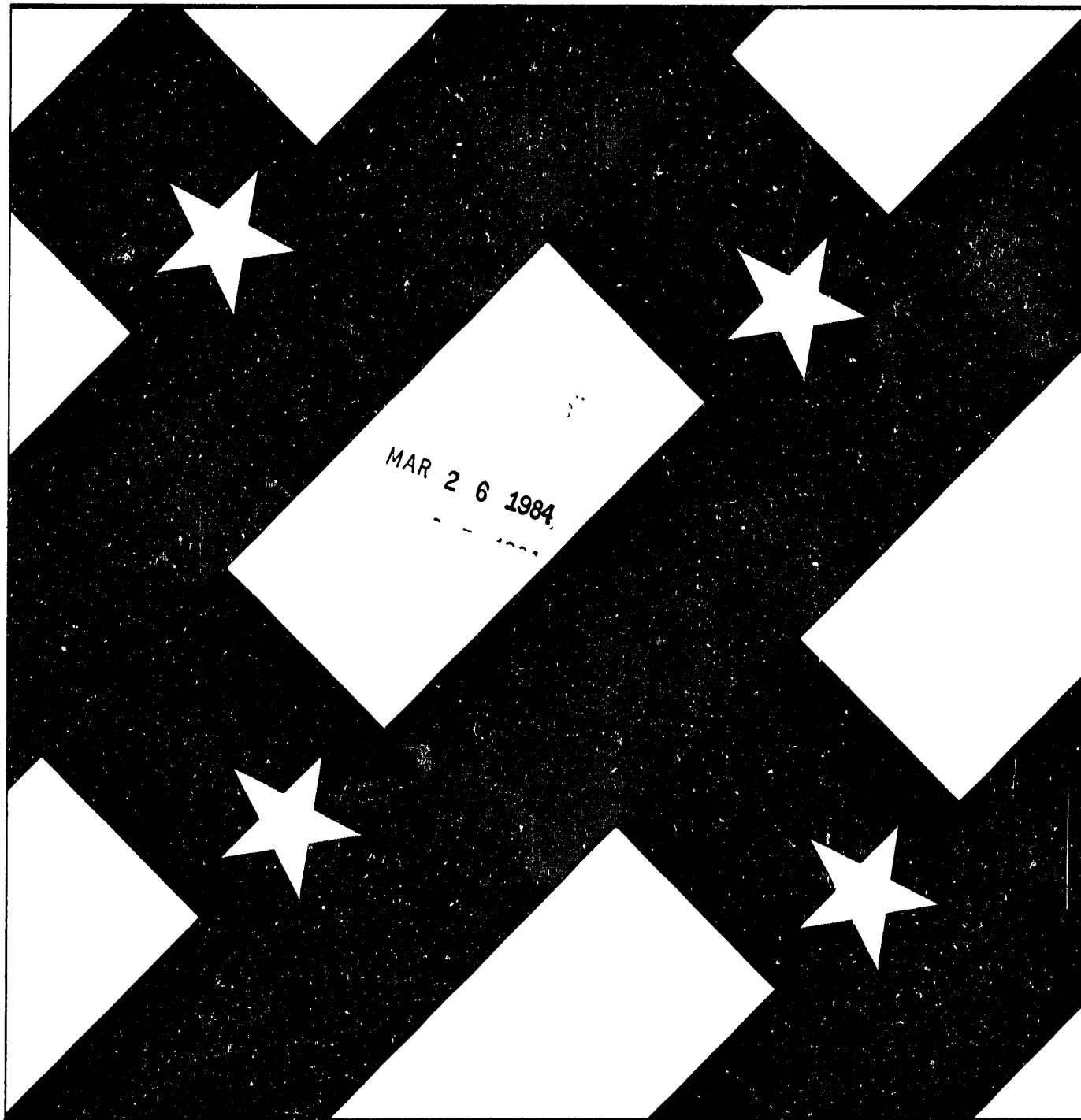


# Texas Register

Volume 9, Number 18, March 9, 1984

Pages 1395 - 1460



## Highlights

The Credit Union Department proposes amendments in a chapter concerning administrative proceedings. Earliest possible date of adoption - April 6 page 1401

The Comptroller of Public Accounts proposes new sections concerning the Bingo Regulation

Division. Earliest possible date of adoption - April 9 page 1416

The State Securities Board adopts amendments concerning real estate programs. Effective date - March 19 page 1438

**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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**POSTMASTER:** Please send Form 3579 changes to the *Texas Register*, P O Box 13824, Austin, Texas 78711-3824

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

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

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*,

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

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

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

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

# The Governor

## Appointment Made February 23

### Lower Colorado River Authority

For a term to expire January 1, 1989:

James A. Martin  
3205 Gentry  
Austin, Texas 78746

Mr. Martin is replacing William Archer, Jr., of Austin, whose appointment was returned to this governor.

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

TRD-842587      Mark White  
Governor of Texas

Phyllis Bridges  
711 Northridge  
Denton, Texas 76201

Dr. Bridges is replacing Paul A. Leche of Austin, whose term expired.

Willia P. Wright, Jr.  
1473 Woodland Trail  
Abilene, Texas 79605

Mr. Wright is replacing Dr. Frank Pino of San Antonio, whose term expired.

Issued in Austin, Texas, on February 24, 1984.

TRD-842589,      Mark White  
842591-            Governor of Texas  
842593

## Appointments Made February 24

### 286th Judicial District

To be judge of the 286th Judicial District, Cockran and Hockley Counties, until the next general election and until his successor shall be duly elected and qualified:

James K. Walker  
109 A Washington  
Motron, Texas 79346

Mr. Walker is replacing Frank B. Kiser, Jr., of Levelland, who is deceased.

Issued in Austin, Texas, on February 24, 1984

TRD-842586      Mark White  
Governor of Texas

### Commission on Sentencing Practices and Procedures

For terms to continue at the pleasure of the Criminal Justice Policy Council pursuant to Senate Concurrent Resolution 124, 68th Legislature, 1983:

Dan Beto  
Chief Adult and Juvenile Probation Officer  
P.O. Box 2015  
Bryan, Texas 77806

John Byrd  
Executive Director  
Board of Pardons and Paroles  
P.O. Box 3401  
Austin, Texas 78711

Reynaldo S. Cantu, Jr.  
District Attorney  
974 East Harrison Street  
Brownsville, Texas 78520

B. F. Coker  
Judge  
County Court of Law 1  
Records Building  
Dallas, Texas 75202

Tim Curry  
Criminal District Attorney  
200 West Belknap  
Fort Worth, Texas 76196

Roy English  
State Representative  
1333 Pioneer Parkway East  
Arlington, Texas 76010

### Texas Committee for the Humanities

For a term to expire December 31, 1984:

A. C. Greene  
4359 Shirley Drive  
Dallas, Texas

Mr. Greene is replacing Ruth Cox of Corpus Christi, whose term expired.

For terms to expire December 31, 1985:

Ellena Stone Huckaby  
4023 Fernwood  
Houston, Texas 77021

Ms. Huckaby is replacing Roland White of Houston, whose term expired.

Lawrence J. Gist  
Judge  
Criminal District Court of Jefferson County  
County Courthouse  
Beaumont, Texas 77701

Lee Duggan, Jr.  
Associate Justice  
First Court of Appeals  
Civil Courts Building  
Houston, Texas 77002

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Attorney  
1210 Nueces  
Austin, Texas 78701

To be chairman:

Ray Farabee  
State Senator  
Hamilton Building  
Wichita Falls, Texas 76307

To be vice-chairman:

Michael J. McCormick  
Judge, Court of Criminal Appeals  
P.O. Box 12308  
Austin, Texas 78711

Issued in Austin, Texas, on February 24, 1984.

TRD-842590      Mark White  
Governor of Texas

## **Appointment Made February 28**

### **Texas Diabetes Council**

For a term to expire February 1, 1986:

Jacqueline Colvill  
11922 Arbordale  
Houston, Texas 77024

Ms. Colvill is being reappointed.

Issued in Austin, Texas, on February 28, 1984.

TRD-842588      Mark White  
Governor of Texas

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

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

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

# Proposed Rules



## TITLE 7. BANKING AND SECURITIES

### Part VI. Credit Union Department

#### Chapter 93. Administrative Proceedings

A notice appeared in the March 6, 1984, issue of the *Texas Register* indicating that the following proposals would be serialized in this issue. The earliest possible date of adoption for the documents is April 6, 1984.

#### Common Terms

§93.1  
(amendment)

#### General Rules

§93.13  
(amendment)

§93.17  
(amendment)

§93.20  
(amendment)

#### Contested Cases

§93.42  
(amendment)

§93.44  
(amendment)

§93.46  
(amendment)

§93.47  
(amendment)

§93.48  
(amendment)

§93.49  
(amendment)

§93.55  
(amendment)

§93.60  
(amendment)

§93.61  
(amendment)

§93.62  
(amendment)

§93.63  
(amendment)

§93.64  
(amendment)

#### Rule-Making Proceedings

§93.81  
(amendment)

§93.82  
(amendment)

§93.83  
(amendment)

The Commission  
§93 92  
(amendment)  
§93 93  
(amendment)  
§93 94  
(amendment)

The Commissioner  
§93 221  
(amendment)  
§93 222  
(amendment)

The Credit Union Department proposes amendments to §§93 1, 93 13, 93 17, 93.20, 93.42, 93.44, 93.46-93 49, 93 55, 93.60-93.64, 93.81-93 83, 93.92-93 94, 93.221, and 93 222, concerning those administrative procedures associated with hearings that are to be conducted by the commission and the commissioner

John P Parsons, 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 or small businesses as a result of enforcing or administering the rules

Mr Parsons 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 public awareness of the procedures to be followed to obtain a hearing before either the commission or the commissioner, and the method in which the hearing will be conducted. The anticipated economic cost to individuals who are required to comply with the rules as proposed is negligible

Comments on the proposals may be submitted to the Texas Credit Union Department, Attention Harry L Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699

## Common Terms

### 7 TAC §93.1

This amendment is proposed under Texas Civil Statutes, Article 2461, §11 07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same

§93 1 *Definitions* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise

Act—Texas Civil Statutes, Article 6252-13a, the [Senate Bill No 41, Acts of the 64th Legislature, 1975,] Administrative Procedure and Texas Register Act,

Commission—The Texas [nine-member State] Credit Union Commission,

Credit union—Unless the context relates to a federal credit union, a voluntary, cooperative, nonprofit financial [savings] institution, incorporated under the Texas Credit Union Act (Texas Civil Statutes, Article

2461-1, *et seq*) for the purposes of encouraging thrift among its members, creating a source of credit at a fair and reasonable rate of interest, and providing an opportunity for its members to use and control their own money in order to improve their economic and social condition, and conducting any other business, engaging in any other activity, and providing any other service that may be of benefit to its members, subject to the Texas Credit Union Act and the rules adopted under the Texas Credit Union Act; or an applicant for incorporation under the Texas Credit Union Act.

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

Issued in Austin, Texas, on February 28, 1984

TRD-842446      John P Parsons  
Commissioner  
Credit Union Department

Earliest possible date of adoption

April 6, 1984

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

## General Rules

### 7 TAC §93.13

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same

§93 13 *Hearings*. A hearing shall be held prior to the commission or the commissioner entering any final order or decision, if required by law or these rules. In other cases, the commission or the commissioner may, at their discretion, hold a hearing prior to entering a final order. Any party individually or specifically aggrieved by a final order or ruling entered without hearing may, within 20 days from notice or knowledge of such order or ruling, demand hearing, and the same shall be granted if required by law (except wherein a greater or lesser time for demand of hearing is provided under the Texas Credit Union Act). [For good cause shown, the commission or the commissioner may grant a hearing even though demand is not made within such 20 days period ]

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

Issued in Austin, Texas, on February 28, 1984

TRD-842447      John P Parsons  
Commissioner  
Credit Union Department

Earliest possible date of adoption

April 6, 1984

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

### 7 TAC §93.17

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit



Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.17. Failure To Appear at Hearing.** Even though some or all of the parties or their duly authorized representatives should fail to appear, the commission or the commissioner may consider fully the matter pending if notice has been given in accordance with these rules. Such consideration shall be on the basis of any evidence admitted in the matter [at the hearings] and all pleadings, exhibits, briefs, and other materials presented in connection therewith.

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842448      John P. Parsons  
Commissioner  
Credit Union Department

Earliest possible date of adoption:  
April 6, 1984

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

## 7 TAC §93.20

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.20. Testimony Under Oath.** In any proceeding, the presiding officer or any other person, not a party or representative of a party, duly authorized by the presiding officer, shall swear witnesses and take their testimony under oath.

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842449      John P. Parsons  
Commissioner  
Credit Union Department

Earliest possible date of adoption:  
April 6, 1984

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

## Contested Cases

### 7 TAC §93.42

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.42. Notice and Service.**

(a) In a contested case, all parties shall be afforded an opportunity for hearing after notice given in ac-

cordance with the Act and the Texas Credit Union Act [Texas Civil Statutes, Article 6252-13a, §13(a)-(c)].

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

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842450      John P. Parsons  
Commissioner  
Credit Union Department

Earliest possible date of adoption:  
April 6, 1984

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

### 7 TAC §93.44

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.44. Ex Parte Consultations.** To the extent required by the Act, [Texas Civil Statutes, Article 6252-13a] §17, *ex parte* consultations are prohibited.

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842451      John P. Parsons  
Commissioner  
Credit Union Department

Earliest possible date of adoption:  
April 6, 1984

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

### 7 TAC §93.46

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.46. Depositions.**

(a) Depositions of witnesses shall be taken in accordance with the provisions of the Act, [Texas Civil Statutes, Article 6252-13a] §14[(d)-(n)].

(b) (No change.)

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842452      John P. Parsons  
Commissioner  
Credit Union Department

Earliest possible date of adoption:  
April 6, 1984

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

**7 TAC §93.47**

These amendments are proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.47. Interrogatories to Parties.**

(a) Any time the agency has properly served notice of its intention to institute adjudicative proceedings in a contested case, any party may serve upon any other party written interrogatories, in accordance with Texas Rules of Civil Procedures, Rule 168 (hereinafter, "T.R.C.P.").

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

(e) The number of interrogatories or of sets of interrogatories to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment, or oppression. The provisions of the T.R.C.P., Rule 186b, are applicable for the protection of the party from whom answers to interrogatories are sought under this rule. The interrogatories shall be answered in accordance with the T.R.C.P., Rule 168, and true copies of the interrogatories and any answers shall be served as provided by that rule. True copies of the interrogatories and answers shall also be promptly filed with the administrative support clerk or the hearing reporter. However, not more than four copies of any set of interrogatories or of answers shall be required to be furnished to parties, and if there be more than four parties, four copies of such interrogatories or of such answers shall be deposited with the administrative support clerk or hearings reporter, and in such case no copies shall be required to be served on the other parties or their attorneys as otherwise provided. The party filing such copies shall inform all parties or [of] their attorneys of [or] record that such copies have been deposited with the administrative support clerk or hearings reporter. The copies shall be delivered by the administrative support clerk or hearings reporter to the first four applicants entitled thereto. Such four copies so provided to be deposited with the administrative support clerk or hearings reporter are in addition to the one copy to be filed with the administrative support clerk or hearings reporter.

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

(h) If a party, except for good cause shown, fails to serve answers to interrogatories after service of such interrogatories, the presiding officer in which the cause is pending may, on motion and notice, make such orders as are just, including those permitted by the T.R.C.P., Rule 170.

(i) (No change.)

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842453      John P. Parsons  
                                 Commissioner  
                                 Credit Union Department

Earliest possible date of adoption:  
April 6, 1984

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

**7 TAC §93.48**

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.48. Admission of Fact and Genuineness of Document.** Any time after the [an] agency has properly served notice of its intention to institute adjudicative proceedings in a contested case, a party may deliver a written request for admission, in accordance with the T.R.C.P., Rule 169. A true copy of a request for admissions or of a sworn statement in reply thereto shall be filed promptly with the administrative support clerk or presiding officer. The provisions of the T.R.C.P., Rule 169, shall apply to the procedure and use of admissions made under this rule.

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842454      John P. Parsons  
                                 Commissioner  
                                 Credit Union Department

Earliest possible date of adoption  
April 6, 1984

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

**7 TAC §93.49**

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.49. Subpoenaing Witnesses and Materials.** The commission or commissioner shall issue a subpoena in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §14{(c)}. In the case of failure of a person to comply with a subpoena, the agency or the party requesting the subpoena, in addition to all other remedies provided by law, may apply to the presiding officer, after giving notice to all persons affected, for an order compelling compliance with the subpoena. If the order compelling compliance is granted and the presiding officer finds that the failure to comply was without substantial justification, the presiding officer may require the person failing to comply to pay to the person requesting the subpoena the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the order compelling compliance is denied and the presiding officer finds that the failure to comply was substantially justified, the presiding officer may require the requesting party to pay to the person failing to comply the amount of reasonable expenses incurred in opposing the application for the order, including reasonable attorney's fees. If a person refuses to comply with the subpoena, after being directed to do so in the order of the presiding officer, the presiding officer may make such orders regard-

ing the matter as are just and, among others, those permitted by the T.R.C.P., Rule 170. The remedies provided herein are cumulative and may be asserted in conjunction with all other remedies provided by law, and all of such remedies may be asserted without resort to the remedies provided herein; provided, however, that the assertion of any of the remedies provided herein or any other remedy provided by law shall not infringe, delay, impede, or prejudice the rights or obligations of the commissioner or the commission in enforcing the Texas Credit Union Act, any of the rules promulgated under the Texas Credit Union Act, or any other provision of applicable law.

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

Issued in Austin, Texas, on February 28, 1984

TRD-842455      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption  
April 6, 1984

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



**7 TAC §93.55**

These amendments are proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.55. Evidence.**

(a) Evidence shall be admitted or excluded in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §14[(a)].

(b) Documentary evidence may be received in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §14[(o)].

(c) Official notice may be taken of all facts judicially cognizable, in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §14[(q)].

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

Issued in Austin, Texas, on February 28, 1984

TRD-842456      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption  
April 6, 1984

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

**7 TAC §93.60**

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.60. Final Decisions.** A final decision is one made in accordance with the Act and the Texas Credit Union Act and the rules promulgated under the Texas Credit Union Act [Texas Civil Statutes, Article 6252-13a, §16(a)-(d)].

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

Issued in Austin, Texas, on February 28, 1984

TRD-842457      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption  
April 6, 1984

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

**7 TAC §93.61**

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.61. Motion for Rehearing.** A motion for rehearing must be filed in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §16[(e)].

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842458      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption  
April 6, 1984

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

**7 TAC §93.62**

These amendments are proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.62. Record.**

(a) The record in a contested case consists of those items described in the Act, [Texas Civil Statutes, Article 6252-13a,] §13(f)

(b) Proceedings shall be transcribed and expenses of such transcription shall be allocated in accordance with the Act, §13 [Texas Civil Statutes, Article 6252-13a, §13(g)]. The party requesting the proceedings to be tran-

scribed shall bear the expense thereof in accordance with the usual and customary charges of a court reporter. Should two or more parties make such request, the cost shall be borne on a pro rata basis].

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842459      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption  
April 6, 1984

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

### 7 TAC §93.63

These amendments are proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.63. Appeal from a Final Decision or Order of the Commissioner.** Any party aggrieved by a final decision or order of the commissioner in a contested case may appeal to the commission after the decision or order complained of is final and appealable. Appeal to the commission for review of actions of the commissioner shall be made within 20 [30] days from the date that the writing evidencing the official action or order complained of is final and appealable, **except where a greater or lesser time for taking an appeal is provided under the Texas Credit Union Act. Appeal shall be evidenced in writing, shall state the matter being appealed and any other statement required by the Texas Credit Union Act or the rules promulgated under the Texas Credit Union Act, and shall be filed with the administrative support clerk [but for good cause shown, the commission may allow an appeal after that date]**

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842460      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption  
April 6, 1984

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

### 7 TAC §93.64

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.64. Modification of Time Periods.** Parties may provide for modification of time periods in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §16(f).

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842461      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption:  
April 6, 1984

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

## Rule-Making Proceedings

### 7 TAC §93.81

These amendments are proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.81. Prerequisites to Adopting, Repealing, or Amending Rules.**

(a) Prior to adopting, repealing, or amending any rule, the commission or the commissioner shall give notice of the intended action as prescribed by the Act, [Texas Civil Statutes, Article 6252-13a,] §5(a).

(b) Notice of proposed rule is effective when given in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §5(b).

(c) The commission or commissioner shall afford all interested persons reasonable opportunity to submit data, views, or arguments in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §5(c). It shall be at the discretion of the commission or commissioner whether such data, views, or arguments are submitted orally or in writing.

(d) The commission or commissioner may adopt an emergency rule in accordance with the procedure described in the Act, [Texas Civil Statutes, Article 6252-13a,] §5(d).

(e) Except as prohibited by law, the commission or commissioner may use informal conferences and consultations and may appoint committees, as provided for in the Act, [Texas Civil Statutes, Article 6252-13a,] §5(e).

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842462      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption  
April 6, 1984

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

**7 TAC §93.82**

This amendment is proposed under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.82. Effective Date of Rules.** Each rule adopted becomes effective at the time and in the manner provided for in the Act, [Texas Civil Statutes, Article 6252-13a,] §10.

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842463      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption:  
April 6, 1984  
For further information, please call (512) 837-9236.

**§93.92. Official Action by Majority.** Any official act or decision of the commission shall be concurred in by at least five [four] of its members. [Such act or decision shall be based upon information presented to members present at official meetings of the commission.] There shall be at least five [four] commission members present at any official meeting of the commission. Private solicitation of individual members in an effort to in any way influence their official actions through information or arguments not simultaneously presented to other members of the commission is improper.

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842465      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption:  
April 6, 1984  
For further information, please call (512) 837-9236.

**7 TAC §93.83**

This amendment is proposed under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.83. Petition for Adoption of Rules.** Any interested person may petition the commission or the commissioner requesting the adoption of a rule, in accordance with the Act, [Texas Civil Statutes, Article 6252-13a,] §11. Petitions shall be sent to the administrative support clerk [or the hearings reporter]. Petitions shall be deemed sufficient if they contain:

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

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842464      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption:  
April 6, 1984  
For further information, please call (512) 837-9236.

**7 TAC §93.93**

This amendment is proposed under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.93. Initiating Proceedings Before the Commission.** Proceedings before the commission are divided into two classifications: appellate jurisdiction and original jurisdiction. The provisions of the Texas Credit Union Act (Texas Civil Statutes, Article 2461-1.01 [2461-1], *et seq*) define jurisdiction of the commission. Proceedings over which the commission has original jurisdiction may be initiated as follows:

- (1)-(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 February 28, 1984

TRD-842466      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption:  
April 6, 1984  
For further information, please call (512) 837-9236.

