

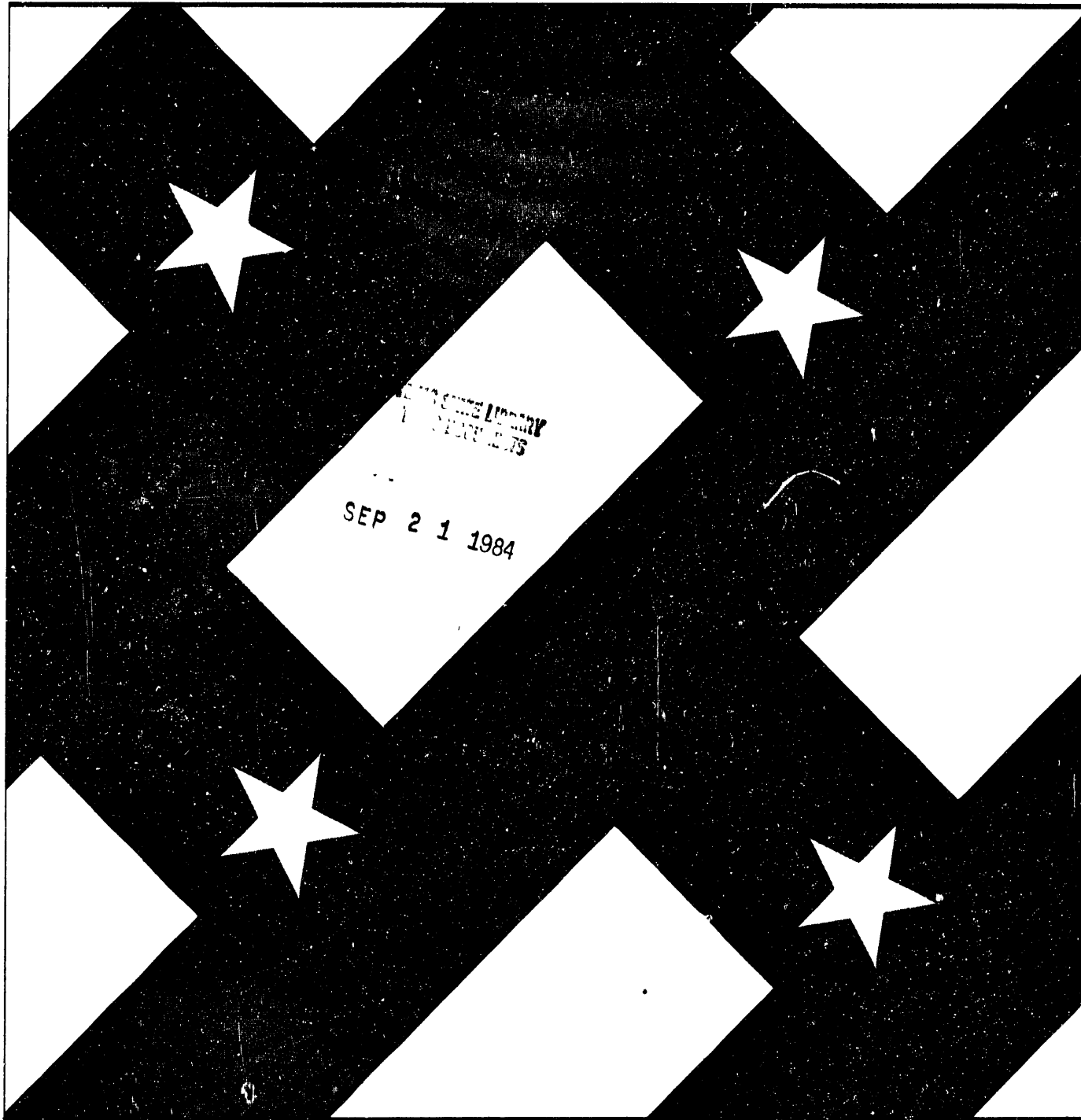
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Texas Register

Volume 9, Number 70, September 18, 1984

Pages 4899 - 4938



Highlights

The Texas State Board of Medical Examiners proposes amendments in a chapter concerning procedure. Earliest possible date of adoption - October 19 page 4903

The State Board of Insurance proposes

amendments in a chapter concerning health maintenance organizations. Earliest possible date of adoption - October 19 page 4907

The Comptroller of Public Accounts proposes amendments concerning state sales and use tax. Earliest possible date of adoption - October 19 page 4908

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each 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.

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

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*.