**The Commission**

**7 TAC §93.92**

These amendments are proposed under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**The Commissioner**

**7 TAC §93.94**

These amendments are proposed under Texas Civil Statutes, Article 2461, § 11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.94. Review of Final Decision or Order of Commissioner.** In reviewing any final decision or order of the commissioner, the commission may consider the record made before the commissioner; and, in addition thereto, **the commission may consider any other evidence and matters not prohibited from consideration by law and which are pertinent to the appeal [may be submitted to the commission, even if not included in the application for review].**

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842467      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption.  
April 6, 1984

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

## The Commissioner

### 7 TAC §93.221

These amendments are proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.221. Initiating Proceedings Before the Commissioner.** Proceedings authorized by law to be initiated before the commissioner may [shall] be initiated [as follows:]

[(1) Any person may petition the commissioner, in accordance with §93.83 of this title (relating to Petition for Adoption of Rules), requesting the adoption of a rule within his jurisdiction;

[(2) In all other matters,] by any person desiring that the commissioner perform some official act permitted or required by law, by requesting [shall request] such performance in writing. Such requests shall be directed to [either the hearings reporter or] the administrative support clerk. Except for other matters required by the Texas Credit Union Act or subject to §93.13 of this title (relating to Hearings), any written request shall be deemed sufficient to initiate the proceedings and present the subject matter to the commissioner for official determination if the request reasonably gives notice to the commissioner of the act desired. The commissioner may also initiate proceedings on his own motion.

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842468      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption.  
April 6, 1984

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

### 7 TAC §93.222

This amendment is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

**§93.222. Commissioner's Hearing Docket.** When a matter has been initiated before the commissioner and a hearing is required or shall be held, the **administrative support clerk** [hearings reporter] shall enter the same on a docket. The docket shall show the number of the matter, a brief description of the subject to be considered, and the parties. The **administrative support clerk** [hearings reporter] shall make appropriate entries in the docket to show the history and disposition of the matter. The hearing docket of the commissioner shall be available for public inspection during business hours at the office of the commissioner.

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

Issued in Austin, Texas, on February 28, 1984

TRD-842469      John P. Parsons  
                         Commissioner  
                         Credit Union Department

Earliest possible date of adoption.  
April 6, 1984

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



## Part VII. State Securities Board

A notice appeared in the March 6, 1984, issue of the *Texas Register* indicating that the following proposals would be serialized in this issue. The earliest possible date of adoption for the documents is April 6, 1984.

Chapter 107 Terminology  
§107.2  
(amendment)

Chapter 109 Transactions Exempt from  
Registration  
§109.4  
(amendment)  
§109.6  
(amendment)

Chapter 113 Registration of Securities  
§113.4  
(amendment)  
§113.9  
(amendment)











is in the same zip code area as the broker's office. The amendment deletes the requirement that the post office box number be in the same zip code area.

Mark A. Moseley, legal counsel, 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. Designation of a post office box number on a real estate license is not required by the rule.

Mr. Moseley 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 facilitation of mail delivery from the agency to its licensees. 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 Robert L. Finch, Staff Services Officer, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

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

**§535.111. Residence.**

(a) (No change.)

(b) A broker's license shall reflect the address at which the broker's office is actually located, provided, however, that a post office box number in the same city [and zip code area] may also be shown on the license.

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

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

TRD-842517      Mark A. Moseley  
                            Legal Counsel  
                            Texas Real Estate Commission

Earliest possible date of adoption:  
April 9, 1984

For further information, please call (512) 459-3342.

**22 TAC §535.112**

The Texas Real Estate Commission proposes an amendment to §535.112, concerning designation of post office box numbers on real estate broker branch office licenses.

The existing section permits a broker to designate a post office box number on his license if the post office is in the same zip code area as the broker's office. The amendment deletes the requirement that the post office box number be in the same zip code area.

Mark A. Moseley, legal counsel, 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. Designation of a post office box number on a real estate license is not required by the rule.

Mr. Moseley 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 facilitation of mail delivery from the agency to its licensees. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, since use of post office boxes is permissive rather than mandatory.

Comments on the proposal may be submitted to Robert L. Finch, Staff Services Officer, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

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

**§535.112. Branch Office.**

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

(e) A broker's branch office license shall reflect the address at which the broker's branch office license is actually located, provided, however, that a post office box number in the same city [and zip code area] may also be shown on the license.

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

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

TRD-842518      Mark A. Moseley  
                            Legal Counsel  
                            Texas Real Estate Commission

Earliest possible date of adoption:  
April 9, 1984

For further information, please call (512) 459-3342.

**TITLE 31. NATURAL RESOURCES  
Part XV. Texas Low-Level  
Radioactive Waste Disposal  
Authority**

**Chapter 449. General Provisions  
Subchapter D. Private Donors**

**31 TAC §5449.41-449.46**

The Texas Low-Level Radioactive Waste Disposal Authority proposes new §5449.41-449.46, concerning the relationship between the authority, its board members and employees, and private donors. The new subchapter defines a private donor, establishes procedures for administration of donated funds and use of authority employees and property, prohibits monetary

enrichment of authority employees by a private donor, and provides for a yearly report on the use of donated funds.

Mike Branum, chief accountant, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Lee H. Mathews, general counsel, has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed is the avoidance of potential conflicts of interest in the event that the authority receives a donation from private sources. There is no anticipated economic cost to individuals who are required to comply with the sections.

Comments on the proposal may be submitted to Lee H. Mathews, General Counsel, Texas Low-Level Radioactive Waste Disposal Authority, 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

The new sections are proposed under Texas Civil Statutes, Article 6252-11f, which provide the Texas Low-Level Radioactive Waste Disposal Authority with the authority to promulgate rules governing the relationship of private donors with the authority.

**§449.41. Purpose of Rule.** The purpose of this rule is to establish procedures and standards of conduct to govern the relationship between the authority, its employees and board, and private donors.

**§449.42. Definition.** A private donor is an individual or organization which gives nonpublic funds to the authority.

**§449.43. Acceptance and Administration of Funds.**

(a) The board may accept funds on behalf of the authority on such terms and conditions as are acceptable to the board and donor.

(b) The authority shall, unless exempted by specific statutory authority, deposit all funds received from private donors with the state treasury for use by the authority.

(c) No donated funds may be transferred to a private or public development fund or foundation unless the donor agrees in writing to the transfer.

(d) The board may delegate to the general manager the day-to-day administration and disbursement of donated funds.

**§449.44. Use of Authority Property and Employees.**

(a) A private donor may utilize office facilities of the authority if the general manager certifies in writing that such use is for a public purpose directly related to the donated funds.

(b) Board members or employees of the authority who are utilized or employed by a private donor shall comply with the standards of conduct provisions for state officers and employees enumerated in Texas Civil Statutes, Article 6252-9b.

**§449.45. Monetary Enrichment.** Donated funds shall not be used for the monetary enrichment of board members or authority employees.

**§449.46. Yearly Report.** At least once a calendar year after donated funds have been received, the general manager shall prepare for board consideration a report which summarizes all authority activities and expenditures related to the funds.

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 March 1, 1984.

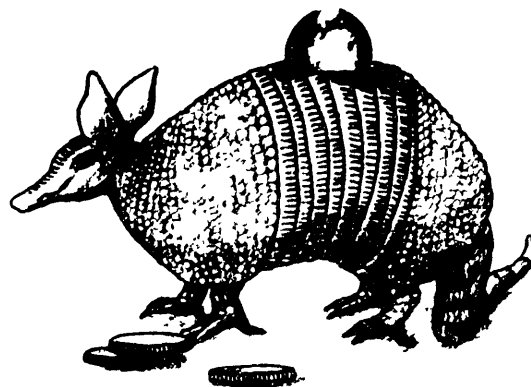
TRD-842557

Lee H Mathews  
General Counsel  
Texas Low-Level Radioactive  
Waste Disposal Authority

Earliest possible date of adoption

April 9, 1984

For further information, please call (512) 835-6795.



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

**Chapter 3. Tax Administration  
Subchapter L. Fuels Tax Division**

**34 TAC §3.191**

*(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 Comptroller of Public Accounts, Room 806, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin )*

The Comptroller of Public Accounts proposes the repeal of §3.191, concerning gasoline and alcohol mixture credit, so that a substantially revised section on the same subject may be adopted

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the repeal as proposed will be in effect there will be fiscal implications as a result of the repeal. According to the fis-

cal impact estimate prepared for House Bill 2436, the probable revenue gain from implementing the provisions of the bill will be \$44.35 million in 1984, \$45.65 million in 1985, \$48.135 million in 1986, \$34.75 million in 1987, and \$19.95 million in 1988. This gain was recognized in the comptroller's estimate of revenue available for certification during the 68th Legislature, 1983. The current amount of revenue available for certification by the comptroller, therefore, is not changed by this rule change. There is no anticipated impact on units of local government. This section is promulgated under the authority of the Texas Tax Code, Title 2; therefore no analysis of the effect on small businesses is required.

Implementation of House Bill 2436 would substantially reduce the cost of the credit for gasoline and alcohol mixtures to the state, but would allow mixtures using alcohol produced from renewable resources produced in Texas to benefit from the tax credit. There will be a cost to suppliers of gasoline-alcohol fuel mixtures who are unable to receive credit for tax paid.

Public comment on the proposal is invited. Comments should be submitted in writing to Jim Ray, P.O. Box 13528, Austin, Texas 78711.

This repeal is proposed under the authority of the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

**§3.191. Gasoline and Alcohol Mixture Credit.**

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 March 5, 1984

TRD-842621      Bob Bullock  
Comptroller of Public Accounts

Earliest possible date of adoption  
April 9, 1984

For further information, please call (512) 475-1930.

The Comptroller of Public Accounts proposes new §3.191, concerning gasoline and alcohol mixture credit. The new section reflects amendments to the Texas Tax Code made by House Bill 2436, 68th Legislature, 1983. The credit is limited to \$2,712,500 per calendar quarter. The comptroller must estimate and publish the rates at which credit should be allowed to limit reimbursement to the statutory maximum. Credit is allowed in proportion to the amount of credit allowed in other states for alcohol produced in Texas. A tax credit may also be claimed on gasoline purchased for mixture with alcohol if the mixture is exempt. A credit may be taken on a distributor's monthly Texas gasoline distribution report.

Billy Hamilton, revenue estimating director, 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. According to the fiscal impact estimate prepared for House Bill 2436, the probable revenue gain from implementing the provisions of the bill will be \$44.35 million in 1984, \$45.65 million in 1985, \$48.135 million in 1986, \$34.75 million in 1987, and \$19.95 million in 1988. This gain was recognized in the comptroller's estimate of revenue available for certification during the 68th Legislature, 1983. The current amount of revenue available for certification by the comptroller, therefore, is not changed by this rule change. There is no impact on units of local government.

This rule is promulgated under the authority of the Texas Tax Code, Title 2; therefore no analysis of the effect on small businesses is required.

Implementation of House Bill 2436 would substantially reduce the cost of the credit for gasoline and alcohol mixtures to the state, but would allow mixtures using alcohol produced from renewable resources produced in Texas to benefit from the tax credit. There will be a cost to suppliers of gasoline-alcohol fuel mixtures who are unable to receive credit for tax paid.

Public comment on the section is invited. Comments should be submitted in writing to Jim Ray, P.O. Box 13528, Austin, Texas 78711.

This new section is proposed under the authority of the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

**§3.191. Gasoline and Alcohol Mixture Credit.**

(a) Definition. First sale or use—The first taxable sale or use made by permitted distributors in accordance with the Texas Tax Code, §153.101 and §153.104.

(b) Tax credit claim.

(1) A distributor may claim credit on:

(A) the first sale or use of a qualified mixture;

or

(B) the gasoline used for mixing with ethyl alcohol if the mixture itself is qualified.

(2) A gasoline-alcohol mixture that contains alcohol produced or distilled in another state is eligible for a credit on its first sale or use in Texas only if it is produced in a state which allows a credit for Texas-produced alcohol on gasoline-alcohol mixtures as provided in the Texas Tax Code, §153.123.

(3) The maximum allowable credit per gallon subject to a tax credit claim will be determined by the Comptroller of Public Accounts and published in the *Texas Register* at least 30 days preceding each calendar quarter.

(4) A distributor may take the credit on its monthly Texas gasoline distribution report.

(5) If a claim is based on gasoline used for mixing with ethyl alcohol, the comptroller may require the person making the claim to disclose the total number of gallons of ethyl alcohol produced or purchased and not resold or distributed as ethyl alcohol and any other information necessary to support the refund claim.

(c) Procedure. The procedures for filing a tax credit claim, the forms to be used, and the limits within which



(C) A fraternal organization—Any nonprofit organization including a lodge, chapter, post, tribe, or any auxiliary or other subordinate organization affiliated with and chartered by a state or national organization that is organized to perform and engages primarily in performing charitable, benevolent, patriotic, employment-related, or educational functions and that:

(i) does not distribute any of its income to its members, officers, or governing body other than as reasonable compensation for services;

(ii) has been organized in Texas for at least three years preceding its application for a license and:

(I) has had a governing body of officers elected by a vote of members or by a vote of delegates elected by the members; or

(II) has been affiliated with a state or national organization organized to perform the same purposes;

(iii) has had a bona fide membership actively and continuously engaged as an organization in furthering its authorized purposes during the three years preceding its application for a license;

(iv) is not an organization whose members are predominately veterans or dependents of veterans of the armed forces of the United States; and

(v) has a §501(c) exemption from the Internal Revenue Service.

(D) A veterans organization—A nonprofit organization:

(i) whose members are veterans or dependents of veterans of the armed services of the United States;

(ii) that is chartered by the United States Congress;

(iii) that is organized to advance the interests of veterans or active duty personnel of the armed forces of the United States and their dependents;

(iv) that does not distribute any of its income to its members, officers, or governing body other than as reasonable compensation for services;

(v) that has been organized in Texas for at least three years and:

(I) has had a governing body of officers elected by a vote of members or by a vote of delegates elected by the members, or

(II) has been affiliated with a state or national organization organized to perform the same purposes;

(vi) has a §501(c) exemption from the Internal Revenue Service; and

(vii) includes any branch, lodge, chapter, or auxiliary unit of a veterans organization.

(E) A volunteer fire department—An association that:

(i) operates fire-fighting equipment;

(ii) is organized primarily to provide and actively provides fire-fighting services; and

(iii) does not pay its members more than nominal compensation.

**Bingo**—A game of chance (commonly known as bingo or lotto) in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

**Bingo equipment and supplies**—Items used, made, or sold for use in bingo games.

(A) Bingo equipment and supplies include:

(i) machines or other devices from which balls or other items are withdrawn to determine the letters and numbers or other symbols to be called;

(ii) the balls or items themselves;

(iii) bingo cards, boards, sheets, markers, pads, blotters, and other supplies; and

(iv) any other device, including a television monitor and display system, commonly used in the direct operation of the game.

(B) Bingo equipment does not include a bingo game set that is:

(i) commonly manufactured and sold as a child's game;

(ii) sold for a retail price of \$20 or less; and

(iii) not used in a bingo game subject to regulation under the Act.

**Bingo occasion**—A single gathering or session at which a series of successive bingo games are played.

**Charitable purposes**—One or more of the following activities:

(A) Those that benefit needy or deserving persons in Texas, indefinite in number, by:

(i) enhancing their opportunity for religious or educational advancement;

(ii) relieving or protecting them from disease, suffering, or distress;

(iii) contributing to their physical well-being;

(iv) assisting them in establishing themselves in life as worthy and useful citizens; or

(v) increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their government.

(B) Those that initiate, perform, or foster worthy public works or enable or further the erection or maintenance of public structures in Texas; or

(C) Those that maintain, improve, add to, repair, or retire the debt on existing buildings and real property used for purposes enumerated in subparagraphs (A) and (B).

(D) Some examples of charitable purposes include the following.

(i) **Charitable.** Donations to recognized organizations such as Cerebral Palsy, Muscular Dystrophy, the Heart Fund, American Cancer Society, and other nationally or locally recognized charities in Texas;

(ii) **Educational.** Contributions for open scholarships in Texas, when recipients are not limited to children of the licensee or commercial lessor; contributions for teachers salaries, exchange student funds, books for libraries, and equipment for schools;

(iii) **Religious.** Contributions or expenditures for religious purposes and activities in Texas; for example, clerics' salaries, maintenance of religious buildings, and purchase of religious supplies.

(iv) **Patriotic activities.** Contributions toward patriotic activities or projects in Texas, such as purchasing flags to give away, Veteran's Day activities, Memorial and Independence Day activities, and contributions to support activities of a veteran's state organization.

**Comptroller**—The comptroller of public accounts of Texas.

**Distributor**—

(A) A person who obtains bingo equipment, devices, or supplies for use in bingo games subject to this Act and who sells or otherwise furnishes those items with or without merchandise to be awarded as prizes to another person for resale, display, or operation of the equipment, devices, or supplies; or

(B) A manufacturer who furnishes bingo equipment, devices, or supplies not manufactured by him to another person for resale, display, or operation of those items.

**Gross receipts**—The total receipts, whether paid as consideration or donated, received by an authorized licensed organization from the sale, rental, transfer, or use of bingo cards, and from any entrance fees. Gross receipts do not include food or beverage sales.

**Manufacturer**—

(A) A person who assembles from raw materials or subparts a completed piece of bingo equipment, devices, or supplies for use in bingo games subject to this Act and who furnishes by sale or other manner those items to a distributor or licensed organization; or

(B) A person who converts, modifies, adds to, or removes parts from any bingo equipment, item, device, or assembly to further its promotion or sale for or use in a bingo game subject to this section.

**Net proceeds**—Net proceeds consist of.

(A) the amount that remains after deducting from gross receipts the reasonable sums necessarily and actually expended for allowable expenses (See §3.547 of this title (relating to Books and Records—Bingo Licenses)); or

(B) the amount that remains after deducting from gross receipts the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable to the use of a licensed organization's premises by another licensed organization.

**Operator**—The active bona fide member or members of a licensed organization designated as the person or persons in charge of and primarily responsible for each bingo occasion. The operator must supervise all activities and be responsible for the conduct of all bingo games on the occasion of which he or she is in charge. He or she must be present on the premises continually during the occasion.

**Person**—An individual, partnership, corporation, or other group, however organized

**Political subdivision**—A county, justice precinct, or incorporated city or town

**Premises**—Any room, hall, enclosure, tent, or outdoor area.

**Regular bingo card**—A nondisposable card, such as a shutter card, which affords a person the opportunity to participate in all regular games played at a bingo occasion

**Regular bingo game**—A bingo game in which a person buys or is issued a regular bingo card and in which the person may purchase or rent extra regular cards.

**Representative**—A person who represents a distributor or a manufacturer in any activity connected with

selling or furnishing bingo equipment, devices, or supplies for use in bingo games subject to the Act.

**Senior citizens association**—An organization that provides for its members such services as recreation, health education, and legislative information for the benefit of aged or retired persons. Members are generally 50 years of age or older. The American Association of Retired Persons (AARP) is an example of a senior citizens association.

**Special bingo card**—A paper, disposable, specially-marked bingo card which gives a person the opportunity to participate in a special bingo game to be played at a bingo occasion. This card is identified by a separate color, serial number, and manufacturer's identification number.

**Special bingo game**—Any bingo game which is not a regular bingo game and which is played with special bingo cards.

**§3.545. Licenses, Fees, and Bonds for Conduct of Bingo and Commercial Lessor.**

(a) Annual license to conduct bingo games.

(1) Application. An organization which desires to conduct bingo on a regular basis must apply to the comptroller for an annual license to conduct bingo. The application must be made on a form prepared by the comptroller and must contain all the information required by that form.

(2) Fee. An application for a license to conduct bingo must be accompanied by a license fee in accordance with the following schedule:

(A) Class A (annual gross receipts of \$25,000 or less)—\$100;

(B) Class B (annual gross receipts of more than \$25,000 but not more than \$50,000)—\$200;

(C) Class C (annual gross receipts of more than \$50,000 but not more than \$75,000)—\$300;

(D) Class D (annual gross receipts of more than \$75,000 but not more than \$100,000)—\$400;

(E) Class E (annual gross receipts of more than \$100,000 but not more than \$150,000)—\$600;

(F) Class F (annual gross receipts of more than \$150,000 but not more than \$200,000)—\$900;

(G) Class G (annual gross receipts of more than \$200,000 but not more than \$250,000)—\$1,200;

(H) Class H (annual gross receipts of more than \$250,000 but not more than \$300,000)—\$1,500;

(I) Class I (annual gross receipts of more than \$300,000 but not more than \$400,000)—\$2,000; and

(J) Class J (annual gross receipts of more than \$400,000)—\$2,500

(3) License

(A) A license to conduct bingo expires one calendar year from the date of issuance.

(B) An organization may hold only one annual license to conduct bingo, and that license is valid for only the one location indicated on the face of its license. A group may not conduct bingo more than three times per calendar week and not more than four hours per 24-hour period.

(C) An organization holding an annual license to conduct bingo may receive a temporary license under subsection (c) of this section only if it does not conduct bingo more than three days per calendar week. If it con-



ducts bingo three days per calendar week under an annual license, it must cancel one of its sessions during the week in which it conducts bingo under a temporary license

(D) See exceptions to license requirements in §3.546 of this title (relating to Exemptions from Licensing Requirements)

(4) **Bond.** Each application for an annual license to conduct bingo in a legalized area must be accompanied by a bond equal to the organization's anticipated average quarterly tax liability. If the amount is estimated to be less than \$100, no bond will be required. No annual license will be issued until a satisfactory bond has been posted.

(A) **Type of bond.** Only the following types of bonds are acceptable:

(i) Cash (personal checks payable to the state treasurer are acceptable);

(ii) Irrevocable assignments (executed on forms approved by the comptroller) of certificates of deposit or savings accounts in banks, savings and loan institutions, or credit unions whose deposits are insured by an agency of the U.S. Government;

(iii) U.S. Treasury bonds of a type that are readily convertible to cash; or

(iv) A surety bond executed on a form approved by the comptroller and issued by a surety company chartered or authorized to do business in the State of Texas. The bond will constitute a new and separate obligation in the penal sum shown for each calendar year or a portion of a year while the bond is in force. The bond must be executed by an attorney-in-fact appointed by the surety. The appointing instrument must be properly notarized and physically attached to the bond

(B) **New bond or changes in amount.** If a surety company notifies the comptroller in writing that it has withdrawn as surety on a bond issued on behalf of a licensee as security for bingo tax liability, the comptroller will notify the licensee that it must post a new bond to maintain its license. The comptroller may increase the amount required to be posted as a bond whenever the bond already posted does not cover the licensee's average quarterly tax liability, or if, in the comptroller's opinion, the amount of bond or other security is not sufficient to protect against failure to pay the amount which may become due. The comptroller may also reduce the amount of bond already posted, either on his own determination or at the request of the licensee. In determining whether to require the furnishing of additional bond or other security by a licensee or to reduce the amount already posted, the comptroller will consider payment history, general financial condition, or other factors which indicate the risks involved in insuring the payment of applicable taxes.