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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The Governor

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

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

Appointment Made September 7

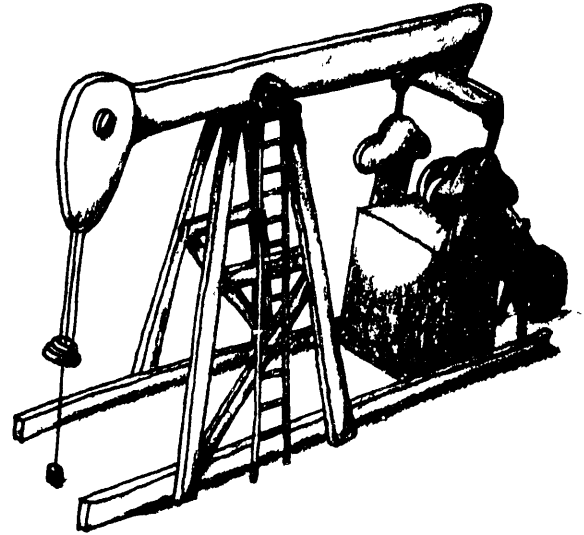
Governor's Advisory Panel on Offshore Oil and Chemical Spill Responses

To be chair for a term to continue at the pleasure of this governor:

Janice R. Coggeshall
Mayor
Galveston City Hall
P.O. Box 779
Galveston, Texas 77553

Issued in Austin, Texas, on September 7, 1984.

TRD-849290 Mark White
Governor of Texas



Executive Order MW-28

Designating Advocacy, Inc., to Administer the Client Assistance Program Created by Federal Public Law 98-221, and Designating the Director of the Texas Rehabilitation Commission to Chair an Advisory Committee to the Client Assistance Program.

WHEREAS, Public Law 98-221, the Rehabilitation Amendments of 1984, requires each state which received a federal allotment for vocational rehabilitative services to have in place by October 1, 1984, a client assistance program; and

WHEREAS, such client assistance programs are intended to serve an ombudsman function for the applicants and clients of state vocational rehabilitation programs and to assure the rights and welfare of all rehabilitation clients are safeguarded; and

WHEREAS, it is desirable that such client assistance programs be administered by an organization with experience in successfully running this type of program and be closely associated with, but separate from, state agencies charged with providing vocational rehabilitation services;

NOW THEREFORE, by the authority vested in me as governor, after consultation with representatives of the disabled community and review of the accomplishments of Advocacy, Inc., a nonprofit corporation associated with the State Bar of Texas, in administering an ombudsman program for the disabled community, I hereby designate Advocacy, Inc., as the Texas client assistance program to be established in compliance with Public Law 98-221.

I further designate the commissioner of the Texas Rehabilitation Commission to chair a project advisory committee which I will appoint to oversee and make recommendations for administration of the client assistance program. This committee will be composed of program consumers and service providers.

I direct that in administering the client assistance program, Advocacy, Inc., shall make a good faith effort to resolve every difference between a client and service provider without litigation.

I further direct Advocacy Inc., to submit an evaluation of the client assistance program with review and comment by the Project Advisory Committee and to file a report regarding the program and its deficiencies and/or accomplishments on or before September 1, 1985, and annually each year thereafter.

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

TRD-849269

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

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

Proposed Rules

TITLE 22. EXAMINING BOARDS Part IX. Texas State Board of Medical Examiners Chapter 187. Procedure

22 TAC §187.26

The Texas State Board of Medical Examiners proposes amendments to §187.26, concerning presiding officers during disciplinary hearings. The proposed amendments add language whereby the board's executive director or executive committee may appoint a person to serve as hearings officer in contested cases. The proposed amendments set out the powers of the hearings officer.

Florence Allen, accountant, 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.

Jean Davis, program administrator, has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a more expeditious resolution of cases. 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 Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing is expected on the proposed rule. Although no date has been set, the hearing will probably occur in the latter part of the year.

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

§187.26. *Presiding Officer.* Hearings will be conducted by the president of the board, or in his or her absence, the vice-president, who shall have authority to administer oaths, to examine witnesses, and to rule upon the admissibility of evidence and amendments to pleadings. He or she shall have the authority to recess any hearing from day to day. **Additionally, the executive director, or in his or her absence a member of the executive committee, may appoint any person as a hearings examiner (or hearings officer) for the conduct of hearings in contested cases. Such hearings shall be conducted in accordance with the Administrative Procedure and Texas Register Act, the Medical Practice Act, the rules of this board, and all other applicable law. Except for the power to accept or reject proposed findings of fact or conclusions of law and to issue final orders on the merits, the hearings officer shall have all powers which the board has regarding the conduct of hearings, including, without limitation, the following:**

- (1) to hold hearings and issue notices;
- (2) to administer oaths and affirmations;
- (3) to subpoena and examine witnesses;
- (4) to subpoena documents and other physical evidence;

(5) to hold conferences, including prehearing conferences, before or during the hearing and to direct parties to appear at such conferences to consider:

(A) all dilatory pleas and all motions and exceptions relating to a case pending;

(B) the simplification of the issues;

(C) the necessity or desirability of amendments to the complaint or other pleadings;

(D) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(E) the limitation of the number of expert witnesses or other witnesses;

(F) such other matters as may aid in the disposition of the action;

(6) to regulate the course and conduct of the hearing, including, without limitation, setting the time and place of the hearing and/or continued hearings; fixing the time for filing of briefs and other documents; ruling upon offers of proof; receiving relevant evidence; excluding evidence which is irrelevant, immaterial, repetitious, or cumulative; regulating the manner of examination to prevent needless and unreasonable harassment, intimidation, or embarrassment of any witness or party at a hearing; removing disruptive individuals; and ruling on motions;

(7) to submit in writing any report or recommended decision together with proposed findings of fact, conclusions of law, and a recommended order to the board for its consideration and final disposition;

(8) to dispose of any other matter that arises in the course of a hearing and to take any action authorized by these rules, the Medical Practice Act, the Administrative Procedure and Texas Register Act, or any other law as may now or hereafter be in effect.

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 September 10, 1984.

TRD-849327 G. V. Brindley, M.D.
Executive Director
Texas State Board of Medical
Examiners

Earliest possible date of adoption:
October 19, 1984

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



TITLE 28. INSURANCE Part I. State Board of Insurance

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

bers. However, the rules will be published under the agency's correct title and part.)

Texas Title Insurance Act Texas Title Insurance Statistical Plan

059.09.07.003

The State Board of Insurance proposes an amendment to Rule 059.09.07.003, concerning the adoption by reference of the Texas title insurance statistical plan. The proposed amendment to the plan will provide for revised statistical coding to facilitate collection of data relative to current Texas title insurance rate rules.

Gaylon Daniel, statistical and rate development staff actuary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Mr. Daniel has determined that there will be no additional costs to small businesses on a cost-per-hour-of-labor basis.

Mr. Daniel 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 the collection of data relative to current Texas title insurance rate rules. Such information will assist the State Board of Insurance in the setting of accurate and appropriate rates for title insurance in the state of Texas. 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 Gaylon Daniel, Staff Actuary, Statistical and Rate Development, 1110 San Jacinto Street, Austin, Texas 78786.

The amendment is proposed under the Texas Title Insurance Act, Article 9.21, which gives the State Board of Insurance power to promulgate and enforce rules, prescribe underwriting standards and practices, and promulgate and enforce all other rules which in the discretion of the board are deemed necessary to accomplish the purposes of the Texas Title Insurance Act.

.003. Texas Title Insurance Statistical Plan. The State Board of Insurance adopts by reference the rules contained in the Texas Title Insurance Statistical Plan as amended in October 1984 [December 1980]. This document is published and available from the State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

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 September 10, 1984.

TRD-849274 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
October 19, 1984

For further information, please call (512) 475-2950.

General Provisions

Rules to Implement the Amusement Ride Safety Inspection and Insurance Act

059.21.53.001-.007

The State Board of Insurance proposes new 059.21.53.001-.007, concerning the implementation of the Amusement Ride Safety Inspection and Insurance Act, the Insurance Code, Article 21.53.

The rules were previously adopted on an emergency basis and became effective on May 15, 1984. An amendment to emergency Rule 059.21.53.004 was adopted and became effective on August 31, 1984.

Among other things, the rules specify or set forth their purpose and scope; an annual fee to be charged to amusement ride operators for each amusement ride operated in this state; requirements and procedures for the payment of fees under Article 21.53, §3; requirements and procedures for filing policies and inspection certificates with the board under Article 21.53, §4; a procedure respecting deletions and additions of amusement rides from policies; requirements for owners or operators of rides if a policy is or will be canceled; requirements for owners or operators of amusement rides; and requirements respecting certifications to each sponsor, lessor, landowner, or other person responsible for an amusement ride being operated that appropriate insurance coverage has been obtained.

Rule 059.21.53.005 provides procedures respecting contracts for amusement rides entered into after July 1 of a year. Rule 059.21.53.006 specifies a procedure for a sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for public use to verify to the board whether or not insurance as required by the Act is in effect. Rule 059.21.53.007 specifies a procedure to be followed by the State Board of Insurance respecting the inspection certificates and insurance coverage required by the Act and the rules. A form to be used in making filings to the board as required by Article 21.53, §4, is adopted in Rule 059.21.53.004(2)(E) by reference.

Charles Sobek, medical malpractice supervisor, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The anticipated effect on state government is a cost of approximately \$50,000 per year to the State Board of Insurance. There are no anticipated fiscal implications for local government. The anticipated cost of compliance for small businesses (owners and/or operators of amusement rides) is approximately \$20 per ride for each ride subject to the Act.