(C) **Forfeiture.** If a licensee pays less than the amount of tax due under the Act, the comptroller will notify both the licensee and any surety of the delinquency by jeopardy or deficiency determination. If payment is not made by the demand date stated in the notice, the comptroller will forfeit the bond or security or any part of the bond or security necessary to pay the proper amount of tax. Failure to pay any delinquency when due is grounds for suspension or revocation of the licensed organization's right to conduct bingo.

(D) **Release.** A bond must be posted at all times while a license is in effect. If the licensee ceases to conduct bingo games and relinquishes its license or if the license is revoked by the comptroller for any reason, the comptroller will release any bond or security on his determination that no amounts of tax, penalty, or interest remain due and payable under the Act.

(b) **Commercial license to lease bingo premises.**

(1) **Application.** Any commercial lessor who desires to lease premises in a legalized area in Texas to a licensed organization for the purpose of conducting bingo must apply to the comptroller for a commercial lessor's license. The application must be made on a form prepared by the comptroller and must contain all the information required by that form.

(2) **Fee.** An application for a license to lease bingo premises must be accompanied by a license fee which is based upon the annual gross rentals from licensed organizations. For the purposes of this section "gross rentals from licensed organizations" means the total receipts, regardless of how they are denominated, from the licensed organizations, including, but not limited to, building rental, payments for utilities, fixtures, security services, etc. The fee that must accompany the application must be made in accordance with the following schedule:

(A) Class A (annual gross rentals from licensed organizations of not more than \$12,000)—\$100;

(B) Class B (annual gross rentals from licensed organizations of more than \$12,000 but not more than \$20,000)—\$200;

(C) Class C (annual gross rentals from licensed organizations of more than \$20,000 but not more than \$30,000)—\$300;

(D) Class D (annual gross rentals for licensed organizations of more than \$30,000 but not more than \$40,000)—\$400;

(E) Class E (annual gross rentals from licensed organizations of more than \$40,000 but not more than \$50,000)—\$500;

(F) Class F (annual gross rentals from licensed organizations of more than \$50,000 but not more than \$60,000)—\$600;

(G) Class G (annual gross rentals from licensed organizations of more than \$60,000 but not more than \$70,000)—\$700;

(H) Class H (annual gross rentals from licensed organizations of more than \$70,000 but not more than \$80,000)—\$800;

(I) Class I (annual gross rentals from licensed organizations of more than \$80,000 but not more than \$90,000)—\$900; and

(J) Class J (annual gross rentals from licensed organizations of more than \$90,000)—\$1,000

(3) **License.**

(A) A license to lease bingo premises expires one calendar year from the date of issuance.

(B) Each location must be separately licensed. A commercial lessor, however, may lease the same location under the same license to more than one licensed organization. A commercial lessor who wants to lease more than one location must file a separate application and pay a separate fee for each location.

(c) **Temporary license to conduct bingo games.**

(1) **Application** Any organization which desires to conduct bingo on a limited basis must apply to the comptroller for a temporary license. The application must contain the same information and be made on the same form used by applicants for an annual license. The complete application with required attachments should be filed with the comptroller at least 30 days in advance of the first bingo game that will be played under the temporary license.

(2) **Fee** An application for a temporary license to conduct bingo must be accompanied by a \$25 license fee.

(3) **License.** A temporary license is valid for only one day. No more than six temporary licenses may be issued in a calendar year to the same organization.

(d) **Temporary authorization.** After a preliminary approval of the applicant for a license, the comptroller may issue a temporary authorization for an initial period not to exceed 60 days. The comptroller may extend the period of temporary authorization for good cause. If the application is approved during the period of the temporary authorization, the temporary authorization will be replaced by the issuance of an annual license which will expire one year from the date of issuance of the temporary authorization.

(e) **Supplemental information.** In addition to the application form, the applicant or licensee must submit any supplemental information requested by the comptroller within the time limit set by the comptroller. Failure to timely submit any of the requested supplemental information is grounds for denial of the license sought or revocation of a license held.

(f) **License to operate.** Each applicant for a license to operate bingo games must demonstrate that it is organized and operated primarily for purposes other than the operation of bingo activities.

(g) **Payment of fees.** The proper license fee must accompany each application. License fees will not be prorated. The fee and any cash bond must be in the form of cash, cashier's check, money order, or check made payable to the state treasurer. After the filing of the application, fee, and any required bond, the comptroller will promptly investigate the qualifications of the applicant and either:

(1) notify the applicant in writing if additional information is required before a license can be granted;

(2) notify the applicant in writing why a license is being denied and refund any license fee payments and bond; or

(3) issue a temporary authorization or license authorizing the applicant to conduct bingo at the times and place applied for or to lease premises for the conduct of bingo.

(h) **Notification of election results.** No license will be issued until the comptroller receives from the appropriate governing body written notification of the date and results of a legalization election along with a map of the boundaries in which games may be held.

(i) **Copies of applications.** No license or amended license will be issued before a copy of each original application or application for amendment is sent by the applicant to the appropriate governing body of the area in which the games are to be held.

(j) **Copies of licenses.** Upon receipt of any license or amended license issued by the comptroller, the licensee must immediately send a copy to:

(1) the appropriate governing body of the area in which the games are to be held; and

(2) the police department of the city or town in which bingo is to be conducted, if it is to be conducted within a city or town, or to the sheriff of the county in which bingo is to be conducted, if it is to be conducted outside a city or town.

(k) **Display of license.** Every license and amendment issued by the comptroller must be conspicuously displayed on the premises at all times during the conduct of bingo so that it can be easily read by any patron.

(l) **Transfer of license.** Licenses and renewals issued by the comptroller may not be transferred or assigned.

(m) **Amendments.**

(1) **Applications.** A license may be amended if the subject matter of the amendment properly and lawfully could have been included in the original license. An application for an amendment must be filed on a form approved by the comptroller and will be processed in the same manner as an original application. A licensed organization may not change the location, days, or times of its bingo games until it has surrendered its original license and received an amended license from the comptroller. An application for an amendment must be accompanied by a \$25 amendment fee.

(2) **Effective period.** An amended license is only effective for the remainder of the period under the original license.

(n) **Notification of changes.** Each licensee has a continuing responsibility to promptly notify the comptroller in writing of any changes to information in a filed application, when information filed with the comptroller becomes inaccurate in any way, or when additions or deletions are necessary to reflect changes in circumstances of the licensee. Examples of such changes include the name of organizational officers, the amount of rent charged for leased premises, the name of a member responsible for the conduct of games or the name of an individual connected with a commercial lessor that would affect its eligibility to hold a license and, in the case of lessors, the name of a new, authorized organization that intends to lease premises from it for the purpose of conducting bingo.

**§3.546. Exemptions from Licensing Requirements.**

(a) The following bingo games are not required to be licensed under §3.545 of this title (relating to Licenses, Fees, and Bonds for Conduct of Bingo and Commercial Lessor):

(1) A game played within the confines of a home for purposes of amusement or recreation when:

(A) no player or other person provides anything of more than nominal value for the opportunity to play;

(B) there are no more than 15 players in the game; and

(C) the prizes are of nominal value; or

(2) A game conducted on behalf of an organization of persons 60 years of age or older, a senior citizens association, or patients in a hospital or nursing home or residents of a retirement home, solely for the amusement

and recreation of the members, residents, or patients, when:

(A) no player or other person provides anything of more than nominal value for the opportunity to play; and

(B) the prizes are of nominal value.

(b) This section applies to all political subdivisions regardless of local option status

(c) A "nominal value" prize may not exceed \$10 in cash or merchandise.

(d) Any group or organization which qualifies under this section must write the comptroller, stating the facts that support its exemption from the licensing requirements. If the organization or group is exempt, the comptroller will issue a letter of exemption which must be available on the premises at all times during the conduct of bingo.

**§3.547. Books and Records—Bingo Licensees.**

(a) Each organization licensed to conduct bingo must maintain books and records necessary to complete and substantiate each bingo report. Larger grossing organizations (Class G-Class J) have special record-keeping requirements that are explained in subsection (b) of this section. In addition, every licensee must maintain the following records:

(1) Cash receipts records. The records required to document cash receipts consist of the following:

(A) Daily cash report. This report must be prepared after each bingo occasion. It must be signed and dated by the preparer and another member of the organization (preferably the finance officer). The report must be prepared in the format prescribed by the comptroller and must contain the following information:

(i) Name of licensee.

(ii) Date of bingo occasion.

(iii) Gross receipts. Total amounts must be listed for each separate type of fee or charge. For example, the sale of reusable "hard" bingo cards, the sale of disposable bingo cards ("throw-aways" or "paper strips"), and admission charges must each be accounted for as separate subitems of gross receipts

(iv) Cash prizes. Merchandise prizes or prizes paid by check must be listed as a zero on this report.

(v) Net receipts. This figure is the difference between gross receipts and cash prizes. The only allowable adjustments between net receipts and the amount of the bank deposit would be changes in the amount of the petty cash fund and any cash overages or shortages.

(vi) Petty cash fund. A petty cash fund not to exceed \$1,000 may be used to make change at the start of a bingo game. Except for emergency expenses validated by proper receipts, the amount of the beginning petty cash fund must be the same as the ending petty cash fund from the previous daily cash report

(vii) Cash overages and shortages. The licensee must document the reason for any shortages more than \$10 per session.

(viii) Net bank deposit. The validated bank deposit slip must be attached to this report as a part of the permanent accounting records.

(B) Bingo bank account. A licensed organization must establish and maintain one regular checking account designated the "bingo account" and may also

maintain an interest-bearing savings account designated the "bingo savings account." All funds from the conduct of bingo, less the amount awarded as cash prizes, must be deposited in the bingo account. No other funds may be deposited in the bingo account. Deposits must be made no later than the next business day following the day of the bingo occasion on which the receipts were obtained. All accounts must be maintained in a financial institution in Texas. Any interest income earned from the bingo savings account must be accounted for as part of the net proceeds available for charitable distribution, and may not be used for any other purpose.

(C) Sales journal. A sales journal must be maintained in a permanent ledger to summarize certain information in the daily cash reports. The summarized information must include the total gross receipts, total cash prizes, total adjusted gross receipts, and the cash overages and shortages. This journal must be summarized on a monthly basis.

(2) Cash disbursement records. The records required to document cash disbursements will consist of the following:

(A) Bingo bank account. Funds from the bingo account must be withdrawn by preprinted, consecutively numbered checks or withdrawal slips, signed by a duly authorized representative of the licensee and made payable to a person or organization. Checks must be imprinted with the words "Bingo Account" and must contain the organization's 11-digit bingo license number on the face of the check. There must also be noted on the face of the check or withdrawal slip the nature of the payment made. No check or slip may be made payable to "cash," "bearer," or a fictitious payee. All checks, including voided checks and slips, must be kept and accounted for. The disbursement of net proceeds on deposit in the bingo savings account to a charitable purpose must be made by transferring the intended disbursement back into the bingo account and then withdrawing the amount by a check drawn on that account as prescribed in this section.

(B) Cash disbursements journal. Each check issued by the licensee must be recorded in a cash disbursements journal, which must contain, on a monthly basis, the following information.

(i) check number;

(ii) date of check,

(iii) name of payee; and

(iv) expense category by type.

(C) Paid invoice file. Each licensee must maintain a permanent file of paid invoices, contracts, or other papers necessary to prove the disbursement of funds for bingo expenses or charitable contributions.

(D) Daily schedule of prizes. Each licensee must maintain a list for each bingo occasion of the total prizes awarded for each game, the number of winners, and the type of prizes awarded if not cash. This prize schedule must be signed and dated by the bingo manager, and attached to the daily cash report as a part of the permanent records. The licensee does not have to prepare a form, but can simply enter this information on a copy of the daily game schedule.

(b) Receipts for bingo income. All licensees whose annual gross receipts exceeds or will exceed \$200,000 per

year (Class G-Class J licensees) must document the sale of bingo cards through the issuance of receipts. A receipt must be issued at the time a card is sold to a bingo player. Receipts must be supplied by the licensee and may be either theatre-style tickets, disposable bingo cards, or cash register receipts.

(1) Ticket receipts. When theatre-type tickets are used as receipts, the following directions must be followed:

(A) All tickets on a roll must be consecutively prenumbered.

(B) After a roll of tickets has been started, tickets must be issued consecutively from that roll.

(C) Each ticket on a roll must represent the same specific amount of money. That amount must be clearly printed on the face of the ticket. One ticket color must represent cards selling for one price. When cards are sold in multiples or for a special price, one ticket may be issued representing the special price.

(D) A purchase log must be maintained to document the tickets purchased by the licensee. The log must be maintained in the format prescribed by the comptroller.

(E) A "daily receipt summary" must be maintained to document the tickets issued for each separate type of sale during a bingo occasion. The summary must be maintained in a format prescribed by the comptroller. The daily receipt summary must record for each bingo occasion the lowest and highest numbered tickets issued as receipts for each separate roll of tickets, and their respective dollar values.

(F) The purchase log and daily receipt summary for theatre tickets must be on the premises and available for inspection during any bingo session

(2) Disposable bingo card receipts. When disposable cards are used as receipts, the following directions must be followed:

(A) Each set of disposable cards must be consecutively numbered through the set. Each card must have printed on its face both the individual card number and the series number assigned by the manufacturer to that set of disposal cards

(B) Each disposable card or sheet of cards must be sold for the same price as each other disposable card or sheet of cards being used during any particular bingo game unless separate totals are kept of the cards sold at each price for a particular game.

(C) A purchase log must be maintained to document the cards purchased by the licensee. All purchases of disposable cards must be recorded in the purchase log. These cards must be purchased from a distributor or manufacturer licensed by the State of Texas. This log must be maintained in the format prescribed by the comptroller

(D) A "daily receipt summary" must be maintained to document the disposable cards sold for each bingo game. The summary must be maintained in a format prescribed by the comptroller. If there is more than one card per disposable sheet, then the licensee must identify the sale of the sheet by recording the lowest numbered card on the sheet.

(E) Disposable cards of different colors and series numbers may be sold in specially collated pads

known as "ups." The sale of "ups pads" is subject to the following conditions:

(i) the purchase of "ups pads" must be recorded in the disposable bingo card purchase log;

(ii) the "ups pad" must be sold as a unit; they may not be broken and sold as partial pads or individual sheets during the same bingo session;

(iii) the "ups pad" must be sold prior to the start of the bingo session. While additional floor sales of disposable cards are allowable during the games, these sales may not be from the "ups pad"; and

(iv) the sale of the "ups pad" must be documented by either the cash register or theatre ticket method.

(F) The purchase log and daily receipts summary for disposable bingo cards must be on the premises and available for inspection during any bingo session.

(3) Cash register receipts. When a cash register is used to produce receipts, the following directions must be followed.

(A) The cash register must have a nonresettable four-digit transaction numbering mechanism. Any cash register used must be able to retain its transaction count between uses, whether or not its power source is interrupted for short periods of time.

(B) A consecutively numbered receipt must be given to the customer, and a duplicate record of the transaction must be printed on the tape kept inside the cash register.

(C) Various types of sales must each be recorded with a separate key. Income from various types of sales must be separately recorded, and the cash register must be able to provide a total for each type of sale recorded.

(D) The receipt given to the customer must show the name of the organization, the date, and the total amount of money paid.

(E) The cash register must be used exclusively for bingo receipts during a bingo occasion. If the cash register is used by the licensee for other purposes between bingo sessions, then the internal cash register tapes from these other uses must be retained for not less than four years.

(F) A receipt must be issued at the time of sale to a bingo player. If a cash register is used to receipt the initial sale of bingo cards, but disposable cards are subsequently sold from the floor during the game, these floor sales must be separately accounted for by either their disposable card numbers or by theatre tickets. A licensee may not simply ring up on the cash register the total sales made by each floor usher.

(c) Records required by this section must be maintained for at least four years

**§3.548. General Restrictions on the Conduct of Bingo.**

(a) Who may conduct bingo. Except for those groups set out in §3.546 of this title (relating to Exemptions from Licensing Requirements), only an authorized organization licensed by the comptroller under §3.545(a), (c), or (d) of this title (relating to Licenses, Fees, and Bonds for Conduct of Bingo and Commercial Lessor) may conduct bingo. Only persons who have been bona fide members of a licensed organization for at least the

preceding calendar year may operate, manage, conduct, promote, or administer the organizations' games of bingo. Nonmembers may assist in the conduct of bingo; however, they may only act as ushers, callers, cashiers, accountants, or bookkeepers.

(b) Location. Bingo may be conducted by a licensed organization only on premises which are:

- (1) owned by the licensed organization;
- (2) publicly owned;
- (3) leased or used only by the holder of a temporary license; or
- (4) owned or leased by a licensed commercial lessor.

(c) Limit on number of days. Bingo games may not be conducted under any organization's license more than three days per calendar week and not more than four hours per 24-hour period.

(d) Limit on rent. The rent charged by a licensed commercial lessor for a location to conduct bingo must be a fair and reasonable market rental rate for the location. The rent may not be based, in whole or part, on a percentage of the gross receipts, income, or net proceeds of bingo or by reference in any way to the number of people in attendance at any game. A rental agreement may not guarantee that an organization will break even or receive a profit from the conduct of its games.

(e) Adequate facilities. Bingo may not be conducted by a licensed organization on the premises of a licensed commercial lessor if the premises owned or occupied by the organization are adequate and suitable for conducting bingo.

(f) Prohibited persons. No person who has been convicted of a felony, gambling offense, criminal fraud, or a crime of moral turpitude may operate, manage, conduct, promote, or administer or assist in the operation, management, conduct, promotion, or administration of a game of bingo.

(g) Prohibited lessors. Bingo may not be conducted on the premises of a lessor if:

- (1) the lessor has been convicted of a felony, criminal fraud, or a crime of moral turpitude;
- (2) a public officer receives any consideration, direct or indirect, as owner or lessor of the premises; or
- (3) the lessor is a firm or corporation in which a person disqualified under paragraphs (1) or (2) of this subsection is employed or active or married or related in the first degree of kinship to a person who has an interest of more than 10% in the firm or corporation.

(h) Discrimination. An individual may not be denied admission to a game or the opportunity to participate in a game because of race, color, creed, religion, national origin, sex, handicap, or because the person is not a member of the licensed authorized organization conducting the game.

(i) Age limitations. No person under age 18 may:

- (1) conduct or assist in the conduct of bingo; or
- (2) play any bingo game conducted by a licensed organization unless accompanied by that person's parent, adult guardian, or spouse, except that a licensee may prohibit all persons under the age of 18 from entering the licensed premises by posting a written notice of the prohibition at the place where the game is conducted.

(j) Only one location. A licensed organization may conduct bingo at only one location on property owned, leased, or used by it.

(k) Advertising. All advertisements for bingo games, whether in newspapers, fliers, pamphlets, brochures, or other circulars must clearly identify the name of the license bingo operator, its bingo license number, and the days and times of the occasions it will operate.

(l) Limit on prizes. No prize in a single bingo game may exceed \$500 in value, cash, or merchandise. The total value of prizes offered or awarded at any bingo occasion may not exceed \$2,500.

(m) Merchandise prizes. If any merchandise prize is awarded in a bingo game, its value is its current retail price. If a merchandise prize is donated to a licensed organization, it may not be reported as an expenditure for any purpose.

(n) Licenses to be posted. Each licensed organization or commercial lessor must conspicuously display its license and any amendment to it at all times in the part of a location where bingo is played.

(o) Equipment. A licensed organization may conduct bingo only with equipment owned by it or used without payment, direct or indirect, or any compensation.

(p) Limit on affiliated groups. No more than two affiliated organizations or parent and subgroup or affiliate of the parent may be licensed to conduct bingo at the same location. For purposes of this subsection, an affiliate includes, but is not limited to, a branch, chapter, lodge, post, tribe, order, auxiliary, or other subordinate or subgroup of a parent organization.

(q) Multiple bingo occasions. No more than two organizations may be licensed to conduct bingo at the same location on the same day. If two organizations are licensed to conduct bingo at the same location on the same day, there must be a minimum 30-minute break or intermission between each organization's occasion. The operator or caller must announce prior to the start of the occasion the name of the organization that will be conducting bingo for that session. A person may not at any time be required to purchase cards for more than one bingo session.

(r) Progressive games. No prize may be determined on the basis of a special number of calls, unless the number is increased by one at each successive bingo occasion until the established maximum prize is awarded. At each such progressive game where no player wins within the required number of calls, a consolation prize must be offered and awarded.

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

(t) Gifts prohibited. No licensee or holder of a temporary authorization may offer, distribute, or give any service, thing of value, or opportunity to play bingo without charge, unless all players are offered or given the service, thing of value, or opportunity to play bingo.

without charge. Bingo proceeds may not be used to purchase any such service or thing of value.

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

(v) House rules. The particular arrangement of numbers required to be covered to win the game must be clearly described and announced to the players immediately before each game is begun. House rules on awarding and verification of prizes may be determined by the organization licensed to conduct bingo; however, these rules must be conspicuously posted for all patrons to see.

(w) Location. A licensee may conduct bingo only in the county in which it is principally located.

(x) Purchase of bingo equipment or supplies. An organization licensed to conduct bingo may not purchase bingo equipment or supplies except from a licensed manufacturer or licensed distributor.

**§3.549. Allowable Expenditures of Receipts from Bingo.**

(a) All gross receipts from the conduct of bingo must be used for one or more of the following purposes:

(1) the payment of necessary and reasonable expenses actually incurred and paid in connection with the conduct of bingo, limited to the following:

(A) the total amount paid out for cash and noncash prizes;

(B) bingo supplies and equipment; except items purchased to be resold to bingo players such as bingo daubers, bingo boards, etc.

(C) utility supplies and services;

(D) license fees, bingo taxes, and bond required as security for bingo taxes;

(E) advertising for bingo games;

(F) security during bingo games;

(G) repairs to premises where bingo is conducted and to bingo equipment,

(H) rental, if the premises are rented;

(I) mortgage payment and insurance for the premises;

(J) janitorial and custodial supplies;

(K) bank charges, as shown in clause (i) and clause (ii) of this subparagraph.

(i) bank charges, including printing of checks, related to maintaining bank accounts established for bingo receipts are allowable;

(ii) neither the face amount nor any bank charges related to returned checks cashed for or accepted from bingo patrons are allowable as bingo expenses.

(L) fees regularly charged by the state or a political subdivision for use of a public premise; and

(M) printing of bingo forms and house rules.

(2) the payment of necessary and reasonable compensation actually incurred and paid in connection with the conduct of bingo for the following personnel and no others:

(A) bookkeepers, accountants, or attorneys;

(B) cashiers, not to exceed \$50 per occasion;

(C) ushers, not to exceed \$50 per occasion;

(D) the total amount paid to all callers, not to exceed \$50 per occasion;

(E) security or guard services; and

(F) janitorial services.

(3) the disbursement of net proceeds for charitable purposes.

(b) Upon written request by a licensee, the comptroller will issue a ruling on the legality of a proposed expenditure out of bingo receipts or of a proposed disbursement for charitable purposes. Ruling requests should be addressed to the Bingo Regulation Division, Comptroller of Public Accounts, Austin, Texas 78774.

(c) If the comptroller disallows all or any portion of an expense or charitable distribution shown on a licensee's quarterly report, the licensee must immediately transfer from other funds an amount into its bingo account equal to the amount of disallowed expense or charitable distribution.

(d) No part of the net proceeds, if they are given to any person or organization for charitable purposes, may be used by the donee either:

(1) to pay for services or materials supplied in connection with the conduct of bingo by the donor organization; or

(2) for any activities which would not be charitable purposes if the donor had conducted the activities.

(e) The net proceeds derived from bingo games must be devoted, within one year, to charitable purposes unless written permission is obtained from the comptroller to retain the proceeds. If a licensed organization has ceased to conduct bingo for any reason and has unexpended bingo funds, it must notify the comptroller in writing and disburse the funds for a charitable purpose within one month after the conduct of bingo stopped.

(f) No part of the net proceeds may be used, directly or indirectly, to support or oppose a particular candidate or a slate of candidates for public office, to support or oppose any measure submitted to a vote of the people, or to influence or attempt to influence legislation.

(g) Any licensee which does not report net proceeds during any six-month period or whose net proceeds are, in the opinion of the comptroller, unreasonably low in relation to the amount of proceeds available after prizes have been paid but before expenses, may be required to show cause why its license to conduct bingo should not be revoked.

(h) No expenses may be paid out of the petty cash fund, except for emergency expenses validated by proper receipts.

(i) The only expenses that may be paid from the petty cash fund are expenses necessary to continue or complete the operation of a bingo occasion.

**§3.550. Returns and Reports.**

(a) Monthly returns.

(1) Monthly gross receipts tax returns. An authorized organization holding an annual license or a temporary authorization to conduct bingo in an area in which the bingo gross receipts tax has been imposed must file a tax return each month on a form provided by the comptroller. The return must be accompanied by any tax due and must be filed on or before the 15th day of the month following each monthly reporting period even if there were no gross receipts or gross receipts subject to tax for that month. The first \$2,500 of gross receipts each month

is exempt from tax. The return must be signed by the member designated as responsible for the filing of returns.

(2) Penalties and interest.

(A) If a licensee fails to file a return as required or fails to pay the comptroller any taxes imposed under the Act when the return or payment is due, the licensee will forfeit 5.0% of the amount due as a penalty, and after the first 30 days, an additional 5.0%.

(B) Delinquent taxes draw interest at the rate of 10% per year, beginning 60 days after the due date.

(b) Quarterly reports.

(1) Licensed organization. A licensed organization which has been issued an annual or temporary license or a temporary authorization to conduct bingo must file an informational report each quarter on a form provided by the comptroller. The report will be sent to each licensee and must be filed by the due date and must contain all the information required by the report.

(2) Commercial lessor. A licensed commercial lessor must file an informational report at any time it is requested by the comptroller.

(3) Delinquent reports. If a licensee fails to file a report within the time required or if the report is not fully, accurately, and truthfully completed, the comptroller may refuse to renew a license or may suspend or revoke a license.

**§3.551. Inspection of Premises and Examination of Records.**

(a) At any time, without advance notice, any authorized representative of the comptroller may enter any premises where any game of bingo is being conducted or where it is intended that any game will be conducted or where any equipment being used or intended to be used in the conduct of a game is found, for the purpose of inspecting the premises and equipment or the license or temporary authorization issued under these rules, or for the purpose of retrieving a license or temporary authorization.

(b) Any authorized representative of the comptroller may examine the books, papers, records, equipment, and place of business of any licensee, in order to verify the accuracy of returns, statements, or reports, or to investigate the failure to file a return, statement, or report. The comptroller may charge the licensee a fee reasonably necessary to recover the cost of an investigation or audit.

(c) Any refusal to permit an examination or inspection of the premises, license, temporary authorization, equipment, books, papers, or records by the licensed organization, its agent or employee, or by the operator or other person in charge is sufficient grounds for the suspension or revocation of the organization's license.

**§3.552 Licenses, Fees, and Bonds for Manufacturers, Distributors, and Representatives of Distributors of Bingo Supplies, Devices, and Equipment**

(a) Annual manufacturer's license.

(1) Application A manufacturer must apply to the comptroller for a manufacturer's license. The application must be made on a form prepared by the comptroller and must contain all the information required by that form.

(2) Basic fee. An application for a manufacturer's license must be accompanied by a \$3,000 license fee.

(3) Investigation fee. The comptroller may require an applicant to pay an additional fee in an amount equal to the cost of a background investigation, including the inspection of manufacturing plants and locations. If the comptroller intends to impose the investigation fee, he will notify the applicant in writing prior to starting the investigation that the fee will be imposed and will supply an estimate of the amount of the fee. If the applicant does not wish to pay the investigation fee, he may withdraw the application and the basic fee will be refunded.

(4) Expiration of license. A manufacturer's license expires one calendar year after its issuance.

(5) Bond. Each applicant for a manufacturer's license must be accompanied by bond in the amount of \$10,000. No license will be issued until a satisfactory bond has been posted.

(A) Type of bond Only the following types of bonds are acceptable:

(i) Cash (personal checks payable to the state treasurer are acceptable);

(ii) A surety bond executed on a form approved by the comptroller and issued by a surety company chartered or authorized to do business in the State of Texas. The bond will constitute a new and separate obligation in the penal amount shown for each calendar year or a portion of a year while the bond is in force. The bond must be executed by an attorney-in-fact appointed by the surety. The appointing instrument must be properly notarized and physically attached to the bond

(B) Forfeiture. If a licensee fails to comply with any pertinent portion of the Act or the rules promulgated under the Act, or, if the comptroller suspends or revokes the licensee's license, the comptroller may forfeit the licensee's bond.

(C) Release. A bond must be posted at all times that a license is in effect. If the licensee relinquishes its license, the comptroller will release any bond that the licensee has posted.

(b) Distributor's and representative's license.

(1) License required.

(A) Each distributor must obtain a distributor's license.

(B) Each representative of a manufacturer or distributor must obtain a representative's license.

(C) A representative's license must be obtained by a person whose duties as an employee of a licensed distributor or manufacturer include the supervision of selling, supplying, or promoting the employer's products, and who is not a sole owner, a partner, an officer, or an owner of a substantial interest of the distributor or manufacturer

(D) A representative's license is not required of the following:

(i) a sole owner, a partner, an officer, or an owner of a substantial interest in a corporation licensed as a distributor or as a manufacturer; or

(ii) office, clerical, or warehouse personnel employed by a licensed distributor or manufacturer who have contact with potential customers only occasionally and only by phone or on the employer's premises when

working under the immediate and direct supervision of the owner, a partner, or an officer (if a corporation).

(2) **Application.** Each distributor and representative of a distributor or manufacturer must apply to the comptroller for a license. The application must be made on a form prepared by the comptroller and must contain all the information required by that form.

(3) **Fees.** An application for a distributor's license must be accompanied by a \$1,000 license fee. An application for a representative's license must be accompanied by a \$150 license fee.

(4) **Expiration of license.** A distributor's or representative's license expires one calendar year after its issuance.

(5) **Representation by an unlicensed person.** A distributor or manufacturer must take all necessary steps to prevent unlicensed persons from representing it. Failure to prevent representation by an unlicensed person is grounds for suspending or revoking a distributor's or manufacturer's license.

(c) **Supplemental information.** In addition to the application form, an applicant or licensee must submit any supplemental information requested by the comptroller within the time limit set by the comptroller. Failure to timely submit any of the requested supplemental information is grounds for denial of the license sought or for revocation of any license held.

(d) **Transfer of license.** No license issued under this section may be transferred or assigned.

(e) **Notification of change.** An applicant for a license under this section must, while its application is pending, immediately notify the comptroller of any change in any facts stated in the application. After a license has been issued, a licensee must notify the comptroller within 10 days of any changes to facts stated in the application. Failure to give required notice is grounds for denial of a pending application or suspension or revocation of a license that has been issued.

(f) **Price-fixing.** Manufacturers, distributors, and suppliers are prohibited from entering into express or implied agreements with other manufacturers, distributors, or suppliers to fix the price at which bingo equipment, devices, or supplies may be sold.

**§3.553. Books and Records—Distributors and Manufacturers.**

(a) Every licensed distributor and manufacturer must maintain a complete set of records including, but not limited to, the following:

(1) Sales invoices.

(A) Each licensee must use a general sales invoice which is:

(i) prenumbered consecutively; and

(ii) prepared in at least two parts, one being issued to the customer and the other retained in an invoice file.

(B) Each licensee must use a general sales invoice which sets out the following information:

(i) the date of sale;

(ii) the customer name and business address;

(iii) a full description of each item sold;

(iv) the quantity and sales price of each individual item;

(v) the gross amount of sales to each customer; and

(vi) the manufacturer's or distributor's license number.

(2) Credit memos prepared in the same detail as if they were sales invoices.

(3) A sales journal containing at least the following, by month:

(A) the date of the sale;

(B) the invoice number of the sale;

(C) the customer name or customer account number; and

(D) total amount of the invoice.

(4) A complete list of the licensed persons representing the licensee.

(5) Purchase records documenting that all bingo supplies and equipment sold in this state were purchased from either a licensed manufacturer or another licensed distributor.

(b) Records required by this section must be maintained for at least four years.

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 March 5, 1984.

TRD-842623

Bob Bullock

Comptroller of Public Accounts

Earliest possible date of adoption.

April 9, 1984

For further information, please call (512) 475-7000.

**TITLE 37. PUBLIC SAFETY AND  
CORRECTIONS  
Part X. Texas Adult Probation  
Commission  
Chapter 321. Standards**

**37 TAC §321.12**

The Texas Adult Probation Commission proposes amendments to §321.12, concerning restitution centers. This amendment will ensure better communication between a probation department desiring to locate a restitution center in the community and the people in that community. The public announcement of the proposed restitution center site and the subsequent hearing will allow any community opposition to be heard before the probation department spends funds on a specific site.

Edmond J. Peterson, CPA, fiscal services 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. Peterson 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 opportunity to express an opinion in open forum concerning the location of restitution centers. 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 Virginia Grote, Texas Adult Probation Commission, 812 San Antonio Street, Suite 400, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 42.121, §301, which provide the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

**§321.12. Restitution Center.**

(a)-(u) (No change.)

(v) Location. The probation department should ensure that the location of the restitution center is suited to the [sensitivities of the local community,] employment needs of the residents and other factors considered important by the local courts and probation department. **Before selecting the location to be used as the basis for an application for establishing a restitution center to be operated by the probation department, the department should publish a notice of its proposed location in a newspaper of general circulation in the county of the proposed location. The notice should state the time, date, and place of a public hearing on the proposed restitution center. The hearing shall be held not less than 20 days after the date the notice is published.**

(w)-(x) (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 March 2, 1984

TRD-842611      Virginia Grote  
                         Agency Liaison  
                         Texas Adult Probation  
                         Commission

Earliest possible date of adoption.

April 9, 1984

For further information, please call (512) 475-1374.

## Chapter 323. Fund Distribution

### 37 TAC §323.4

The Texas Adult Probation Commission (TAPC) proposes new §323.4, concerning fund distribution. This new section will establish procedures for the receipt and management of any grant or gift the TAPC might receive, and to establish guidelines to define the relationship between TAPC staff and donors to eliminate the potential for any conflict of interest.

Edmond J. Peterson, CPA, fiscal services 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. Peterson 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 ensured compliance with Texas statutes. 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 Virginia Grote, Texas Adult Probation Commission, 812 San Antonio Street, Suite 400, Austin, Texas 78701.

The new section is proposed under Texas Civil Statutes, Article 42.121, §301, which provide the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

**§323.4. Grant Funding.**

(a) Authorization. The Texas Adult Probation Commission (TAPC) may apply for and accept gifts or grants from any public or private source for use in maintaining and improving probation services in Texas.

(b) Application procedure. The TAPC staff shall not submit any application for a grant or other funding unless the application shall first have been approved by the executive director. All applications shall be prepared in compliance with applicable statutes, administrative rules of the TAPC, and requirements of the funding organization or donor.

(c) Distribution of funds. When notification is received that a gift or grant has been awarded to the TAPC, the documentation of such gift or grant shall be delivered to the Fiscal Services Division for processing. The funds derived from such gift or grant shall be deposited in the state treasury in a special account established for that purpose. Funds shall be disbursed from such account only for the purposes and in accordance with the terms of the gift or grant.

(d) Accounting. Accounting shall be made of gift or grant funds as required by statute, administrative rules of the TAPC, and the terms of the grant.

(e) Administration of funds of an organization. The TAPC does not authorize any organization to receive, administer, or invest any funds that are designated for the benefit of the TAPC.

(f) Use of TAPC employees or property. No employee shall provide any service for which the employee is being compensated by the TAPC to any organization or donor who is providing funds to the TAPC, or from whom the TAPC is seeking funds. No property of the TAPC shall be used for the benefit of any such organization or donor. However, TAPC employee services and property may be used in preparing and submitting grant and gift applications, and in any other manner reasonably related to the administration of a gift or grant.

(g) Service by TAPC member or employee in organization. No TAPC member or employee shall serve, for compensation other than payment or repayment of expenses in connection with such service, as an officer or director of any organization or donor who is providing funds to the TAPC or from whom the TAPC is seeking funds. Any member or employee who serves without compensation as an officer or director of an organization or donor must disqualify himself or herself from serv-

ice to the organization or donor during its consideration of any matter in which the TAPC has a direct interest.

(h) Monetary enrichment of TAPC member or employee. No TAPC member or employee shall accept any monetary enrichment from any organization or donor who is providing funds to the TACP or from whom the TACP is seeking funds, except in accordance with the terms and conditions of an approved grant, or as payment or repayment of expenses in connection with service performed for the organization or donor for which the member or employee is not compensated by the TAPC, or as payment of a bona fide honorarium, consultation fee, or other fee customarily paid for services rendered to the organization or donor and for which the member or employee is not compensated by the TACP.

(i) Interpretation not to conflict. Nothing in this rule shall be interpreted to conflict with or supersede a requirement of any statute regulating the conduct of any employee of the TAPC or regulating the procedures of the TACP.

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 March 2, 1984.

TRD-842612 Virginia Grote  
Agency Liaison  
Texas Adult Probation  
Commission

Earliest possible date of adoption:  
April 9, 1984  
For further information, please call (512) 475-1374.

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**  
**Part I. Texas Department of Human Resources**  
**Chapter 7. Refugee Assistance Program**

A notice appeared in the March 6, 1984, issue of the *Texas Register* indicating that the following proposals would be serialized in this issue. The earliest possible date of adoption for the documents is April 6, 1984.

Certification Process  
§7.1111, §7.1114  
(amendment)

Refugee Resettlement and Cuban/Haitian Program  
§7.1902  
(amendment)

Refugee/Entrant Resettlement Services  
§7.2101  
(repeal)  
§7.2101  
(new)  
§7.2102, §7.2103  
(amendment)

Refugee Resettlement and Cuban/Haitian Entrant Financial and Medical Assistance  
§§7.2001, 7.2004-7.2006, 7.2008-7.2014  
(amendment)

The Texas Department of Human Resources proposes amendments to §§7.1111, 7.1114, 7.1902, 7.2001, 7.2004-7.2006, 7.2008-7.2014, and 7.2102-7.2103, concerning financial and medical assistance in its Refugee Assistance Program. The department is proposing the amendments to clarify policy, delete references to obsolete programs, and comply with changes made by the Department of Health and Human Services (HHS) in its refugee programs.

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

Mr. Hawes also has determined that for each year of the first five years the rules as proposed are in effect the public benefit will be increased self-sufficiency and self-support among the refugee and entrant population. There is no anticipated economic cost to individuals required to comply with the rules as proposed.

Written comments may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-732, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

**Certification**

40 TAC §7.1111, §7.1114

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorize the department to administer public assistance programs.

§7.1111. *Application and Interview.* An applicant must complete and sign an application form [to apply] for refugee or entrant assistance. He must also have a personal interview with a caseworker.

§7.1114. *Reporting Changes.* **The refugee or entrant is responsible for reporting:** [It is the responsibility of the refugee or entrant to report any changes that might affect eligibility within 10 days of the change, not at the next review.]

- (1) any changes that might affect eligibility.
- (2) income when monthly reporting is required.

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842490 Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption:  
April 6, 1984  
For further information, please call (512) 441-3355, ext. 2037.

## Refugee Resettlement and Cuban/Haitian Program

### 40 TAC §7.1902

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorize the department to administer public assistance programs.

#### §7.1902. *Persons Eligible for the Refugee Resettlement Program.*

(a) To be eligible for the Refugee Resettlement Program, refugees must have a Form I-94[, I-151,] or I-551 with an alien registration number and one of the following entry statuses from the Immigration and Nationality Act:

(1) paroled under §212(d)5:

(A) if Indochinese and [the] Form I-94 was issued on or after June 1, 1980, the person must be paroled as a refugee or be granted asylum;

(B) if Cuban and [the] Form I-94 was issued on or after April 21, 1980, the person must be paroled as a refugee or be granted asylum.

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

(5) **granted permanent resident status on Form I-551 [i-151].** A person must have held one of the preceding statuses before he became a resident alien to be eligible for refugee assistance.

(b) **The refugee is responsible for obtaining either the initial Form I-94 or a replacement,** [It is the responsibility of the refugee to obtain Form I-94, either the initial issuance or a replacement] if lost, from the **Immigration and Naturalization Service [(INS)].**

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

Issued in Austin, Texas, on February 28, 1984.

TRD-842491      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption  
April 6, 1984

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

## Refugee Resettlement and Cuban/Haitian Entrant Financial and Medical Assistance

### 40 TAC §§7.2001, 7.2004-7.2006, 7.2008- 7.2014

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorize the department to administer public assistance programs

#### §7.2001. *Financial Assistance.*

(a) Any person admitted as a **refugee or a Cuban/Haitian entrant**[, a refugee,] or granted asylum by INS

qualifies for financial assistance under **the Refugee/Entrant**[this] Program if he meets all other eligibility criteria. All refugees or entrants must first apply for AFDC and be determined ineligible before they can apply for the Refugee/Entrant Program. Refugees or entrants eligible for AFDC are served under that program.

(b) Requirements of categorical relatedness for financial assistance are waived for refugees and entrants if they do not qualify for the AFDC Program. They may receive financial assistance without regard to family composition,[the] presence of children, or deprivation of parental support. **Refugees or entrants who do not qualify for AFDC are not eligible for the Employment Services Program or AFDC child support services.** [The WIN Program and AFDC child support services are not available for refugees or entrants who do not qualify for AFDC.] Non-AFDC child support and parent locator services are available.

(c) There is an 18-month time limit, [on the receipt of financial and medical assistance under this program] dating from the person's entry [date] into the United States, **for receiving financial and medical assistance under the Refugee/Entrant Program.**

(d) A person must be **at least 18 years old** to be the caretaker in a case, or to receive the \$62 single-adult grant. Children under 18 years old must have a caretaker (relative or nonrelative), a payee, or a protective payee [, and receive the noncaretaker grant]. A payee does not have to be a refugee, [or] entrant, **or relative as defined by AFDC standards** [but a caretaker must be a refugee or entrant. Children 18 through 21 years old who are not in school are considered adults].

#### §7.2004. *Educational Grants [Exemptions from Income].*

(a) CETA wages. Hourly wages paid under the Comprehensive Employment and Training Act (CETA) are exempt as income. Any other employment income or training allowance income is considered the same as in the AFDC Program rules

(b) Educational grants.] Refugees or entrants who wish to enroll in post-secondary institutions are eligible for financial aid through the basic education opportunity grant and the guaranteed student loan. They may remain in the assistance group, with the loan or grant benefits disregarded in determining the amount of the assistance payment. Other student loans or grants are treated the same as in the AFDC Program rules

#### §7.2005. *U.S.-Born Children/Marriage to U.S. Citizen.*

(a) A child [of refugee or entrant parents] born in the U.S. **of refugee or entrant parents** is eligible for the Refugee/Entrant Program. Both parents must be refugees or entrants for the child to be eligible. One or both parents must receive cash assistance for the child to receive cash assistance.

(b) [If] A refugee or entrant **who marries a [U.S.] citizen of the United States**], only the refugee or entrant] may be eligible **if the spouse's income or resources do not exceed the allowable limitations** [A married refugee/entrant is not eligible if the U.S. citizen-spouse has income or resources which make the income or resources of the refugee/entrant above the allowable limitations.] **The spouse and children of the marriage are not eligible for refugee assistance**], because they are U.S. citizens].

§7.2006. *Sponsors/VOLAGs* Eligibility for financial and medical assistance is based on the needs of the refugee or entrant[, considering only financial assistance provided by the sponsor on a regular basis]. **Cash assistance provided by the sponsor or Voluntary Resettlement Agency (VOLAG) on a regular and predictable basis is considered. The per capita resettlement grant and all in-kind contributions are disregarded. The income and resources of the sponsor and VOLAG are disregarded.**

§7.2008. *Matching Grant Program.* The federal government provides [separate] grants to Voluntary Resettlement Agencies (VOLAGs) for certain groups of refugees. These funds are separate from the resettlement grant [given to] each VOLAG receives for all refugees and entrants. These separate grants are currently given for Soviet [Jewish refugees] and Czech refugees[,] and may include other non-Indochinese or non-Cuban refugees. **Matching grant program funds are counted as income whether or not the refugee receives any actual or in-kind benefits.** [These persons may or may not receive these grants, but if they do, the income is counted toward the grant.]

§7.2009. *Work Registration Requirements* All nonexempt refugees and entrants are required to register for employment with the Texas Employment Commission (TEC) or a **contracted provider of refugee/entrant services** as a condition for receiving cash assistance [This requirement does not apply during the first 60 days after arrival in the United States ]

§7.2010. *Criteria for Exempt Status and Determining Validity of Claims of Exemption*

(a) The following **refugees or entrants** [individuals] are exempt from registration. **They are.**

(1) [a refugee or entrant who has been in the United States less than 60 days.

(2) a refugee or entrant who is] 15 years old or younger, or 16 or 17 years old and **attending** [attends] an elementary, secondary, vocational, or technical school full time.

(2)(3) a refugee or entrant who is] 18 years old **attending** [and attends] an elementary, secondary, or vocational or [ ] technical school full time and [is] expected to complete the program before reaching 19 years old;

(3)(4) a refugee or entrant who is] ill, incapacitated (including a temporary illness or injury of not more than 90 days), or 65 years old or older

(4) **needed at home because another member of the household is ill or incapacitated.**

(5) a refugee or entrant whose presence in the home is needed because of illness or incapacity of another member of the household ] The person claiming this exemption must provide medical evidence such as a physician's statement that the person needing care and supervision has an illness or disability that requires in-home services. In the absence of medical evidence, the **person** [individual] exempt under this provision is responsible for providing substantiation of the **other** person's need for care. Only one person in a certified group may be exempt from employment or training registration for this reason.