Mr. Sobek 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 the proper implementation of the Insurance Code, Article 21.53, so that amusement ride owners and insurers may comply with statutory law and reasonable regulatory requirements. The anticipated economic cost to individuals (owners and/or operators of amusement rides) who are required to

comply with the rules as proposed is approximately \$20 per ride for each ride subject to the Act.

Comments on the proposal may be submitted to Charles Sobek, Supervisor, Medical Malpractice, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The new rules are proposed under the Insurance Code, Article 21.53, which sets forth various requirements respecting amusement rides; Article 21.53, §3, which authorizes and requires the board to administer and enforce Article 21.53; the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, pursuant to which the board may enact procedural rules necessary or appropriate to carry out its statutory duties.

.001. Purpose and Scope. These rules aid in implementing the Amusement Ride Safety Inspection and Insurance Act (hereinafter referred to as the Act). They are in addition to, and not in lieu of, the provisions of the Act. The rules apply to any amusement ride as defined in the Act, §2(1); the owner or operator of those rides; and to any insurer, their agents, and representatives, including surplus lines agents and nonadmitted companies, as defined in the Insurance Code, Article 1.14-2; and an independently procured policy subject to the Insurance Code, Article 1.14-1, providing bodily injury liability insurance for amusement rides.

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

Amusement ride—Any mechanical device or devices that carry or convey passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement, but such term does not include:

(A) any single-passenger, coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; or

(B) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices.

Board—The State Board of Insurance.

.003. Administration and Enforcement. The board is required by the Act, §3, to administer and enforce the Act. Persons operating amusement rides must pay a fee of \$20 per year for each amusement ride subject to the Act. The fee payment shall accompany the insurance policy and Amusement Ride Safety Inspection Certificate (State Board of Insurance Form AR-100) required by the Act, §4, and Rule 059.21.53.004 of this title (relating to Amusement Ride Operation Requirements). The fees shall be paid by certified check or money order made payable to the State Board of Insurance. The applicant shall attach the certified check or money order to the inspection certificate (State Board of Insurance Form AR-100). The certified check or money order may be for the total

amount of fees for all rides or a separate check for each ride.

.004. Amusement Ride Operation Requirements. A person may not operate an amusement ride unless:

(1) he or she files with the board the insurance policy or photocopy of the insurance policy required by the Act, §4(2). The policy shall apply on a per occurrence basis to bodily injury. Combined single limit policies covering bodily injury and property damage or any other coverage combined with bodily injury will not be acceptable;

(A) the policy or photocopy must be complete, including all applicable coverage forms and endorsements. Certificates of insurance will not be acceptable for this purpose;

(B) the policy must contain a schedule listing by name and serial number each amusement ride insured by the policy. In the event of additions or deletions of amusement rides during the policy term, such changes shall be shown on a change endorsement, a copy of which must be submitted to the board. Additions will also require an inspection certificate (State Board of Insurance (SBI) Form AR-100) and a \$20 annual inspection fee for each amusement ride to be filed with the board prior to operating the added amusement ride. Deletions shall be filed no later than 10 days after the change,

(C) in the event of policy cancellation by either the insured owner/operator or the insurance company, the company shall furnish notice of such cancellation to the board as soon as possible, but not later than 10 days prior to cancellation,

(2) he or she also files an amusement ride safety inspection certificate (SBI Form AR-100), or photocopy of such certificate, certifying with respect to each amusement ride the matters required by the Act, §4(1). A separate inspection certificate for each amusement ride showing the name, serial number, and manufacturer of the ride is required;

(A) if an inspection reveals that an amusement ride does not meet the insurance company's standards for coverage, the inspection certificate shall specifically describe the safety hazard(s) and the necessary repair(s) or replacement(s) required for the amusement ride to meet the standards for coverage. It shall be the responsibility of the owner or operator of the amusement ride to make the necessary repairs or replacements before the amusement ride is offered for public use,

(E) before the amusement ride is operated, a supplemental amusement ride safety inspection certificate (SBI Form AR-100) shall be filed with the board after necessary repair(s) and/or replacement(s) have been made and inspected. An additional annual \$20 fee is not required for supplemental inspection certificates;

(C) the insurer or person with whom the insurer has contracted to make the inspection must be professionally qualified to perform the inspection;

(D) it shall be the responsibility of the amusement ride owner or operator to request an insurance policy and inspection in such time to permit the insurance company to complete the inspection and policy issuance prior to operating any amusement ride. It shall be the responsibility of the insurance company, if it chooses to provide coverage, to furnish the insured the policy inspec-

tion certificate required to be filed with the board in a timely fashion;