(5) **employed for 30 hours or more a week.**

(6) a **parent** [mother] or other caretaker [who is] caring for a child under 6 years old. **Only one person in a certified group is eligible for this exemption.**

(7) a **parent** [mother] or other caretaker [who is] caring for a child under 18 years old, if the [nonexempt father or] other nonexempt **parent** [adult relative] in the home is registered and has not refused to accept employment without good cause.

(b) If, in a two-**parent** [adult] household with children, neither **parent** [adult] meets any of the exemptions, **one parent** [the mother or other caretaker] is not required to register as long as the other nonexempt **parent** [adult] is participating as required

(c) Inability to communicate in English does not exempt a **person** [the client] from registration.

§7.2011. *Refusal To Register for Employment or Training.*

(a) The needs of a refugee or entrant who refuses or fails to register for appropriate employment or training are removed from the grant unless refusal is with good cause. Refusal to apply for, or to accept, appropriate employment or a training opportunity includes **failure to:**

(1) [failure to] report to TEC or a **contracted provider** for an interview;

(2) [failure to] respond to a TEC or a **contracted provider's** request for supplemental information; or

(3) [failure to] report to an employer or trainer to whom referred

(b) (No change.)

§7.2012. *Refusal To Accept an Offer of Appropriate Employment or Training.*

(a) (No change.)

(b) A nonexempt refugee or entrant for whom assistance is denied for failure to accept or continue employment or a training opportunity is not eligible to have his needs included in an assistance grant for:

(1) **three payment-months for the first refusal;**

(2) **six payment-months for the second and subsequent refusals** [30 days after the effective date of the denial].

§7.2013. *Determining Appropriateness of Employment or Training.*

(a) Appropriate work meets the following criteria:

(1) (No change.)

(2) the wage meets or exceeds the federal or state minimum wage law, whichever is applicable. If these laws are not applicable, the wage may not be lower than the wage usually paid for similar work in that labor market. [The wage may never be less than three-fourths of the state minimum wage rates ]

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

(b) Besides meeting these criteria, [for training to be appropriate,] the quality of the training has to meet local employers' requirements so that:

(1) the refugee or entrant is in a competitive position within the local labor market, or

(2) the training is [must be] part of an approved employability plan through a contracted provider of refugee/entrant services

§7.2014 *Secondary Work or Training Standards.* It is necessary for the proposed work or training to meet

the following additional standards before a nonexempt refugee or entrant is required to accept it:

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

(3) **If child care is required during the hours the refugee or entrant is at work, in training, or at English language instruction (including commuting time), it is an allowable work-related expense. If DHR provides and pays for day care, it must meet the state's licensing standards and priorities established for that program. If the refugee or entrant arranges for child care, it is not required to meet DHR day-care licensing standards. It is still an allowable work-related expense.** [If child care is required and is provided by DHR, it is necessary for the child care to meet the state's licensing standards. Child care must be available during the hours the refugee or entrant is working or engaged in training or English language instruction, plus any additional necessary commuting time. Day care arranged by the refugee or entrant and treated as a work-related expense by the department is not required to meet state standards. The department's provision of child-care services is limited to people working or in training except for whatever other child care the department provides according to its priorities.]

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

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

Issued in Austin, Texas, on February 28, 1984

TRD-842492      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption  
April 6, 1984

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

## **Refugee/Entrant Resettlement Services** 40 TAC §7.2101

*(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 Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Department of Human Resources proposes the repeal of and new §7.2101, concerning services available to refugees in its refugee assistance program. The department is proposing the repeal and new section to comply with changes made by the Department of Health and Human Services (HHS) in its refugee programs and to maintain accuracy in the department's rules.

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

Mr. Hawes also has determined that for each year of the first five years the repeal and new rule are in effect the public benefit will be increased self-sufficiency and self-support among the refugee and entrant population. There is no anticipated economic cost to individuals required to comply with the rule and repeal.

Written comments may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-732, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorize the department to administer public assistance programs.

### *§7.2101. Available Services.*

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

Issued in Austin, Texas, on February 28, 1984

TRD-842494      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption  
April 6, 1984

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

The new section is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorize the department to administer public assistance

### *§7.2101 Available Services.*

(a) The Refugee Resettlement and Cuban/Haitian Entrant Programs include provisions for family self-support services to lawfully admitted refugees and entrants primarily through purchase-of-service contracts. These services are designed to promote self-sufficiency and economic self-support and the reduction of dependency for refugees. Priority for services is given to persons receiving cash assistance

(b) In compliance with the Refugee Act of 1980, refugees or entrants are entitled to the following services without regard to income:

(1) English as a Second Language This instruction is available to refugees or entrants 16 years old or older who are not students at the secondary level. The emphasis is on survival English especially for use in finding and keeping a job.

(2) Employment Services. Employment services include career counseling, development of an individual employability plan, job orientation, job development and placement, and follow-up.

(c) Vocational training is available according to DHR income eligibility requirements. The training meets employers' hiring and local job market requirements. All

training is designed to lead a refugee/entrant to employment within a reasonable time.

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

Issued in Austin, Texas, on February 28, 1984

TRD-842495

Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption:

April 6, 1984

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

## **Refugee/Entrant Resettlement Services**

### **40 TAC §7.2102, §7.2103**

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorize the department to administer public assistance programs.

**§7.2102. Refugee/Entrant Medical Spenddown [Medically Needy] Program.**

(a) The Refugee/Entrant **Medical Spenddown [Medically Needy]** Program is available for refugees and entrants who have unpaid medical bills, but who do not qualify for financial assistance and Medicaid. If [the patient's (] the person incurring the medical bills[)] **has been in the United States beyond the 18-month limit, [U.S. entry date exceeds the 18-month limit] he is ineligible for the Medical Spenddown Program** [and must not be certified].

(b) Refugees or entrants who are ineligible for or not interested in financial assistance, but who have un-

paid medical bills incurred up to three months before the date of application, may test their eligibility for the **Medical Spenddown [Medically Needy]** Program. Refugees or entrants who are eligible for financial assistance [and have prior medical bills] but are ineligible for three-month prior Medicaid, may have their prior bills considered under the **Medical Spenddown** Program. A refugee or entrant may not receive both three-month prior **Medicaid** and the **Medical Spenddown [Medically Needy]** Program benefits.

(c) Each [medically needy] certification is for a one-to three-month period only.

(d) (No change.)

**§7.2103. Spenddown.** Eligibility for the **Medical Spenddown [Medically Needy]** Program is determined by using a "spenddown" procedure. Spenddown is a process by which refugees or entrants become eligible for medical assistance by incurring medical expenses which reduce income to a level within the standard of need for the AFDC Program. All past medical debts **must be** [are] the liability of the refugee or entrant; however, paid medical bills may **also** be included in the spenddown for the certification period. Unpaid bills for any months before the certification period also may be used in spenddown as long as they are the refugee's or entrant's responsibility. These bills are [not] considered [for payment,] **only for [toward] spenddown, not for payment.**

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

Issued in Austin, Texas, on February 28, 1984

TRD-842493

Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption:

April 6, 1984

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

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 with the *Register*

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*. 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.

# Withdrawn Rules

## TITLE 7. BANKING AND SECURITIES Part VII. State Securities Board Chapter 139. Exemptions by Rule or Order

### 7 TAC §139.11

The State Securities Board has withdrawn from consideration for permanent adoption new §139.11, concerning exemptions by rule or order. The text of the new section as proposed appeared in the January 10, 1984, issue of the *Texas Register* (9 TexReg 231)

Issued in Austin, Texas, on February 27, 1984

TRD-842433 Denise Voight Crawford  
General Counsel  
State Securities Board

Filed February 27, 1984  
For further information, please call (512) 474-2233

§§169.1-169.4, concerning the authority of physicians to supply drugs. The text of the new sections as proposed appeared in the September 20, 1983, issue of the *Texas Register* (8 TexReg 3733)

Issued in Austin, Texas, on February 28, 1984

TRD-842526 Jean Davis  
Administrator of Technical  
Programs  
Texas State Board of Medical  
Examiners

Filed February 29, 1984  
For further information, please call (512) 452-1078

## TITLE 22. EXAMINING BOARDS Part IX. Texas State Board of Medical Examiners Chapter 169. Authority of Physicians to Supply Drugs

### 22 TAC §§169.1-169.4

The Texas State Board of Medical Examiners has withdrawn from consideration for permanent adoption new



# Adopted Rules

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.

## TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 81. Elections Campaign Reporting and Disclosure 1 TAC §§81.163

The Office of the Secretary of State adopts new §81.163, with changes to the proposed text published in the October 7, 1983, issue of the *Texas Register* (8 TexReg 3945).

This new section is necessary to facilitate compliance with changes in the campaign funds reporting and disclosure laws resulting from House Bill 2154, 68th Legislature, 1983.

This new section provides current guidance regarding the Texas Election Code, Chapter 14, in practical form by incorporating amended requirements enacted by the 68th Legislature.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Election Code, Article 1.03 and Article 14.13, which provides the Office of the Secretary of State with the authority and the responsibility as chief elections officer of the state to interpret and issue written directives relating to and based upon the election laws.

§81.163 1983-1984 Political Funds Reporting and Disclosure Directive. The secretary of state adopts by reference the 1983-1984 Political Funds Reporting and Disclosure Directive prescribed by the Office of the Secretary of State. The directive is published and is available

from the Office of the Secretary of State, P.O. Box 12887, Austin, Texas 78711-2887.

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 March 1, 1984.

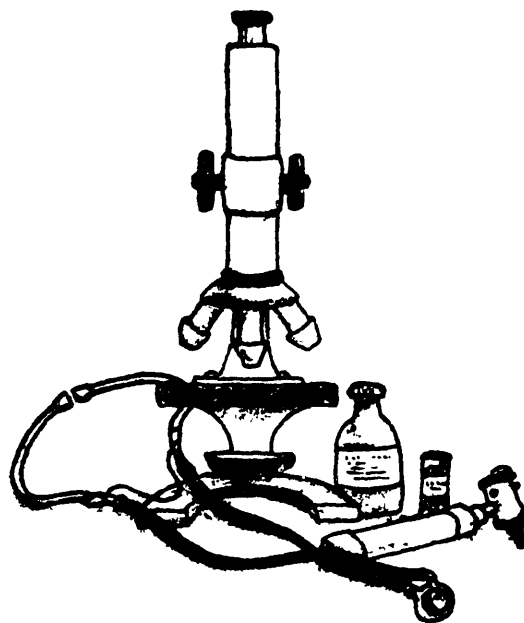
TRD-842556

John W. Fainter, Jr.  
Secretary of State

Effective date: April 30, 1984.

Proposal publication date: October 7, 1983.

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





**TITLE 4. AGRICULTURE**  
**Part II. Texas Animal Health**  
**Commission**  
**Chapter 35. Brucellosis**  
**Subchapter A. Eradication of Brucellosis**  
**4 TAC §35.4, §35.5**

The Texas Animal Health Commission adopts amendments to the Texas bovine brucellosis regulations, §35.4 and §35.5, with changes to the proposed text published in the December 20, 1983, issue of the *Texas Register* (8 TexReg 5313). After some discussion, the commission voted to amend the wording as originally proposed to the effect that female cattle coming to Texas markets will be vaccinated on arrival at the market rather than prior to their release from the market. These amendments are found in §35.4—Class "B" area, subsection (c)(1)(G), and §35.5—Class "C" area, subsection (c)(1)(G).

Industry representatives told commissioners during the comment period of the economic losses they were suffering because of slaughter restrictions placed on nonvaccinated out-of-state heifers which made it difficult for the market to sell the heifers.

The amended sections permit an exception to the vaccination requirements by allowing female cattle under 12 months of age consigned to a livestock market to be vaccinated on arrival at the market at no expense to the State of Texas.

Market owners and representatives stated that there are calves arriving at the market from out-of-state that either have to be vaccinated prior to arrival or sold to slaughter or to quarantined feedlots, and because of this requirement, many calves are not being vaccinated. One market operator stated that if the heifers can be vaccinated at the market, more cattle could be vaccinated that otherwise might not be. A representative of the market industry stated that most female cattle arriving at Texas markets are vaccinated on arrival.

Keith Chapman, Charles Haley, and Phil Fletcher commented in favor of the rules.

The amendments are adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161 and Chapter 163, which grants rule-making authority and sets forth the duty of this agency to protect domestic animals in the state from disease.

**§35.4. Class "B" Area.**

- (a)-(b) (No change.)
- (c) Requirements for cattle entering the Class "B" area.

(1) Vaccination. All female cattle born after January 1, 1983, and four months of age and older, entering shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements.

(A)-(F) (No change.)

(G) Female cattle under 12 months of age consigned to a livestock market and vaccinated on arrival at the market at no expense to the State of Texas.

(2) (No change.)

(d) (No change.)

**§35.5. Class "C" Area.**

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

(c) Requirements for cattle entering the Class "C" area.

(1) Vaccination. All female cattle born after January 1, 1983, and four months of age and older, entering shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements.

(A)-(F) (No change.)

(G) Female cattle under 12 months of age consigned to a livestock market and vaccinated on arrival at the market at no expense to the State of Texas.

(2) (No change.)

(d) (No change.)

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

Issued in Austin, Texas, on February 24, 1984

TRD-842520

John W. Holcombe, DVM  
Executive Director

Effective date March 21, 1984

Proposal publication date January 20, 1984

For further information, please call (512) 475-4111.

**Chapter 41. Fever Ticks**

**4 TAC §41.2**

The Texas Animal Health Commission adopts amendments to §41.2, without changes to the proposed text published in the December 20, 1983, issue of the *Texas Register* (8 TexReg 5320).

To better protect livestock in the affected area in Webb and Hidalgo Counties, the acting director of the Fever Tick Eradication Program recommended that additional land be added to the present quarantined area. It was determined that property owners of the affected lands did not make needed repairs to deteriorating double fences presently identifying the quarantine line, because their interests were no longer in livestock. Additionally, affected property owners said it was not cost effective for them to repair the fences. Members of the Fever Tick Committee of the Texas and Southwestern Cattle Raisers Association were contacted regarding the proposed amendments and concurred with the recommendation for adding more land to the quarantined area.

By enlarging the boundary lines, livestock in the affected area will be afforded greater protection from known infestation or exposure. The new line will provide a natural barrier against the spread of fever ticks.

A spokesman for the Fever Tick Committee indicated they had reviewed a map of the affected area provided to them by personnel in the Fever Tick Office and after reviewing the map concurred with the recommendations made to add additional lands to the quarantined area.

George Light III was the only person commenting in favor of the rule. There were no negative comments. The agency did not disagree with the comment received.

The amendments are adopted pursuant to the Agriculture Code, Texas Civil Statutes, Chapter 167, which grants rule-making authority to the commission and directs it to protect all land, premises, and livestock in Texas from ticks capable of carrying babesia.

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

Issued in Austin, Texas, on February 24, 1984

TRD-842521      John W. Holcombe, DVM  
Executive Director  
Texas Animal Health Commission

Effective date March 30, 1984

Proposal publication date: January 20, 1984

For further information, please call (512) 475-4111.

## **TITLE 7. BANKING AND SECURITIES Part VII. State Securities Board**

A notice appeared in the March 6, 1984, issue of the *Texas Register* indicating that the following adoptions would be serialized in this issue. The effective date for the documents is March 19, 1984.

Chapter 105 Rules of Practice in Contested Cases  
§§105.1-105.10  
(amendment)

Chapter 107 Terminology  
§107.2  
(amendment)

Chapter 113 Registration of Securities  
§113.3  
(amendment)  
§113.4  
(amendment)

Chapter 117 Real Estate Programs  
§§117.1, 117.3-117.5, 117.9  
(amendment)

Chapter 131 Guidelines for Confidentiality of  
Information  
§131.4  
(amendment)

Chapter 133 Forms  
§133.25  
(amendment)  
§133.31  
(amendment)

Chapter 139 Exemptions by Rule or Order  
§139.8  
(new)  
§139.10  
(new)

## **Chapter 105. Rules of Practice in Contested Cases**

### **7 TAC §§105.1-105.10**

The State Securities Board adopts amendments to §§105.1-105.10, without changes to the proposed text published in the January 10, 1984, issue of the *Texas Register* (9 TexReg 226).

The amendments to the sections reflect changes necessary due to amendments to the Texas Securities Act made by Senate Bill 106, 68th Legislature, 1983, effective September 1, 1983.

The sections, as amended, reflect changes in the rules governing the procedure to be used in contested cases which were the result of Senate Bill 106

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 581-28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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

Issued in Austin, Texas, on February 27, 1984

TRD-842434      Richard D. Latham  
Securities Commissioner

Effective date March 19, 1984

Proposal publication date: January 10, 1984

For further information, please call (512) 474-2233.

## **Chapter 107. Terminology**

### **7 TAC §107.2**

The State Securities Board adopts amendments to §107.2, with changes to the proposed text published in the January 10, 1984, issue of the *Texas Register* (9 TexReg 228). The "s" in the word "purposes" has been deleted.

The amendments are adopted to provide a definition of the term "business days" as used in the State Securities Board §109.4(11)

The section, as amended, provides a guide to persons who file a Form 133.29 for sales under §109.4(11) as to how "business days" is defined for purposes of that section. Also, the current definition of "days" will be eliminated since that term was defined in relation to the requirements for filing the notice to claim the exemption provided by the Texas Securities Act, §5.1(c), which notice is no longer required as a result of amendments to the Act.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 581-28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and, in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes

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

**Business days**—For the purpose of filing Form 133.29 pursuant to the requirements of §109.4(11)(F) means ordinary business days and does not include Saturdays, Sundays, or state holidays.

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

Issued in Austin, Texas, on February 27, 1984

TRD-842435 Richard D Latham  
Securities Commissioner

Effective date. March 19, 1984

Proposal publication date January 10, 1984

For further information, please call (512) 474-2233.

## Chapter 113. Registration of Securities

### 7 TAC §113.3

The State Securities Board adopts an amendment to §113.3, with changes to the proposed text published in the January 10, 1984, issue of the *Texas Register* (9 TexReg 229) The changes in the text clarify that the facts and circumstances of each offering requiring an escrow as a condition to the registration of securities will determine whether or not a cancellation feature will be required

The amendment clarifies the requirements for an escrow of cheap stock when such is required to register a securities offering in this state.

The section, as amended, allows the securities commissioner to accept a cheap stock escrow which does not contain a cancellation feature when the facts and circumstances justify it without necessitating a formal waiver of the rule.

A comment favoring the amendment was received from George Slover, Jr., Johnson, Bromberg and Leeds, Dallas. Mr. Slover suggested that the section as proposed be modified to make it clear that cancellation of the securities continues to be one of the conditions which the commissioner may require respecting cheap stock. The section as adopted takes into account this comment.

The amendment is adopted under Texas Civil Statutes, Article 581-28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

**§113.3. Fair, Just, and Equitable Standards.** The following factors, among others, will usually be considered in determining whether or not a securities issue is fair, just, and equitable.

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

(5) Escrow of cheap stock. In circumstances in which there is a substantial disparity between the consideration paid or to be paid for such securities by promoters and the proposed offering price, the commissioner may require as a condition to the registration of securities an escrow of all or part of the securities issued to such promoters under an agreement providing for the impoundment of such securities for a reasonable period of time, subject to such conditions as the commissioner may require which may include, in the discretion of the commissioner, cancellation of the securities if the conditions for release from escrow are not attained.

(6)-(13) (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 February 27, 1984

TRD-842436 Richard D Latham  
Securities Commissioner

Effective date March 19, 1984

Proposal publication date: January 10, 1984

For further information, please call (512) 474-2233.

### 7 TAC §113.4

The State Securities Board adopts an amendment to §113.4, with changes to the proposed text published in the January 10, 1984, issue of the *Texas Register* (9 TexReg 229)

The changes are to note that subsection (a)(2) of the section is not being amended and to clarify the history of the section by indicating that expenses paid by the issuer shall not in the aggregate exceed 20% of the gross proceeds of the offering.

The amendment is adopted to reflect the allowable expenses for marketing securities. The amendment is necessary to clarify the board's interpretation of the language in the Texas Securities Act, §9.B, which relates to the percentage limitation on the expenses of marketing an offering of securities.

The section, as amended, reflects the board's more liberal, and arguably more accurate, interpretation of the Texas Securities Act, §9.B. Under the rule, the percentage limitation on the expenses of marketing an offering of securities which limitation is set forth in the Act, §9.B, apply only to the issuer.

Comments favoring the proposal to reinterpret the Texas Securities Act, §9 B, were received from Roy Mouer, Johnson and Swanson, Austin, Franklin Arnold, Austin; George Slover, Jr., Johnson, Bromberg, and Leeds, Dallas, and Judith D. Fryer, Carro, Spanbock, Fass, Geller, Kaster, and Cuiffo, New York, New York. Mr. Slover noted that the proposal as published refers to subsection (g)(3)-(5) as "no change", but does not refer to paragraph (2). The agency notes in the adoption that paragraph (2) is not changed by the amendments. Also, Mr. Slover suggested a slight modification to clarify the history of the rule. This modification is also being included.

Comments in opposition to the proposal were received from Jeanine Lehman, Austin, and Margo Wilton, Austin, who stated that the Texas Securities Act, §9 B, prohibits expenses for marketing securities in excess of 20% regardless of who pays such expenses. The board disagrees with these comments, since §9 B itself does not contain the "regardless of by whom or what entity they are paid" language of the old section.

The amendment is adopted under Texas Civil Statutes, Article 581-28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and, in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction and prescribe different requirements for different classes.

**§113.4. Application for Registration.**

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

(g) Marketing expenses.

(1) The total expenses for marketing securities paid by the issuer shall in no event in the aggregate exceed 20% of the gross proceeds of the offering.

(2)-(5) (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 February 27, 1984

TRD-842437 Richard D. Latham  
Securities Commissioner

Effective date March 19, 1984

Proposal publication date January 10, 1984

For further information, please call (512) 474-2233.

**Chapter 117. Real Estate Programs**

**7 TAC §§117.1, 117.3-117.5, 117.9**

The State Securities Board adopts amendments to §117.4, with changes to the proposed text published in the January 13, 1984, issue of the *Texas Register* (9 TexReg 308)

The amendments concern §117.4(b)(2). This subsection was modified to incorporate the new interpretation of the expense limitation of the Texas Securities

Act, §9.B, which is reflected in §113.4(g). Sections 117.1, 117.3, 117.5, and 117.9 are adopted without changes and will not be republished.

The amendments provide guidelines for the registration of mortgage pools in Texas. The sections, as amended, increase uniformity with other states in applying standards for the registration of public offerings of mortgage pools in this state.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 581-28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and, in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction and prescribe different requirements for different classes.

**§117.4. Fees—Compensation—Expenses.**

(a) Fees, compensation, and expenses to be reasonable.

(1) The total amount of consideration of all kinds which may be paid directly or indirectly to the sponsor or its affiliates shall be reasonable, considering all aspects of the syndication program and the investors. Such consideration may include, but is not limited to:

(A)-(H) (No change)

(I) mortgage servicing fee, but only in programs which make or invest in mortgage loans.

(2)-(3) (No change)

(b) Organization and offering expenses.

(1) (No change)

(2) Offering expenses. All offering expenses shall be reasonable, and total expenses for marketing securities paid by the program shall in no event in the aggregate exceed the percentages specified in §113.4(g) of this title (relating to Application for Registration).

(c) Investment in properties

(1) (No change)

(2) At a minimum, the sponsor shall commit a percentage of the capital contributions to investment in properties which is equal to 82% for programs which make or invest in mortgage loans and, for all other programs, is equal to the greater of:

(A)-(B) (No change)

(3) (No change)

(4) For programs whose total capital contributions do not exceed \$2 million, the securities commissioner may reduce the required amount of investment in properties to that permitted by paragraph (2)(B) of this subsection, notwithstanding the level of indebtedness encumbering the program's properties. To calculate the percent of financing of program properties in paragraph (2), divide the amount of financing by the purchase price of property, excluding front-end fees. The quotient is multiplied by 0.1625% to determine the percentage to be deducted from 80%. The following are examples of application of the formula using capital contributions of \$1 million in each case:

(A)-(C) (No change.)

(5) (No change.)







new exemptions by rule, regulation, or order conditionally or unconditionally.

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

Issued in Austin, Texas, on February 27, 1984

TRD-842443 Richard D. Latham  
Securities Commissioner

Effective date March 19, 1984  
Proposal publication date November 4, 1983  
For further information, please call (512) 474-2233.

**TITLE 25. HEALTH SERVICES**  
**Part I. Texas Department of Health**  
**Chapter 325. Solid Waste**  
**Management**  
**Subchapter L. Hazardous Waste**  
**Management**

A notice appeared in the March 6, 1984, issue of the *Texas Register* indicating that the following adoptions would be serialized in this issue. The Texas Department of Health has since decided to withhold the documents from publication until the exact effective date of the documents adopted by federal mandate has been determined by the federal government.

**General**

§§325.271-325.274  
(amendment)

**Generators**

§§325.291, 325.292, 325.295, 325.298,  
325.299  
(amendment)

§325.300  
(repeal)

**Transporters**

§325.311  
(amendment)

**Facility Owners and Operators**

§§325.332, 325.335, 325.336, 325.338-  
325.350  
(amendment)

**TITLE 40. SOCIAL SERVICES AND  
ASSISTANCE**

**Part I. Texas Department of  
Human Resources**  
**Chapter 73. Civil Rights**  
**Subchapter 00. Administrative**  
**Disqualification Hearings**

**40 TAC §73.4005, §73.4008**

The Texas Department of Human Resources adopts amendments to §73.4005 and §73.4008, without changes to the proposed text published in the January 6, 1984, issue of the *Texas Register* (9 TexReg 174).

The rules concern administrative disqualification hearings for intentional program violations of the Food Stamp Program. The rules are amended to delete internal procedures.

No comments were received regarding adoption of the amendments.

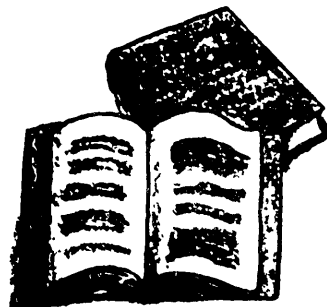
The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on February 28, 1984

TRD-842489 Marlin W. Johnson  
Commissioner  
Texas Department of Human  
Resources

Effective date: March 20, 1984  
Proposal publication date: January 6, 1984  
For further information, please call (512) 441-3355,  
ext. 2037





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

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

# Open Meetings

## **Texas Department of Agriculture**

**Thursday, March 29, 1984, 9 a.m.** The Texas Department of Agriculture will meet in the ninth floor conference room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing to review the alleged violation under 4 TAC §15.73 and the alleged violation of the Texas Agriculture Code, §14.022, by R. L. McClellan Grain Company, holder of Grain Warehouse License 149.

**Contact:** Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711.

**Filed:** March 1, 1984, 2:45 p.m.  
TRD-842572

## **Texas Air Control Board**

**Friday, March 16, 1984.** Committees of the Texas Air Control Board and the full board will meet at 6330 Highway 290 East, Austin, Texas. Times, rooms, and agendas follow.

**9 a.m.** In Room 332, the Budget and Finance Committee will consider the Texas Department of Water Resources printing contract, a professional services contract for

the mechanics training program, and the 1986-1987 budget process and guidance.

**9:30 a.m.** In Room 332, the Regulation Development Committee will review and consider revisions to Regulation IV and the Harris County ozone control strategy.

**10:30 a.m.** The Texas Air Control Board will approve the February 17, 1984, minutes; and consider a report on the implementation of motor vehicle inspection and maintenance in Harris County, proposed revisions to Regulation IV and the state implementation plan; proposed agency contracts, and new business.

**Contact:** Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

**Filed:** March 5, 1984, 2:10 p.m.  
TRD-842633-842635

## **Texas Antiquities Committee**

**Wednesday, March 7, 1984, 9 a.m.** The Texas Antiquities Committee made emergency additions to the agenda of a meeting held in Rooms 206/207, Texas Law Center, 1414 Colorado, Austin. The additions concerned an update on the Historic Shipwreck Preservation Act, House Resolution 3194,

Senate Bill 1504, a vote on a resolution expressing nonsupport of a proposed compromise with the commercial treasure salvors, and a statement concerning historical and archaeological resources relating to the Texas Water Plan. The emergency status was necessary because the committee chairman had been out of town and requested the additions upon his return.

**Contact:** Cindy Smetak, 105 West 16th Street, Austin, Texas 78711, (512) 475-6328.

**Filed:** March 5, 1984, 2:41 p.m.  
TRD-842637

## **Texas State Board of Examiners of Dietitians**

**Friday, March 9, 1984, 10 a.m.** The Texas State Board of Examiners will meet in Room T-604, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve the December 9, 1984, minutes; hear reports by the executive secretary and chairman, and the Rules Development Committee on response to public comments on proposed rules and adoption of proposed rules relating to upgrading a provisional license, complaints and violations, and pre-planned professional experience programs

approved by the board; review and act on applications for licensure; appoint standing committees, discuss the procedure for application review during the initial licensing period and other matters relating to the licensure and regulation of dietitians; and set the next meeting date and location.

**Contact:** Donna Hardin, 1100 West 49th Street, Austin, Texas, (512) 458-7531.

**Filed:** March 1, 1984, 4:10 p.m.  
TRD-842578

### **Texas Education Agency**

**Friday, March 16, 1984, 8:30 a.m.** The Teachers' Professional Practices Commission of the Texas Education Agency (TEA) will meet in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, a three-member panel of the commission will conduct a closed hearing on a complaint filed by an active, certified member of the teaching profession against another active, certified member of the teaching profession pursuant to the Texas Education Code, §§13.210-13.218.

**Contact:** James A. Salmons, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

**Filed:** March 5, 1984, 4:24 p.m.  
TRD-842653

### **Employees Retirement System of Texas**

**Thursday, March 15, 1984, 9 a.m.** The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in Room 332, Texas Air Control Board, 6330 Highway 290 East, Austin. According to the agenda, the committee will discuss the group insurance program plan of coverage and possible changes and final action on any recommendations to the Board of Trustees for the 1984-1985 contract year.

**Contact:** David H. Atkinson, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

**Filed:** March 2, 1984, 9:24 a.m.  
TRD-842585

### **Texas Employment Commission**

**Tuesday, March 13, 1984, 9 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street

and Congress Avenue, Austin. According to the agenda summary, the commission will approve the minutes of the previous meeting, discuss internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases in Docket 11, and set the next meeting date.

**Contact:** Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

**Filed:** March 5, 1984, 3:29 p.m.  
TRD-842641

### **Office of the Governor**

**Tuesday, March 13, 1984, 9 a.m.** The Study Committee on Nutrition and Wellness in State Supported Institutions of the Office of the Governor will meet in the seventh floor conference room, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the committee will approve the January 24, 1984, minutes and discuss subcommittee work sessions, recommendations, and final report considerations.

**Contact:** Patricia Otis, Sam Houston Building, Room 700, 201 East 14th Street, Austin, Texas 78701, (512) 475-6156.

**Filed:** March 5, 1984, 3:03 p.m.  
TRD-842638

### **Texas Department of Health**

**Saturday, March 10, 1984, 9:30 a.m.** The Texas Board of Health of the Texas Department of Health will meet in Room T-610, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve the February 7, 1984, and February 18, 1984, minutes; hear the commissioner's report; consider emergency adoption and proposed rules concerning ethylene dibromide (EDB) in food and the licensure of speech-language pathologists and audiologists, adoption of federal regulations regarding long-term care facilities, final adoption of amendments to nonhazardous solid waste rules and rules for the Epilepsy Program, reproposal of rules for the Emergency Management Services Program and extension of emergency rules, proposed amendments to the kidney health care rules, repeal of rules covering agreements between the Texas Department of Health and local health agencies, and the delegation of authority to release data from the Cancer Registry; discuss announcements and comments

requiring no board action; and set the date of the April 1984 meeting. The board also will meet in executive session.

**Contact:** Gary A. Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** March 1, 1984, 4:10 p.m.  
TRD-842579

**Monday, March 26, 1984, 10 a.m.** The Texas Agent Orange Advisory Committee of the Texas Department of Health will meet in Room T-610, 1100 West 49th Street, Austin. According to the agenda summary, the committee will discuss the history of the Texas Veterans Agent Orange Assistance Program and the development and preliminary results of pilot clinical studies, and consider individual comments by committee members.

**Contact:** George R. Anderson, M.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7251.

**Filed:** March 1, 1984, 4:10 p.m.  
TRD-842580

### **Texas Health Facilities Commission**

**Thursday, March 15, 1984, 1:30 p.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

#### **Certificate of Need**

Longview Regional Hospital, Longview  
AH83-1121-388

Meridell Achievement Center, Inc.,  
Austin

AO83-0923-176

Heartland of Houston, Houston  
AN83-0805-084

Riverside Manor, San Antonio  
AN83-1017-211

Citizens Memorial Hospital, Victoria  
AH83-1115-307

St. John Hospital, Nassau Bay  
AH83-1031-034

**Contact:** Judith A. Monaco, P.O. Box 50049, Austin, Texas 78763, (512) 475-6940.

**Filed:** March 5, 1984, 9:41 a.m.  
TRD-842625

### **State Department of Highways and Public Transportation**

**Wednesday and Thursday, March 14 and 15, 1984, 9 a.m. daily.** The State Highway and Public Transportation Commission of

the State Department of Highways and Public Transportation will meet in the first floor auditorium, Room 101, and in Room 207, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will meet in Room 101 for presentations by the public for various highway, bridge, and FM Road requests in Nueces and Jefferson Counties. Copies of the docket are available in the second floor commission office. Upon completion of the public hearings, the commission will meet in Room 207 to execute contract awards and routine minute orders, consider decisions on presentations from public hearing dockets, and review staff reports relative to planning and construction programs and projects. A full agenda is available in the second floor office of the minute clerk.

**Contact:** Lois Jean Turner, DeWitt C Greer Building, Room 203, 11th and Brazos Streets, Austin, Texas, (512) 475-3525.

**Filed:** March 6, 1984, 9:14 a.m.  
TRD-842658

### **Texas Housing Agency**

**Friday, March 9, 1984, 10 a.m.** The Board of Directors of the Texas Housing Agency (THA) will meet in the conference room, Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the board will consider resolutions authorizing and approving the issuance, sale, and delivery of \$16.9 million in adjustable rate demand multifamily housing revenue bonds, 1984 Series A (Carpenter-Oxford Development) and \$17.5 million in adjustable rate demand multifamily housing revenue bonds, 1984 Series B (Dallas-Oxford Development); consider and act on the THA's interpretation, under state and federal law, of maximum income limits for persons and families, and consider and possibly act on matters relating to THA bond issues 1980 Series A, 1982 Series A, and 1983 Series A, etc.

**Contact:** Earline Jewett, P O. Box 13941, Austin, Texas 78711, (512) 475-0812.

**Filed:** March 1, 4:46 p.m.  
TRD-842582

### **Task Force on Indigent Health Care**

**Wednesday, March 14, 1984, 9 a.m.** The Executive Committee of the Task Force on

Indigent Health Care will meet at the Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will hear reports of the Eligibility, Services, Administration, and Finance Subcommittees and the Colorado Task Force and discuss pilot programs.

**Contact:** Shanna Igo or Bryan Sperry, 1017 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-1051.

**Filed:** March 5, 1984, 4:37 p.m.  
TRD-842656

**Thursday, March 15, 1984, 9 a.m.** The Eligibility Subcommittee of the Task Force on Indigent Health Care will meet in Room 213, State Capitol, Austin. According to the agenda, the subcommittee will review current eligibility criteria for indigent health care in Texas and possible limits on income and resources for eligibility determinations, and identify specific populations at risk.

**Contact:** Shanna Igo or Bryan Sperry, 1012 Sam Houston Building, 201 East 14th Street, Austin, Texas, (512) 475-1051.

**Filed:** March 2, 1984, 12:18 p.m.  
TRD-842610

### **State Board of Insurance**

**Tuesday, March 13, 1984, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 7603—application for approval of a reinsurance agreement whereby Chicago Title Insurance Company, Chicago, Illinois, and Commonwealth Land Title Insurance Company, Philadelphia, Pennsylvania, will be reinsured by Ticor Title Insurance Company of California, Los Angeles, California, a title insurance company not licensed to do business in Texas.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353

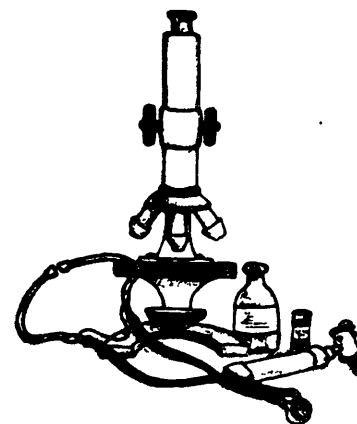
**Filed:** March 5, 1984, 2:47 p.m.  
TRD-842639

**Wednesday, March 14, 1984, 1 p.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider a board order regarding amendments to Rule V of the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation*

and *Employer's Liability Insurance*, whereby the board eliminated the \$300 weekly payroll limitation and substituted total payroll for use in workers' compensation premium determination; a board order regarding the adjustments for workers' compensation premium rates necessitated by the adoption of amendments to Rule V of the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance*; and changes in the bylaws and rules and regulations of the Texas Workers' Compensation Assigned Risk Pool under the Insurance Code, Article 5.76, primarily to conform the bylaws and rules to statutory amendments.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas, (512) 475-2950.

**Filed:** March 5, 1984, 4:13 p.m.  
TRD-842644



### **Lamar University**

**Thursday, March 8, 1984, 7:30 a.m.** The Finance and Audit and Building and Grounds Committees of the Board of Regents of Lamar University met in the Lamar Room, Gray Library, Main Campus, Lamar University, Beaumont. According to the agenda, the committees reviewed budget guidelines for 1984-1985 and bids received for construction.

**Thursday, March 8, 1984, 10 a.m.** The Board of Regents of Lamar University met in the Spindletop Room, Gray Library, Main Campus, Lamar University, Beaumont. According to the agenda, the board approved the February 9, 1984, minutes and considered the president's reports and recommendations, approval of the January monthly financial report, budget guidelines for 1984-1985, faculty and staff promotions, and faculty tenure recommendations,

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and the selection of architects. The board also met in executive session to review bids received and to consider planning guidelines for the university system and approval of the Jubilee Resolution for Lamar University at Port Arthur

**Contact:** Andrew J Johnson, P O Box 10014, Beaumont, Texas 77710, (409) 838-8403

**Filed:** March 2, 1984, 10:24 a.m.  
TRD-842613, 842614

### Texas Department of Mental Health and Mental Retardation

**Monday, March 12, 1984, 9 a.m.** The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in Suite 1300, 24 Greenway Plaza, Houston. According to the agenda, the board will approve the February 24, 1984, minutes, hear a briefing on the state/county psychiatric hospital in Houston, and consider the status of pending or contemplated litigation

**Contact:** Gary E Miller, M.D., P O Box 12668, Austin, Texas 78711, (512) 465-4588.

**Filed:** March 1, 1984, 2:11 p.m.  
TRD-842565

### State Board of Morticians

**Tuesday, March 6, 1984, 9 a.m.** The State Board of Morticians met in emergency session at 1513 IH 35 South, Austin. According to the agenda summary, the board considered an applicant for reinstatement of licenses and discussed the situation of a person entering mortuary school who had no proof of high school graduation but had college credit hours. The emergency status was necessary because not all credentials and information were received until after the final deadline

**Contact:** John W Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721

**Filed:** March 5, 1984, 11:20 a.m.  
TRD-842630

### Board of Pardons and Paroles

**Monday-Friday, March 19-23, 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 con-

sideration; 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:** March 5, 1984, 10:20 a.m.  
TRD-842626

### Polygraph Examiners Board

**Monday, March 5, 1984, 9 a.m.** The Polygraph Examiners Board met in emergency session at the Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin. According to the agenda, the board considered old business, discussed professional and personal conduct of staff personnel, and acted upon any polygraph-related business which came before the board. The emergency status was necessary to establish guidelines controlling ethical and professional conduct of agency personnel

**Contact:** William J Taylor, P.O. Box 4087, Austin, Texas 78765, (512) 465-2105.

**Filed:** March 2, 1984, 8:31 a.m.  
TRD-842583

### Public Utility Commission of Texas

**Tuesday, March 6, 1984, 9 a.m.** The Public Utility Commission of Texas made an emergency additor to the agenda of a hearing held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. In addition to the items on the previously submitted agenda, the commissioners also considered a motion for rehearing in Docket 4962—appeal of Southwestern Public Service Company from an ordinance of the City of Lubbock requiring the institution of late payment penalties and deposits. The emergency status was necessary to expedite the appeal process in this matter

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 1, 1984, 3:41 p.m.  
TRD-842574

The Hearings Division of the Public Utility Commission of Texas (PUC) will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

**Friday, March 16, 1984, 1:30 p.m.** A prehearing conference in Docket 99—inquiry into the propriety of rates charged by Suburban Utility Corporation and the possible need to change rates either upward or downward

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** March 5, 1984, 2:51 p.m.  
TRD-842640

**Monday, March 19, 1984, 10 a.m.** A final prehearing conference in Docket 5540—application of AT&T Communications of the Southwest, Inc., for authority to change rates.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** March 1, 1984, 2:44 p.m.  
TRD-842569

**Tuesday, March 20, 1984, 10 a.m.** A rescheduled hearing in Docket 5540—application of AT&T of the Southwest, Inc., for authority to change rates

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 1, 1984, 2:45 p.m.  
TRD-842570

**Monday, May 21, 1984, 10 a.m.** A hearing in Docket 5156—application of Spring Valley Water Company, doing business as Spring Valley Utility Company, for water and sewer certificates of convenience and necessity.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 5, 1984, 10:37 a.m.  
TRD-842629

**Thursday, May 24, 1984, 1 p.m.** A hearing in Docket 5607—application of Ceday Bayou Park Water Supply Company, Inc., for a rate increase within Harris County

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 1, 1984, 2:45 p.m.  
TRD-842571

**Railroad Commission of Texas**

**Monday, March 5, 1984, 9 a.m.** The Transportation Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 309, 1124 IH 35 South, Austin. According to the agenda summary, the division considered various matters falling within the commission's transportation regulatory jurisdiction. The emergency status was necessary because this matter was properly posted for conference on February 17, 1984, and was passed.

**Contact:** Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

**Filed:** March 2, 1984, 10:44 a.m.  
TRD-842609

Emergency addition to the above agenda: Dockets 026021ZZT, 025978ZZT, and 024439ZZT—consideration of various matters falling within the commission's transportation regulatory jurisdiction. The emergency status was necessary because this matter was properly posted for conference and passed on February 28, 1984.

**Contact:** Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1331.

**Filed:** March 2, 1984, 10:44 a.m.  
TRD-842608

**Tuesday, March 6, 1984, 11 a.m.** The Transportation Division of the Railroad Commission of Texas met in emergency session in Room 309, 1124 IH 35 South, Austin. According to the agenda, the division considered Dockets 00097BE7A and 003984A9A—application of Kerrville Bus Company, Inc., and Dockets 02857BA1N, and 004525A1N—application of River City Coaches to transport passengers and their baggage and packages from San Antonio to Houston. The emergency status was necessary because a three-judge panel denied the commission's motion for a stay in the effective date of Greyhound's proposed schedule discontinuance to various Texas points. Without the proposed service of Kerrville Bus Company, Inc., and River City Coaches, a number of Texas cities would be left without bus service.

**Contact:** Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

**Filed:** March 5, 1984, 4:41 p.m.  
TRD-842654

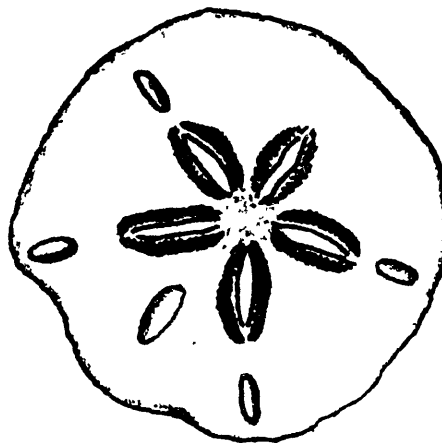
**Texas Rehabilitation Commission**

**Friday, March 16, 1984, 9:30 a.m.** The Board of the Texas Rehabilitation Commis-

sion will meet at 118 East Riverside Drive, Austin. According to the agenda summary, the board will approve the December 2, 1983, minutes; hear communications and the commissioner's report on operations; and consider new business, including a comparison of fiscal year 1984 revised budget estimates with the initial estimates, guidelines for the development of the 1986-1987 legislative appropriation request, approval of a management agreement between the commission and the Texas Planning Council for Developmental Disabilities, and reports on the Disability Hearing Program, office space, and the status of revised commission rules. The board also will meet in executive session.