(E) SBI Form AR-100 is adopted herein by reference and may be obtained by contacting Amusement Ride Regulation, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786;

(3) he or she provides the certificate required by the Act, §4(4), and certifies that the insurance required by the Act will continue in effect for the period of time the amusement ride is being offered for use by the public;

(A) in the event of policy cancellation or expiration, the policy shall be promptly replaced or renewed without any lapse in coverage while the amusement ride is offered for use by the public. The sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public shall be notified of the coverage continuance;

(B) a certificate of insurance or a photocopy of the declaration page of the owner's/operator's amusement ride liability policy, showing an amount of insurance of not less than \$1 million per bodily injury occurrence and a policy term that includes the period of time during which the amusement ride will be offered for public use will be acceptable for the purpose of this paragraph.

.005. Filing Affidavit. In addition to the requirements of the Act, §5, the following requirements apply.

(1) In the event a contract for use of an amusement ride provides that the amusement ride will not be operated until after July 1 but prior to December 31 of any year, then timely filing of the insurance policy and inspection certificate shall be made with the board prior to the operation of the amusement ride. In no event may an amusement ride be operated before the inspection certificate and policy are filed with the board as required by Rule 059.21.53 .004 of this title (relating to Amusement Ride Operation Requirements)

(2) If the amusement ride is inspected more than once a year, a supplemental inspection certificate (SBI Form AR-100) must be filed with the board not later than 15 days after each subsequent inspection. An additional annual \$20 fee is not required for supplemental inspection certificates

.006. Board Information Request. The response required by the Act, §6, must be by written verification. For the purpose of verification, the written response shall include a copy of the declarations page of the policy insuring the amusement ride owner or operator. A certificate of insurance will also be acceptable for this purpose, provided the certificate of insurance complies with the requirements of these rules.

.007. Board Confirmation of Required Insurance and Safety Inspection Certificate, Rules Construction.

(a) If after the required insurance policy and safety inspection certificate, including certified check(s) or money order(s) for the total amount of annual fee, have been received by the board and found to be in compliance with the rules and regulations for the administration and enforcement of the Act, a copy of the amusement ride safety inspection certificate (State Board of Insurance (SBI) Form AR-100) will be stamped "received" and returned to the insured owner or operator as evidence of

compliance with filing requirements. The returned inspection certificate must be kept on the premises at which the amusement ride is offered for public use and made available to any person granted authority under the Act to investigate compliance with the Act.

(b) If the required insurance policy, safety inspection certificate, and/or annual fee are found not to be in compliance with the Act, these rules, or other applicable law, a compliance request form will be sent to the insured owner or operator indicating the necessary action(s) for compliance. After the necessary actions have been made by the owner or operator to the satisfaction of the board, a copy of the amusement ride safety inspection certificate (SBI Form AR-100) stamped "received" will be mailed to the insured owner or operator.

(c) Nothing in these rules may be construed to authorize the operation of an amusement ride until all applicable requirements of law are met.

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 September 12, 1984.

TRD-849316 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
October 19, 1984

For further information, please call (512) 475-2950.

Health Maintenance Organizations Financial Requirements

059.51.09.001, .002

The State Board of Insurance proposes amendments to Rules 059.51.09.001 and .002, concerning certain financial requirements for health maintenance organizations.

Rule 059.51.09.001(a) is amended to require unencumbered assets in excess of all liabilities equal to or greater than \$200,000. The board believes this amount is more appropriate than the present rule because it will cause applicants to be financially stronger when first starting operations. Subsection (b) specifies the types of permissible deposits for a prospective health maintenance organization before it is licensed. Subsection (c) is added to specify the minimum surplus requirements for a health maintenance organization or applicant. Subsection (d) is deleted as not being consistent with current statutory law.

Rule 059.51.09.002 is amended to delete current language respecting the establishment of a reserve liability and replaced with rules respecting the cash or securities which may be deposited with the state treasurer under the Texas Health Maintenance Organization Act, §13(a).

These amendments make the rules consistent with the Act, §13, as amended in 1981, and provide a uniform procedure respecting deposits under that section.

Bill Beversdorff, insurance examiner IV, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules. The anticipated cost of compliance with the rules for small businesses is the cost to health maintenance organizations which meet the definition of a small business. The cost will result from the financial requirements to a prospective health maintenance organization before it is licensed. This amounts to unencumbered assets in excess of liabilities equal to or greater than \$200,000. Other changes in the rules basically track statutory law or are clerical and considered minimal. There is no expected difference in cost between large and small businesses on a cost-per-hour-of-labor basis.

Mr. Beversdorff 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 rules which more properly track statutory language, a strengthening of financial requirements for a prospective health maintenance organization, and a uniform procedure respecting the deposit requirements under the Act, §13.