**Contact:** Vernon H. Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126.

**Filed:** March 5, 1984, 9:10 a.m.  
TRD-842617



**Teacher Retirement System of Texas**

**Friday, March 16, 1984, 9 a.m.** The Board of Trustees of the Teacher Retirement System (TRS) of Texas will meet in the Sapphire Room, Lobby Level, Anatole Tower, 2201 Stemmons Freeway, Dallas. According to the agenda summary, the board will approve minutes; review investment of the quarter ending February 29, 1984, and discussions and recommendations of the IAC meeting; hear a staff report on the Flexible Compensation Plan and a presentation Dr. Raymond Hawkins on the conversion of noncreditable compensation to salary (Rule 25.30) as it relates to Tyler Junior College; consider changes in actuarial assumptions and presentation of actuarial valuation as of August 31, 1983; discuss pending federal legislation (TEFRA and PEPPRA); hear reports of the general counsel and the Mem-

ber Benefits Divisions; consider an amendment to authorization for approval of retirement; and amend the TRS operating budget. The board also will meet in executive session to discuss real estate.

**Contact:** Mary Godzik, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6401, ext. 201.

**Filed:** March 6, 1984, 9:37 a.m.  
TRD-842663

**State Commission on Standards for the Teaching Profession**

**Thursday, March 15, 1984.** Committees of the State Commission on Standards for the Teaching Profession will meet at the Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Times, rooms, committees, and agendas follow.

**10 a.m.** In Room 105, the Interim Reports Committee will discuss reports from Laredo State University, St. Mary's University, and the University of Texas of the Permian Basin.

**1:30 p.m.** In Room 101-E, the Committee on Standards and Procedures for Institutional Approval will consider experimental programs at Texas A&M University and the University of Texas at El Paso and an update on block-grant funding for teacher centers.

**3 p.m.** In Room 105, the Teacher Education Conference Planning Committee will discuss preliminary plans for the 37th annual Texas Conference on Teacher Education at the Americana Hotel, Fort Worth, October 25-27, 1984, and the site of the 1986 conference.

**4 p.m.** In Room 105, the Committee on Certification Programs and Requirements will discuss options for certification tests, individual programs, a progress report on the study of professional teaching certificates, a proposed amendment to 19 TAC §141.5, concerning teaching certificates for persons with a criminal background, and the study of requirements for professional certificates.

**Contact:** Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

**Filed:** March 5, 1984, 4:23 p.m.  
TRD-842647-842650

**Friday, March 16, 1984, 8:15 a.m.** The Executive Committee of the State Commission on Standards for the Teaching Profession

will meet in Room 105, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will discuss agenda items with committee chairmen

**Contact:** Dr Edward M Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

**Filed:** March 5, 1984, 4:23 p.m.  
TRD-842651

**Friday, March 16, 1984, 9 a.m.** The State Commission on Standards for the Teaching Profession will meet in Room 101, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda summary, the commission will consider State Board of Education action relative to a proposed amendment to 19 TAC Chapter 141, Subchapter S, concerning the Testing Program; a State Board of Education hearing on institutional and provisional program standards, a report on the 36th annual American Association of Colleges for Teacher Education conference; individual programs at Abilene Christian University, Corpus Christi State University, East Texas Baptist College, North Texas State University, Our Lady of the Lake University, Texas A&M University, and the University of Houston; visiting team reports from Sul Ross State University, Tarleton State University, and the University of Texas of the Permian Basin; and reports from the Interim Reports Committee, the Committee on Standards and Procedures for Institutional Approval, the Committee on Certification Programs and Requirements, the Teacher Education Conference Planning Committee, and the Executive Committee

**Contact:** Dr. Edward M Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

**Filed:** March 5, 1984, 4:23 p.m.  
TRD-842652

### **University Interscholastic League**

**Tuesday, March 6, 1984, 1:30 p.m.** The State Executive Committee of the University Interscholastic League (UIL) met in emergency session in Room 2.110, Thompson Conference Center, 26th and Red River Streets, Austin. According to the agenda summary, the committee interpreted the UIL Constitution and Contest Rules, 25-2-3(6), and Article 6 and Article 8. The committee also met in executive session to consider contemplated litigation involving Rule

25-2-3(6). The emergency status was necessary because the Legislative Council, which is the legislative body of the UIL, was meeting on Wednesday, March 7, 1984, and this hearing was held prior to that time to make recommendations to the council.

**Contact:** Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

**Filed:** March 5, 1984, 4:11 p.m.  
TRD-842645

**Wednesday, March 7, 1984, 2 p.m.** The Legislative Council of the University Interscholastic League (UIL) met in the Wyndham B Room, Wyndham Hotel, 4140 Governor's Row, Austin. According to the agenda summary, the council adopted regulations to govern the 1984-1985 school year.

**Contact:** Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

**Filed:** March 1, 1984, 4:29 p.m.  
TRD-842581

Emergency addition to the above agenda:

The council met in executive session pursuant to the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, to consider contemplated litigation involving Rule 25-2-3(6). The emergency status was necessary due to contemplated litigation that would necessitate a rule change by the council.

**Contact:** Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

**Filed:** March 5, 1984, 4:12 p.m.  
TRD-842646

### **Texas Water Commission**

The Texas Water Commission met in emergency sessions in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

**Wednesday, March 7, 1984, 2 p.m.** In Room 124A, the commission conducted a conference with Gerry Pate and other representatives from the Houston area to discuss commission procedures concerning municipal utility districts, wastewater permits, and related issues. The emergency status was necessary to accommodate the schedules of all participants.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

**Filed:** March 5, 1984, 3:53 p.m.  
TRD-842643

**Thursday, March 8, 1984, 10 a.m.** In Room 118, the commission considered a show

cause petition filed by the Houston Sportsmen's Club, the Galveston Bay Conservation and Preservation Association, the Houston Audubon Society, Pisces, the Environmental Coalition, and Gary Jones. The emergency status was necessary to expeditiously resolve this issue.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

**Filed:** March 5, 1984, 1:47 p.m.  
TRD-842636

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

**Tuesday, March 13, 1984, 10 a.m.** In Room 118, the commission will consider district bond issues, releases from escrow, use of surplus funds, change order approval, water quality permits, amendments and renewals, dismissal of applications, adjudication matters, reclamation approval, certifying right to use underground water, and the filing and setting of a hearing date

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

**Filed:** March 1, 1984, 1:30 p.m.  
TRD-842563

**Thursday, March 15, 1984, 2 p.m.** In Room 124A, the commission will consider an application by Sheldon Road Municipal Utility District to the Texas Department of Water Resources for a temporary order to authorize the discharge of raw domestic wastewater at a volume not to exceed an average flow of 220,000 gallons per day from the sewage treatment plant which is located approximately one-quarter mile northwest of U.S. Highway 90 at Sheldon Road, northeast of the City of Houston in Harris County. The applicant proposes to effectuate structural repairs to internal components of its sewage treatment plant.

**Contact:** Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

**Filed:** March 1, 1984, 1:30 p.m.  
TRD-842564

### **West Texas State University**

**Friday, March 9, 1984, 9 a.m.** The Presidential Search Committee of West Texas State University will meet in the offices of the Mesa Petroleum Company, One Mesa Square, Amarillo. According to the agenda, the committee will meet in executive session as authorized by Texas Civil Statutes, Arti-

cle 6252-17, §2(g), to continue preliminary investigation of presidential candidates.

**Contact:** Texas Smith, WT Box 997, Canyon, Texas 79016, (806) 656-3962.

**Filed:** March 1, 1984, 10:08 a.m.  
TRD-842554

### **Texas Youth Commission**

**Thursday, March 8, 1984, 9 a.m.** The Board of the Texas Youth Commission made additions to the agenda of a meeting held at the Brownwood State School, Brownwood. The additions concerned a chaplaincy report and programming for girls.

**Contact:** Ron Jackson, P.O. Box 9999, Austin, Texas 78766, (512) 452-8111.

**Filed:** March 1, 1984, 3:54 p.m.  
TRD-842575

### **Regional Agencies**

#### **Meetings Filed March 1**

**The Archer County Appraisal District,** Board of Directors, will meet in the appraisal district office, 106 West Main Street, Archer City, on March 14, 1984, at 5 p.m. Information may be obtained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

**The Dallas Area Rapid Transit Authority,** Communication and Community Involvement Committee, met in emergency session at 601 Pacific Avenue, Dallas, on March 2, 1984, at 9:30 a.m. The Budget and Finance Committee met at the same location on March 5, 1984, at 4 p.m. The Board met in Room 6ES, Dallas City Hall, 1500 Marilla, Dallas, on March 6, 1984, at 6:30 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

**The Edwards Underground Water District,** Board of Directors, will meet in the fourth floor conference room, Tower Life Building, 310 St. Mary's, San Antonio, on March 13, 1984, at 10 a.m. Information may be obtained from Thomas P. Fox, 900 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204.

**The Henderson County Appraisal District,** Board of Directors, will meet at 101 East Corsicana, Athens, on March 12, 1984, at 7:30 p.m. Information may be obtained from Linda Hagar, 101 East Corsicana, Athens, Texas, (214) 675-9296.

**The Houston-Galveston Area Council,** Areawide Planning Advisory Committee, met in the large conference room, 3701 West Alabama, on March 8, 1984, at 4 p.m. Information may be obtained from Jack Steele, 3701 West Alabama, Houston, Texas 77035, (713) 627-3200.

**The Metropolitan Hospital Authority,** Board of Directors, met in Room 6E South, Dallas City Hall, Dallas, on March 5, 1984, at noon. Information may be obtained from Ray Kuchling, Dallas City Hall, Room 5B North, Dallas, Texas 75201, (214) 670-4118.

**The Scurry County Appraisal District,** Board of Directors, met at 2612 College Avenue, Snyder, on March 6, 1984, at 7 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas, (915) 573-8549.

**The Trinity River Authority of Texas,** Devers Advisory Committee, met at Highway 90, Devers, on March 8, 1984, at 10 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

**The Tyler County Tax Appraisal District,** Board of Review, met at 1004 West Bluff, Woodville, on March 6, 1984, at 10 a.m. Information may be obtained from Mark Allen, 1004 West Bluff, Woodville, Texas, (409) 283-3736.

TRD-842555

#### **Meetings Filed March 2**

**The Dallas Area Rapid Transit Authority,** Special Needs Committee, met in emergency session at 601 Pacific Avenue, Dallas, on March 2, 1984, at 2 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

**The Dallas County Appraisal District,** Board of Directors, met at 2601 Live Oak, Dallas, on March 6, 1984, at 9 a.m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

**The Dawson County Central Appraisal District,** Board of Directors, met at the Pheasant Restaurant, 611 North Dallas Avenue, Lamesa, on March 6, 1984, at 12:30 p.m. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

**The Hunt County Tax Appraisal District,** Board of Review, met in the board room, 4815-B King Street, Greenville, on March

6, 1984, at 10 a.m. The Board of Directors met at the same location on March 8, 1984, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401, (214) 346-3649.

**The Lone Star Municipal Power Agency** met in the Flag Room, First National Bank, 1300 11th Street, Huntsville, on March 5, 1984, at 5 p.m. Information may be obtained from Donald L. Howell, 2835 First City Tower, Houston, Texas 77702, (713) 651-2318.

TRD-842584

#### **Meetings Filed March 5**

**The Austin-Travis County Mental Health and Mental Retardation Center,** Board of Trustees Personnel Committee, met in the board room, 1430 Collier Street, Austin, on March 8, 1984, 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 Bell County Appraisal District** will meet in the commissioners courtroom, second floor, Belton County Courthouse, Belton, on March 14, 1984, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

**The Colorado River Municipal Water District,** Board of Directors, will meet at 400 East 24th Street, Big Spring, on March 13, 1984, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

**The Comal County Appraisal District,** Board of Review, met in emergency session at 130 East Mill Street, New Braunfels, on March 7, 1984, at 9 a.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

**The Copano Bay Soil and Water Conservation District 329** will meet at 106 South Alamo, Shay Plaza, Refugio, on March 14, 1984, at 8:30 a.m. Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, (512) 526-2334.

**The Deep East Texas Private Industry Council** rescheduled a meeting to be held in the commissioners courtroom, Angelina County Courthouse, Lufkin, on March 21, 1984, at 3 p.m. The meeting was originally scheduled for February 29, 1984. Informa-

tion may be obtained from Joan Doss, P. O. Box 1463, Lufkin, Texas 75901, (409) 634-4432.

**The Region VII Education Service Center, Board of Directors**, will meet at the Holiday Inn, Highway 259, Henderson, on March 15, 1984, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (214) 984-3071.

**The Ellis County Tax Appraisal District, Board of Directors**, met at 406 Sycamore Street, Waxahachie, on March 8, 1984, at 7 p.m. Information may be obtained from Gray Chamberlain, P. O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Fannin County Appraisal District, Board of Review**, met in emergency session at 401 North Main, Peeler Building, Bonham, on March 5, 1984, at 5:30 p.m. The Board of Directors also met in emergency session at the same location on March 6, 1984, at 7 p.m. Information may be obtained from Joe Hart, Peeler Building, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

**The Fisher County Appraisal District, Board of Directors**, will meet in the commissioners courtroom, Fisher County Courthouse, Roby, on March 13, 1984, at 7:30 p.m. Information may be obtained from Clay Fowler, Drawer J, Rotan, Texas 79546, (915) 776-2733.

**The Garza County Appraisal District, Board of Directors**, met in the courthouse, Post, on March 8, 1984, at 2 p.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

**The High Plains Underground Water Conservation District 1, Board of Directors**, will meet in the conference room, 2930 Avenue Q, Lubbock, on March 13, 1984, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

**The Lampasas County Appraisal District** met at 403 East Second, Lampasas, on March 9, 1984, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

**The Middle Rio Grande Development Council, Regional Alcoholism Advisory Committee**, will meet in the council chambers, Uvalde, on March 14, 1984, at 2 p.m. Information may be obtained from Ramon S. Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

**The Tarrant County Appraisal District, Appraisal Review Board**, will meet in Suite 300, 1701 River Run, Fort Worth, on March 21, 1984, at 8:30 a.m. Information may be obtained from Dick Curry, 1701 River Run, Suite 300, Fort Worth, Texas, (817) 332-3151.

**The West Central Texas Council of Governments** will meet at 1025 East North 10th Street, Abilene, on March 15, 1984, at 10 a.m. The council also will meet at the same location on the same day at 11 a.m. Information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-842616

#### **Meetings Filed March 6**

**The Lamb County Appraisal District, Board of Directors**, will meet at 318 Phelps Avenue, Littlefield, on March 15, 1984, at 7:30 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

**The Lower Colorado River Authority, Audit and Budget Committee**, will meet at 3700 Lake Austin Boulevard, Austin, on March 13, 1984, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

**The Lower Colorado River Authority, Committee on Planning and Public Policy**, will meet in the Rio Grande Room, Lakeway Village, Austin, on March 13, 1984, at noon. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

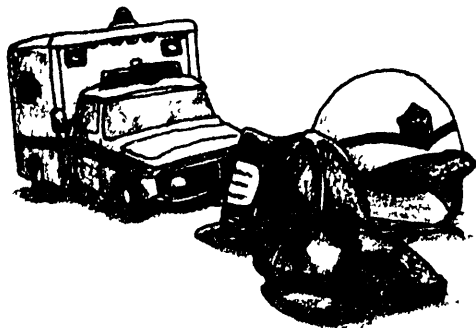
TRD-842660



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



## Banking Department of Texas Applications To Acquire Control of State Banks

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On February 3, 1984, the banking commissioner received an application to acquire control of the Howe State Bank, Howe, by David R. Tripplehorn, trustee, Dallas.

On February 29, 1984, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 29, 1984

TRD-842567 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed March 1, 1984

For further information, please call (512) 475-4451

On February 8, 1984, the banking commissioner received an application to acquire control of the First State Bank, Harper, by Ron R. McCormick of Harper, Hugh Bearden of Rockwall, Jackie Fisher of Waco, and H. L. Southard of Avalon.

On February 29, 1984, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 29, 1984

TRD-842568 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed March 1, 1984

For further information, please call (512) 475-4451

On February 28, 1984, the banking commissioner received an application to acquire control of Galena Park State Bank, Galena Park, by Sami Abilmona of Houston, Daniel D. Dinur of Dallas, Excess Electrical Company of Houston, Gary C. Freeman, M.D., of Bellaire, Rodman E. Gorman, trustee, of Baytown, Harry W. Locher III of Pearland, Jeffrey D. Love of Houston, Steven B. Marsh of Houston, Bev C. Matson of Houston, and Roland R. Pennington, Jr., of Houston.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 28, 1984

TRD-842527 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed February 29, 1984

For further information, please call (512) 475-4451.

**Comptroller of Public Accounts  
Decision 12,746**

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 was a domestic manufacturer and seller of aerosol products. The taxpayer received a chemical concentrate from a company, added other necessary ingredients, and packaged the product in aerosol cans to the customer's specifications. The Tax Division argued that, as the taxpayer's customer received the proceeds from the eventual sale of the cans, but merely paid the taxpayer a fixed price per can, and as a key manufacturing ingredient (the concentrate) was supplied by the customer, the taxpayer was rendering a service, the receipts from which should be allocated to the State of Texas for franchise tax apportionment purposes. The taxpayer contended that its receipts were from sales of tangible property, thus the receipts should be allocated to the state in which the customer received the finished cans. In the absence of definitions of "sale of tangible personal property" and "service performed" for franchise tax purposes, the comptroller chose to apply the "essence of the transaction test" explicated by the courts in sales tax cases for distinguishing a sale of tangible personal property from a service. The comptroller concluded that the essence of the transaction between the taxpayer and the company for which it "manufactured" the product was a sale of tangible property. *Bullock v. Statistical Tabulating Corp.*, 549 S.W. 2d 166 (Tex. 1977); *Williams and Lee Scouting Service v. Calvert*, 452 S.W. 2d 789 (Tex. Civ. App. -Austin 1970, writ ref'd).

Issued in Austin, Texas, on March 2, 1984  
TRD-842618 Bob Bullock  
Comptroller of Public Accounts

Filed March 5, 1984  
For further information, please call (512) 475-1938.

**Office of Consumer Credit  
Commissioner  
Rate Ceilings**

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02)

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer <sup>(1)</sup> Agricultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 03/12/84-03/18/84	18.75%	18.75%
Monthly Rate—Article 1.04(c) <sup>(1)</sup> 03/01/84-03/31/84	18.44%	18.44%

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer <sup>(1)</sup> Agricultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Quarterly Rate—Article 1.11 <sup>(3)</sup> 04/01/84-06/30/84	18.27%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) <sup>(3)</sup> 04/01/84-06/30/84	18.27%	N/A
Standard Annual Rate—Article 1.04(a)(2) <sup>(2)</sup> 04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Annual Rate—Article 1.11 <sup>(3)</sup> 04/01/84-06/30/84	18.27%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/84-06/30/84	18.00%	N/A
Judgment Rate—Article 1.05, §2 03/01/84-03/31/84	10.00%	10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069.1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial investment or other similar purpose

Issued in Austin, Texas, on March 5, 1984  
TRD-842619 Sam Kelly  
Consumer Credit Commissioner

Filed: March 5, 1984  
For further information, please call (512) 475-2111

**Texas Education Agency  
Availability of Funds for Adult  
Education Special Projects**

The Division of Adult and Community Education of the Texas Education Agency is now accepting proposals for special experimental demonstration projects and teacher training projects in the State of Texas under Adult Education Act Public Law 91-230 and the Texas Education Code, §11.18, concerning adult education. Priority areas are described as follows. Specific information on each request for proposal and format of proposals may be obtained from the Division of Adult and Community Education, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701.

Only public education systems are eligible applicants. Proposals should be submitted to the Document Control Center, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, by 5 p.m. on April 13, 1984. It is anticipated that applicants will be given notification of approval or nonapproval of applications by June 29, 1984. For additional information, contact Dr. Ralph Mock or Dr. Pavlos Roussos at (512) 834-4266.

Proposals are requested in the following areas

**RFP-8.** A study of the Texas Adult Education Competency-Based High School Diploma Program (CBHSD)—To conduct a study of the CBHSD Programs in Texas and develop recommendations for modification and standardization. (July 1, 1984-June 30, 1985)

**RFP-9.** Integrating Computer Literacy Instruction in the Adult Education Curriculum—To develop a model system(s) for integrating computer literacy in the adult education curriculum at all levels: English as a Second Language (ESL), Adult Basic Education (ABE), and Secondary. (July 1, 1984-June 30, 1985)

**RFP-10.** Videotapes of Texas Adult Education Classroom Strategies—To videotape successful Texas adult educators as the present classroom demonstration techniques in ABE, ESL, and GED instruction. Also, to explore the use of interactive television as a means for delivery of inservice training. (July 1, 1984-June 30, 1985)

**RFP-11.** Community Education Awareness, Training, and Technical Assistance (Continuation)—To conduct training institutes and awareness workshops and to provide technical assistance for community educators, state agencies, and public school officials. Also, to analyze reporting data for possible trends. (July 1, 1984-June 30, 1985)

**RFP-12.** Follow-up and Impact Study of Completers of Adult Basic and Secondary Education Students—To conduct a follow-up study on completers of adult basic education instruction (grade level 8 completion), including English as a second language, high school equivalency instruction (GED certificate), and secondary completion instruction (high school diploma), to provide information on the impact of the program and a basis for determining the extent to which program purposes are being achieved. The study will focus on individuals who completed the program at least three years ago. (July 1, 1984-June 30, 1985)

**RFP-13.** Development of Microcomputer Software Programs for Teaching English as a Second Language (Continuation)—To continue development and refinement of microcomputer ESL software programs, adapt them for use with different types of microcomputers, and train adult educators. (July 1, 1984-June 30, 1985)

**RFP-14.** Mini Grants for Implementing Innovations for Handicapped Adults—To fund five projects not to exceed \$6,000 each to refine locally developed exemplary programs or adopt exemplary programs developed elsewhere for serving undereducated handicapped adults such as deaf, mentally retarded, learning disabled, etc.

**RFP-1.** English as a Second Language Teacher Training—To conduct a one-week institute during June 1984

to train 50 local adult educators so that they can serve as trainers for adult education ESL teachers. (May 14, 1984-June 30, 1984)

**RFP-2.** Workshop on Counseling and Referral Techniques—To conduct a one-week workshop during June 1984 to provide training to 50 adult educators on counseling and referral techniques so that they can serve as trainers for local teachers. (May 14, 1984-June 30, 1984)

**RFP-3.** Teacher Training in Using Minicomputers to Teach Basic Skills to Low Performing Adults—To provide a five-day orientation and training in the summer of 1984 to 50 adult educators in the use of minicomputers for teaching basic skills to low performing adults, including mentally retarded. Also, to provide technical assistance, disseminate information, conduct training on the use of software programs (including those developed by the San Antonio State School and State Hospital), and develop additional software programs for teaching basic skills. (July 1, 1984-June 30, 1985)

**RFP-4.** Educational Planning for Ex-Offenders (Continuation)—To provide training and technical assistance to Texas adult educators in the implementation of programs to assist parolees to continue their education to at least the level of functional competency for a smooth transition into the free world. Also, to develop a system for working with people on probation and individuals sent to restitution centers and county jails. In addition, to study the impact education is having on these individuals. (July 1, 1984-June 30, 1985)

**RFP-5.** Continuation of a Statewide Dissemination Project—To continue the operation of project TRENDS to identify, collect, evaluate, and disseminate resources in adult education, publish a newsletter and resource abstracts, conduct workshops in the use of resources; and operate a free loan service. (July 1, 1984-June 30, 1985)

**RFP-6.** Adult Literacy Councils—To fund three projects for developing a complementary local system for mobilizing a private sector capacity to assist the public adult education system to locate, counsel, and teach the least educated and most in need. (July 1, 1984-June 30, 1985)

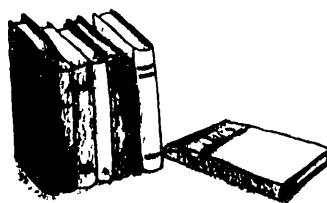
**RFP-7.** Training for Adult Literacy Volunteers—To identify training needs, conduct training, identify public and private resources, and provide technical assistance in the implementation of adult literacy volunteer programs. (July 1, 1984-June 30, 1985)

Issued in Austin, Texas, on February 29, 1984

TRD 842540 Raymon L. Bynum  
Commissioner of Education

Filed February 29, 1984

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



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.