The anticipated economic cost to individuals who are required to comply with the rules as proposed will result from the financial requirements for a prospective health maintenance organization before it is licensed. This amounts to unencumbered assets in excess of liabilities equal to or greater than \$200,000. Other changes in the rules basically track statutory law or are clerical and considered minimal.

Comments on the proposal may be submitted to Bill Beversdorff, Insurance Examiner IV, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendments are proposed under the Act, §5(b)(2)(C), pursuant to which the commissioner must be satisfied that the prospective health maintenance organization may reasonably be expected to meet its obligations to enrollees, the Act, §13, which sets forth certain requirements respecting the financial soundness of health maintenance organizations, and the Act, §22, pursuant to which the State Board of Insurance may, after notice and hearing, promulgate such reasonable rules as are necessary and proper to carry out the provisions of the Act.

.001 [Initial] Capitalization

(a) At the time of the [initial] qualifying examination [and of the hearing], an applicant for a certificate of authority to operate an HMO must have [capital and surplus] assets in excess of ~~all of its~~ liabilities equal to or [the] greater ~~than \$200,000~~ [of \$100,000 and the amount projected for operating expenses for the first three months of operation].

(b) The types of assets acceptable for an applicant to possess at the time of the qualifying examination are [This capital and surplus may be held in the form of] cash, demand or time deposits which qualify for coverage under the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, obligations of the United States government, and obligations of the

State of Texas [or any of the permissible investments or loans listed in Rule 059.51.09.003 of this title (relating to Investments, Loans, and Assets)].

(c) After the qualifying examination, the applicant must maintain unencumbered assets equal to or greater than \$200,000 in excess of all of its liabilities, until it receives its certificate of authority, and thereafter, the HMO must meet the minimum capital and surplus requirements of the Insurance Code, Article 20A.13(g), by maintaining acceptable unencumbered assets in excess of its uncovered liabilities equal to or greater than \$200,000. A liability may not be considered as a covered liability until the applicant receives its certificate of authority and becomes a certified HMO. [After receiving a certificate of authority, the HMO is authorized to use the capital and surplus as working capital.

(d) The initial capitalization requirements may be waived or reduced by the commissioner upon demonstration by the HMO of an alternative means of assuring solvency].

.002. Deposit Requirements. [Reserve Liability.]

(a) The reserve liability previously required by these rules is replaced with the deposit or bond required by the Insurance Code, Article 20A.13. [Each HMO must establish a reserve liability to provide funds in case of catastrophe, epidemic, or an unexpected and uncontrollable rise in operating costs.]

(b) The deposit must be either in cash or certificates of deposit. Certificates of deposit must be issued by a Texas bank or savings and loan company and made payable to the HMO. [The HMO must immediately reserve 2.0% of every premium received whenever the reserve liability stands below the lesser of three times the monthly aggregate premium and \$500,000.]

(c) Arrangements for the initial deposit or surety bond must be documented during the public hearing prior to the issuance of a certificate of authority. [In the annual report, the reserve must be treated as a liability.]

(1) The original bond or deposit must be available for inspection at the hearing, and a copy must be presented as an exhibit.

(2) Upon receiving notification of the commissioner's approval of the application for a certificate of authority to operate an HMO, before the certificate of authority will be delivered, the bond or the deposit and two originals of the required declaration of trust and four originals of the deposit report forms must be delivered to the HMO coordinator for transmittal to the bond custodian.

(d) Annually, each HMO must add the amount specified in Article 20A.13 to the deposit or bond. For the purpose of calculating this amount, "collected premium" shall include all premiums actually received by the HMO during the previous calendar year, regardless of the period covered by such premiums. [The reserve liability does not have to be held in a separate account and does not have to be funded with allocated assets. It may be loaned or invested as set forth in Rule 059.51.09.003 of this title (relating to Investments, Loans, and Assets).]

(e) If an HMO wishes to request a waiver of all or part of the requirements of the Insurance Code, Article 20A.13(a)-(c), as permitted by Article 20A.13(d), it must present the request to the commissioner no less than 60

days prior to the deposit due date. Such request must provide adequate information to justify the request, including at least the following: [The HMO must notify the commissioner prior to any reduction of the reserve liability.]

(1) a detailed breakdown of all projected expenses for the next calendar year;

(2) specific information as to how each expense is covered; and

(3) the conditions which justify the proposed waiver. Before any expenses will be considered covered, the contract under which they are covered must include a provision for notification of the commissioner no less than 30 days prior to effectuation of any amendment to such contract.

(f) An HMO for which additional deposits have been waived may request the return of all or part of the amount previously deposited or the reduction of the amount of the bond. Such request must include adequate documentation to justify the request. [The reserve liability requirement may be waived by the commissioner if the HMO satisfactorily demonstrates that such contingencies otherwise can be met.]

(g) Whenever conditions upon which a waiver was granted change such that the HMO is no longer able to qualify for the waiver, the HMO must submit a deposit or bond adequate to comply with the requirements of the Insurance Code, Article 20A.13. Failure to present such bond or deposit within 30 days of the date of the commissioner's order withdrawing approval of the waiver of the deposit will be considered grounds for suspension or revocation of the HMO's certificate of authority.

(h) All income from the deposit belongs to the HMO.

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 September 12, 1984.

TRD-849317 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption.
October 19, 1984

For further information, please call (512) 475-2960.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter O. State Sales and Use Tax
34 TAC §3.285**

The Comptroller of Public Accounts proposes amendments to §3.285, concerning sales for resale and resale certificates. The amendments create a presumption that all receipts are subject to tax unless a resale certificate is accepted by the seller. The seller

has 60 days from the date of written notice by the comptroller in which to obtain any certificates not on file. Any certificates obtained after the 60-day limit will not be accepted. Those certificates presented before the expiration of the 60-day period will be subject to independent verification before the deductions will be allowed. The provisions of the 60-day limit are effective for audits beginning on or after October 2, 1984. The amendments conform this section with legislative changes made to the Sales Tax Act effective October 2, 1984.

Billy Hamilton, revenue estimating 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 as a result of enforcing or administering the rule. This rule is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton 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 new information regarding tax responsibilities under changes made by the legislature. 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 D. Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

The amendments are proposed under the Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.285. Sales for Resale; Resale Certificate.

(a) (No change.)

(b) **Acceptance of resale certificate** [Burden of proof].

(1) It is presumed that gross receipts of a seller are subject to sales or use tax unless a resale or exemption certificate is accepted by the seller [until the contrary is established]. See also §3.287 of this title (relating to Exemption Certificates).

(2) A sale is exempt if the resale certificate [The burden of proving that a sale of an item is not taxable is upon the seller unless the purchaser issues the seller a resale certificate. A resale certificate relieves a seller from the burden of proof only if it] is accepted in good faith and the seller lacks actual knowledge that the sale is not a sale for resale.

(3) A resale certificate may be signed by a purchaser who, at the time of purchasing the taxable item, intends to sell, lease, or rent it as defined in subsection (a) of this section, but who does not know at the time of purchase whether the taxable item [property] will be resold, leased, rented, or used for some other purpose.

(4) **The seller should obtain the properly executed resale certificate at the time the sale occurs. If the certificates are not obtained at the time of the sale, the seller has 60 days from the date written notice is given by the comptroller to the seller in which to obtain them. Any certificates presented during the 60-day period will be subject to independent verification before any deductions will be allowed. Certificates presented after the 60-day limit**

will not be accepted, and the deduction will not be granted. See §3.282 of this title (relating to Auditing Taxpayer Records) and §3.286 of this title (relating to Seller's Responsibilities).

(c) **Blanket resale certificate.** A blanket resale certificate describing the general nature of the taxable items [property] purchased for resale may be issued to a seller by a purchaser who purchases only items for resale. The seller may rely on the blanket certificate until it is revoked in writing.

(d) **Retailers outside Texas.**

(1) (No change.)

(2) The resale certificate must show the signature and address of the purchaser, the state to which the taxable item [property] is taken for resale, the sales tax permit number, if any, or the registration number assigned to the purchaser by the purchaser's home state. An invoice describing the taxable item [property] purchased and showing the exact street address or office address from which the taxable item [property] will be resold must be attached to the resale certificate.

(e) **Improper use of items purchased for resale.**

(1) When a taxable [an] item purchased under a resale certificate is used for any purpose other than retention, demonstration, or display, the purchaser is liable for sales tax based on the fair market rental value of the item for the period of time used. The fair market rental value is the amount that a purchaser would pay on the open market to rent the item for use. If the item has no fair market rental value, the sales tax is due based upon the purchase price.

(2)-(3) (No change.)

(f) (No change.)

(g) **Content of a resale certificate.** A resale certificate must show:

(1) (No change.)

(2) The number from the sales tax permit held by the purchaser or a statement that an application for a permit is pending before the comptroller with the date the application for a permit was made. If the application is pending, the resale certificate is valid for only 60 days, after which time the resale certificate must be renewed to show the permanent permit number. **If the purchaser holds a Texas sales tax permit, the number must consist of 11 digits;**

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

(h) (No change.)

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

Issued in Austin, Texas, on September 10, 1984.

TRD-849323

Bob Bullock

Comptroller of Public Accounts

Earliest possible date of adoption.