## **Texas Department of Health Correction of Error**

Proposed new rules submitted by the Texas Department of Health contained two errors as published in the February 7, 1984, issue of the *Texas Register* (9 TexReg 629). The first sentence of §325.464 should read:

§325.464 *Sampling, Analysis, and Records* Site operators, as defined in §325.461, subsection (b)(2), of this title (relating to Applicability and Responsibility), who apply sludge to the land for beneficial use shall

On page 630, the third sentence of §325.465(b)(4) should read:

A natural liner or equivalent barrier of one foot of compacted clay with a permeability coefficient of  $1 \times 10^{-7}$  centimeters per second, or less, shall be provided

## **Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent**

The Texas Health Facilities Commission gives notice 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 previously-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,

Health Care and Retirement Corporation of America doing business as Heartland of San Antonio, San Antonio  
AN82-1029-147A(022184)  
CN/AMD—Request for an amendment of Certificate of Need AN82-1029-147, which authorized the certificate holder to construct a 34,416-square foot, 120-bed nursing home facility containing 60 skilled and 60 intermediate care beds, which will be part of a 100-unit apartment center being constructed as part of the retirement complex. The certificate holder requests that the completion deadline be extended from April 15, 1984, to April 30, 1985, that the project cost be increased from \$2.9 million to \$3.21 million, and that the proposed project be moved from its originally approved site at 12161 Babcock Road, San Antonio, to a new site on the corner of North Hollow and North Knoll Streets, San Antonio. The new site is approximately 3.5 miles from the old site and is closer to the South Texas Medical Center

Beechnut CT, Ltd., to-be-formed Texas limited partnership, Houston  
A084-0222-121  
NIE—Request for a declaratory ruling that a certificate of need is not required for Beechnut CT, Ltd., a to-be-formed Texas limited partnership, to acquire by purchase an Interrad whole body CT scanner. The proposed equipment will be located at Memorial Radiology Associates, 7500 Beechnut, Houston, and will be utilized on an outpatient basis only.

Issued in Austin, Texas, on March 5, 1984

TRD-842624 Judith Monaco  
Assistant General Counsel  
Texas Health Facilities  
Commission

Filed: March 5, 1984

For further information, please call (512) 475-6940

## **Texas Department of Human Resources Solicitation of Proposal for Temporary Emergency Relief Services**

In accordance with the Human Resources Code, Title 2, Chapter 34, and 40 TAC §10.4303, the Texas Department of Human Resources (TDHR) is soliciting proposals for the provision of temporary emergency relief services.

**Description of Services.** Temporary emergency relief services are food, clothing, housing, and utility assistance for needy people who are homeless or without other necessities of basic existence. Assistance to eligible clients must be provided through vouchers or purchased services.

**Eligible Applicants.** Counties, governing bodies of other political subdivisions, or private, nonprofit, tax-exempt corporations are eligible to apply for funds to operate temporary emergency relief programs.

**Geographic Areas for Which Proposals Will Be Considered and the Initial Allocation of Available State Funds.** The TDHR is organized into 12 administrative regions. Each region is responsible for receiving and considering applications for funding temporary emergency relief programs for the counties in the region. The TDHR will consider proposals for temporary emergency relief programs for each of the counties listed. The initial allocation of state funds available for each county is also listed.

**Contact Persons.** Prospective applicants must contact the TDHR regional representative responsible for temporary emergency relief services to obtain a request for proposal (RFP) package. The RFP package contains the requirements for operating a temporary emergency relief program and the requirements for submitting a proposal to operate a temporary emergency relief program. A prospective applicant may obtain an RFP package for the county in which he is interested by writing or calling the TDHR regional representative. When requesting a package, prospective applicants should indicate the county(ies) for which they plan to submit a proposal. Although not required, the TDHR urges prospective applicants to contact the TDHR regional representative to obtain the RFP package by March 24, 1984. This will allow adequate time for the prospective applicant to consult with public entities, nonprofit organizations, voluntary associations, representatives of low-income persons, and other groups involved in providing assistance to needy persons. It will also allow the prospective applicant time to obtain public comment on his proposed eligibility criteria and frequency and duration of benefits. The regional representatives are:

<u>Region</u>	<u>Representative</u>	<u>Telephone</u>	<u>Address</u>
01/02	Mr. Carol Lindemann	(806) 376-7214	P.O. Box 3700, 005-3 Amarillo, Texas 79106
03	Mr. Jim Preston	(915) 779-7790	P.O. Box 10276, 111-7 El Paso, Texas 79994
04	Mr. Jay Cagle	(915) 698-3651	P.O. Box 3235, 001-1 Abilene, Texas 79604
05	Ms. Joan Graham	(214) 827-5210	4533 Ross Avenue, 089-1 Dallas, Texas 75204
06	Ms. Laura Mondia	(512) 835-2350	1300 E. Anderson Ln., 016-1 Austin, Texas 78752
07	Mr. Mike Folmar	(214) 785-8464	P.O. Box 839, 255-8 Paris, Texas 75460
08	Mr. Jaime Ramos	(512) 383-5344	P.O. Box 960, 108-6 Edinburg, Texas 78539
09	Mr. Marc Lucio	(512) 533-3161	P.O. Box 37120, 278-5 San Antonio, Texas 78237
10	Mr. Pat Morgan	(409) 835-3751	285 Liberty Street, 028-1 Beaumont, Texas 77701
11	Ms. Margaret Rodgers	(713) 692-3236	P.O. Box 16017, 174-5 Houston, Texas 77022
12	Mr. Landry Doan	(915) 367-7201	P.O. Box 4636, 366-1 Odessa, Texas 79760

**Required Local Matching Contribution.** To qualify for state funds disbursed by the TDHR, the applicant must provide a financial contribution to the program established in the applicant's county in an amount equal to the state contribution. Local matching funds may include local government funds, cash contributions from private sources, and federal funds, including those used for temporary emergency relief needs. State funds disbursed by the TDHR may not be used for local administrative costs; not more than 25% of the local matching funds may be used for local administrative costs.

**Selection Criteria.** The TDHR may select only one provider for each county. To be considered for a tem-

porary emergency relief program contract, an applicant must respond positively to the questions on the screening criteria form which is part of the RFP package. The TDHR uses the criteria on the temporary emergency relief program proposal evaluation criteria form to select the applicant who is invited to negotiate a contract. The TDHR scores these criteria for the applicants offering to provide services in a particular county who answer "yes" to all screening criteria questions and who have an adequate local matching contribution. The TDHR invites the applicant with the highest score on the evaluation criteria to negotiate a contract. If applicants for a particular county answer "yes" to all screening criteria questions, but none has an adequate local matching contribution,

the DHR still scores the criteria and invites the applicant with the highest score to negotiate a contract for a state funds allocation equal to the amount of the local matching contribution provided by the applicant.

**Closing Date for Receipt of Offers.** The closing date for receipt of offers is 5 p.m. on April 23, 1984.

**Effective Dates of the Contracts.** The proposed beginning date of the contract is May 23, 1984. The actual beginning date may differ depending on time necessary for contract negotiation and signature. The ending date is August 31, 1985, unless terminated earlier.

**TERP ALLOCATIONS  
BY REGION  
AS OF JANUARY, 1984**

	<u>Allocation Amount</u>		<u>Allocation Amount</u>
<b>REGION 1</b>		<b>REGION 4</b>	
Armstrong	1,000.00	Archer	1,000.00
Briscoe	1,000.00	Baylor	1,000.00
Carson	1,000.00	Brown	3,236.00
Castro	1,471.00	Callahan	1,000.00
Collingsworth	1,000.00	Childress	1,000.00
Dallam	1,000.00	Clay	1,000.00
Donley	1,000.00	Coke	1,000.00
Gray	2,513.00	Coleman	1,000.00
Hall	1,000.00	Comanche	1,185.00
Hansford	1,000.00	Concho	1,000.00
Hartley	1,000.00	Cottle	1,000.00
Hemphill	1,000.00	Crockett	1,000.00
Hutchinson	1,656.00	Eastland	1,858.00
Lipscomb	1,000.00	Fisher	1,000.00
Moore	1,126.00	Foard	1,000.00
Ochiltree	1,000.00	Hardeman	1,000.00
Oldham	1,000.00	Haskell	1,000.00
Parmer	1,000.00	Irion	1,000.00
Randall	3,281.00	Jack	1,000.00
Roberts	1,000.00	Jones	1,380.00
Sherman	1,000.00	Kent	1,000.00
Wheeler	1,000.00	Kimble	1,000.00
		Knox	1,000.00
<b>REGION 2</b>		Mason	1,000.00
Bailey	1,000.00	McCulloch	1,000.00
Cochran	1,000.00	Menard	1,000.00
Dickens	1,000.00	Mitchell	1,000.00
Hockley	2,823.00	Montague	1,325.00
King	1,000.00	Nolan	1,619.00
Lamb	2,015.00	Reagan	1,000.00
Lynn	1,122.00	Runnels	1,000.00
Motley	1,000.00	Schleicher	1,000.00
Terry	2,034.00	Scurry	1,323.00
Yoakum	1,000.00	Shackelford	1,000.00
		Stephens	1,000.00
<b>REGION 3</b>		Sterling	1,000.00
Brewster	1,000.00	Stonewall	1,000.00
Culberson	1,000.00	Sutton	1,000.00
Hudspeth	1,000.00	Taylor	8,562.00
Jeff Davis	1,000.00	Throckmorton	1,000.00
Presidio	1,181.00	Wichita	9,957.00
		Wilbarger	1,579.00
		Young	7,010.00

	<u>Allocation Amount</u>		<u>Allocation Amount</u>
<b>REGION 5</b>		<b>REGION 7</b>	
Collin	7,285.00	Anderson	4,275.00
Denton	8,689.00	Cherokee	3,955.00
Ellis	5,081.00	Henderson	3,977.00
Erath	2,059.00	Panola	2,177.00
Hood	1,000.00	Rains	1,000.00
Hunt	5,154.00	Red River	2,250.00
Kaufman	3,033.00	Rusk	4,873.00
Navarro	3,708.00	Smith	12,183.00
Palo Pinto	2,502.00	Van Zandt	2,168.00
Parker	3,073.00	Wood	2,027.00
Rockwall	1,000.00		
Some. vell	1,000.00	<b>REGION 8</b>	
Wise	1,669.00	Aransas	1,650.00
		Calhoun	2,828.00
<b>REGION 6</b>		DeWitt	2,371.00
Bastrop	2,267.00	Goliad	1,000.00
Bell	11,676.00	Gonzales	2,239.00
Blanco	1,000.00	Jim Hogg	1,000.00
Bosque	1,000.00	Kennedy	1,000.00
Burleson	1,454.00	Lavaca	1,501.00
Burnet	1,221.00	Live Oak	1,000.00
Coryell	2,499.00	McMullen	1,000.00
Falls	1,720.00	Refugio	1,000.00
Fayette	1,778.00	Victoria	8,308.00
Freestone	1,213.00	Zapata	2,390.00
Grimes	2,325.00		
Hamilton	1,000.00	<b>REGION 9</b>	
Hays	4,062.00	Atascosa	3,215.00
Hill	2,075.00	Bandera	1,000.00
Lampasas	1,000.00	Comal	2,293.00
Lee	1,231.00	Edwards	1,000.00
Leon	1,326.00	Frio	2,443.00
Limestone	1,924.00	Gillespie	1,000.00
Llano	1,000.00	Guadalupe	3,531.00
Madison	1,000.00	Karnes	1,662.00
McLennan	16,082.00	Kendall	1,000.00
Mills	1,000.00	Kerr	1,513.00
Robertson	2,038.00	Kinney	1,000.00
San Saba	1,000.00	Medina	18,858.00
Washington	1,830.00	Real	1,000.00
Williamson	4,584.00	Uvalde	3,354.00
		Val Verde	5,968.00
		Wilson	1,286.00

	<u>Allocation Amount</u>
<b>REGION 10</b>	
Angelina	8,105.00
Houston	2,333.00
Jasper	3,934.00
Jefferson	31,911.00
Nacogdoches	4,966.00
Newton	1,540.00
Polk	3,034.00
Sabine	1,131.00
San Augustine	1,396.00
San Jacinto	1,653.00
Shelby	2,806.00
Trinity	1,000.00
Tyler	1,936.00
<b>REGION 11</b>	
Austin	1,612.00
Chambers	1,790.00
Colorado	2,023.00
Waller	1,921.00
Wharton	4,629.00
<b>REGION 12</b>	
Andrews	1,000.00
Borden	1,000.00
Crane	1,000.00
Ector	13,591.00
Gaines	1,438.00
Glasscock	1,000.00
Howard	3,680.00
Loving	1,000.00
Martin	1,000.00
Midland	29,779.00
Pecos	1,573.00
Reeves	2,574.00
Terrell	1,000.00
Upton	1,000.00
Winkler	1,000.00

## North Central Texas Council of Governments Consultant Proposal Request

This request by the North Central Texas Council of Governments (NCTCOG) for computer services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

**Contact Person.** For additional information, contact David Roden, Manager of Forecasting Systems, North Central Texas Council of Governments, P. O. Drawer COG, Arlington, Texas 76005-5888.

**Due Date.** At least six copies of the proposal must be received by noon on Monday, March 26, 1984, in the office of David Roden, Manager of Forecasting Systems, North Central Texas Council of Governments, 616 Six Flags Drive, Second Floor, Arlington, Texas 76005-5888.

**Background.** The NCTCOG is requesting proposals for computer services. The proposals shall be limited to a statement of qualifications and cost estimate for the desired services. The services must be in an IBM 370 instruction set under an OS/MVS compatible environment with remote job control at the NCTCOG office, 616 Six Flags Drive, Arlington, Texas. The communication links must be compatible with equipment presently owned by the NCTCOG or available for future application. Such equipment includes a UNITECH RJE terminal with IBM HASP emulation, a 600 lpm drum printer, a 400 cpm card reader, a Calcomp 1039 plotter and controller, several miscellaneous asynchronous terminals with acoustical modems, and several IBM personal computers with 3270 capabilities. The budget for computer expenditures is expected to range between \$200,000 and \$250,000 for 1984.

**Contract Award Procedures.** A vendor selection committee will review the proposals and recommend up to three qualified vendors with competitive cost estimates. These vendors will be asked to confirm their cost estimate by completing a benchmark test designed by the NCTCOG. The vendors who so choose will be afforded a final opportunity to adjust their bids as a result of the benchmark test.

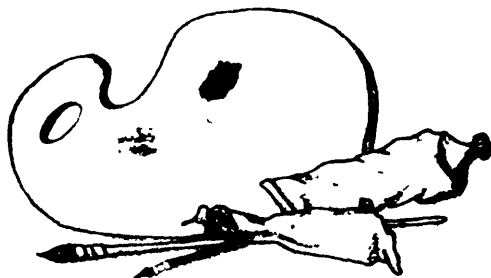
The recommendation of the Vendor Selection Committee will be considered by the Executive Board of the NCTCOG. The Executive Board will authorize award of a contract to the vendor considered to be the best able to provide the services set forth in the request for proposals.

**Contractual Qualifications.** The NCTCOG, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d-2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated

Issued in Austin, Texas, on March 1, 1984.

TRD-842573      **Marlin W. Johnston**  
Commissioner  
Texas Department of Human  
Resources

Filed March 1, 1984  
For further information, please call (512) 441-3355,  
ext 2037





against on the grounds of race, color, sex, or national origin in consideration of an award.

Respondents must be willing to abide by all the applicable regulations of the State Department of Highways and Public Transportation and the Urban Mass Transportation Administration, U.S. Department of Transportation, including inspection and audit.

The ability of the NCTCOG to enter into a contract for performance of the proposed services will be dependent on the timely receipt of funds from the Urban Mass Transportation Administration and the State Department of Highways and Public Transportation

The NCTCOG reserves the right to reject, in total or in part, any and/or all proposals should it be advantageous to do so.

The contract will comply with all federal and state laws and regulations applicable to subcontractors, including, but not limited to, equal employment opportunity, the Davis-Bacon Act, and management.

Issued in Arlington, Texas, on February 22, 1984

TRD-842519 William J Pitstick  
Executive Director  
North Central Texas Council of  
Governments

Filed: February 29, 1984  
For further information, please call (817) 461-3300.

## Texas Department of Public Safety Public Information

According to figures compiled by the Texas Department of Public Safety (DPS) Uniform Crime Reporting Bureau, both the crime rate and the total number of crimes reported in Texas declined in 1983.

"The crime rate showed a decrease of 6.2% with 5,907.1 crimes per 100,000 population," said DPS Director Colonel Jim Adams "In addition, Texas law enforcement agencies reported 928,827 major index crimes during 1983, a drop of 3.5% compared to the previous year. This is the first decrease recorded in the number of crimes since 1961, and it's very encouraging. We had almost come to accept a yearly increase in volume as being inevitable "

The violent crime category posting the greatest decline was robbery, with the number of offenses down 11.4%. Murders decreased by 9.1%, and the number of rapes and aggravated assaults were down 7.0% and 6.7% respectively.

In the property crime categories, burglary offenses fell 8.2%, and motor vehicle thefts dropped 5.2% Theft, the only major crime category showing an increase last year, rose 0.4%.

"A simple answer for these decreases is hard to come by," Adams said. "But I believe there's been greater awareness of the consequences of criminal acts, less tolerance of the criminal on the part of the law-abiding citizen, and

increased participation in neighborhood watch groups, Crimestoppers Programs and other anticrime efforts "

Twenty-two percent of the index crimes were cleared by arrests in 1983. The value of property stolen during the commission of major crimes was estimated to be in excess of \$1 billion with \$243 million in stolen property recovered by police agencies

Statewide DWI arrests were up 33% in 1983, with a total of 149,621 drivers arrested for this criminal offense. Eleven Texas peace officers were killed in the line of duty by criminal action. Six officers died in duty-related accidents, and a total of 3,870 assaults on officers were reported last year.

A total of 7,486 arson cases were reported last year, compared to 8,201 in 1982. Twenty-three percent of the 1983 cases were cleared by arrests.

## Railroad Commission of Texas Correction of Error

An adopted rule submitted by the Railroad Commission of Texas contained two errors as published in the February 17, 1984, issue of the *Texas Register* (9 TexReg 992). Section 13.53(a) and (b) should read.

### §13.53. General.

(a) Equipment related to a compression, storage, or dispensing installation shall be protected to minimize the possibilities of unauthorized tampering by fencing and/or locks. Guard rails shall be used to protect such equipment from physical damage

(b) Control devices shall be installed so that internal or external icing or condensate formation will not cause malfunction

## Texas Tourist Development Agency Consultant Proposal Request

In accord with the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Tourist Development Agency serves notice of invitation for offers of consulting services on the following project.

**Contact Person.** Persons wishing to make an offer on this project should contact Frank Hildebrand, Executive Director, Texas Tourist Development Agency, P. O. Box 12008, Austin, Texas 78711, (512) 475-4326.

**Closing Date.** Consultant proposals must be received by April 2, 1984

**Method of Selection.** Interested parties will need to demonstrate the capability of providing 1983 calendar year estimates of the economic impact of travel on each of the 254 counties of Texas as well as a statewide total. The research must include estimates of travel expenditures, travel generated payroll, travel generated employment, state and local tax receipts for each county, and the state as a whole. In addition, the percent change in

each category for each county (based on the 1982 results) will be needed. Also required is an estimate of the impact of travel by business and personal trips, out-of-state and resident travelers, travel industry categories, and types of lodging used.

**Completion Date.** The study must be delivered to the Texas Tourist Development Agency no later than mid-September 1984.

Issued in Austin, Texas, on February 28, 1984

TRD-842528      Frank Hildebrand  
Executive Director  
Texas Tourist Development  
Agency

Filed: February 29, 1984

For further information, please call (512) 475-4326.

## **Texas Water Commission Applications for Waste Disposal Permits**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of February 27-March 1, 1984.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P O Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed is the name of the applicant and the city in which each facility is located, type of facility; location of the facility; permit number, and type of application—new permit, amendment, or renewal.

### **Period of February 27-March 1, 1984**

Nantucket, Ltd., College Station; residential/commercial development; off the southern right-of-way line of State Highway 6, approximately 4.1 miles southeast of the intersection of State Highway Park Road 507 and State Highway 6 southeast of the City of Bryan in Brazos County, 12879-01, new permit.

John Wasilchak, Fort Worth; residential subdivision, approximately 2,000 feet southwest of the intersection of Bank Road and Shelby Road, approximately 4,500 feet due north of the intersection of Bank Road and Rendon Road in south Tarrant County, 12903-01; new permit.

John Wasilchak, Fort Worth; residential subdivision; approximately 3,000 feet north-northwest of the intersection of FM Road 1187 and Stephenson Levy Road, approximately two miles northeast of the Oak Grove Airport in Tarrant County; 12902-01; new permit.

Charles H. West, Montgomery, mobile home park, approximately 1,000 feet west of FM Road 3083 on Westpoint I Road approximately two miles south of State Highway 105 in Montgomery County, 12884-01; new permit.

Texas TTX Corporation, Port Arthur, petroleum coke bulk handling facility, south of Smith Island and approximately 9,000 feet east of the intersection of Washington Boulevard and Highway 380 in Jefferson County, 02692, new permit.

Issued in Austin, Texas, on March 1, 1984

TRD-842576      Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: March 1, 1984

For further information, please call (512) 475-4514

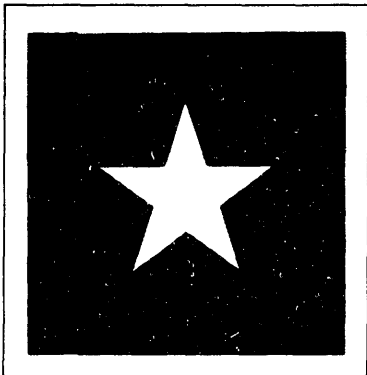
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