October 19, 1984

For further information, please call (512) 475-1931.



Subchapter O. State Sales and Use Tax
34 TAC §3.287

The Comptroller of Public Accounts proposes amendments to §3.287, concerning exemption certificates. The amendments create a presumption that all receipts are subject to tax unless an exemption certificate is accepted by the seller. The seller has 60 days from the date of the written notice from the comptroller in which to obtain any certificates not on file. Any certificates obtained after the 60-day limit will not be accepted. Those certificates presented before the expiration of the 60-day period will be subject to independent verification before the deductions will be allowed. The provisions of the 60-day limit are effective for audits beginning on or after October 2, 1984. The purpose of the amendments is to conform the section to the legislative changes made in the Sales Tax Act effective October 2, 1984.

Billy Hamilton, revenue estimating 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 as a result of enforcing or administering the rule. This rule is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that new information will be available to the public regarding its tax responsibilities under changes made by the legislature. 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 D. Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

The amendments are proposed under the Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.287. *Exemption Certificates.*

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

(c) **Acceptance of exemption certificate [Burden of proof].**

(1) It will be presumed that the gross receipts of a retailer are subject to sales tax **unless an exemption certificate is accepted by the seller** [until the contrary is established].

(2) [The burden of proving that a sale is exempt from tax is upon the seller unless the purchaser issues the seller an exemption certificate

(3) A seller is relieved from this burden of proof **only** **A sale is exempt** if the exemption certificate is accepted in good faith and the seller lacks actual knowledge that the claimed exemption is invalid.

(3)[(4)] A person who issues an exemption certificate when purchasing a taxable item who knows at the time of purchase the item will be used in a manner other than that expressed in the certificate is guilty of a mis-

demeanor and upon conviction shall be fined not more than \$500 for each conviction.

(4) **The seller should obtain the properly executed exemption certificate at the time the transaction occurs. If the certificates are not obtained at the transaction date, the seller has 60 days from the date written notice is given by the comptroller to the seller in which to obtain them. Any certificates presented during the 60-day period will be subject to independent verification before any deductions will be allowed. Certificates presented after the 60-day limit will not be allowed, and the deduction will not be granted.**

(5) **The exemption certificate will be valid if the seller received it in good faith from a purchaser and if the certificate states the qualifications for an exemption.**

(6) **The Texas proof of export form may substitute for an exemption certificate when the item is delivered to a customs broker or forwarding agent for shipment outside this country.**

(d)-(f) (No change.)

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

Issued in Austin, Texas, on September 10, 1984.

TRD-849324

Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
October 19, 1984

For further information, please call (512) 475-1931.

34 TAC §3.295

The Comptroller of Public Accounts proposes amendments to §3.295, concerning natural gas and electricity. The amendments are necessary to clarify the comptroller's position on establishing predominant use of natural gas and electricity and to state the comptroller's position on utilities used to transport materials extracted from the earth

The first change will require the predominant use of the utility to be established on 12 months of use. A business' utilities would be totally exempt or totally taxable yearly. Partial exemptions will no longer be allowed for persons who process items year round. Predominant use still will be allowed to be established for seasonal businesses

The second addition to the section is a statement as to when utilities used to transport materials and products manufactured from materials extracted from the earth are taxable or exempt from tax.

Billy Hamilton, revenue estimating director, has determined that for the first six years the amendments will be in effect there will be a revenue loss to the state of \$821,000 in 1984, \$8,009,000 in 1985, \$8,313,000 in 1986, \$8,654,000 in 1987, \$9,009,000 in 1988, and \$9,378,000 in 1989. The revenue loss to cities is \$170,000 in 1984, \$1,608,000 in 1985, \$1,669,000 in 1986, \$1,737,000 in 1987,

\$1,808,000 in 1988, and \$1,882,000 in 1989. The revenue loss to metropolitan transit authorities (MTAs) is \$71,000 in 1984, \$676,000 in 1985, \$701,000 in 1986, \$730,000 in 1987, \$760,000 in 1988, and \$791,000 in 1989. The administrative fee loss to the state is \$5,000 in 1984, \$42,000 in 1985, \$44,000 in 1986, \$45,000 in 1987, \$47,000 in 1988, and \$49,000 in 1989. This section is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required. Mr. Hamilton has also determined that for each year of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing the rule as proposed is that some commercial establishments, such as restaurants, would benefit from this change. There is no additional cost for individuals required to comply with the rule as proposed.

Comments on the proposal may be submitted to D Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

The amendments are proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.295 *Natural Gas and Electricity.*

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

(1) (No change.)

(2) **Fabrication**—An operation or series of operations, the object of which is to substantially improve tangible personal property or to make the tangible personal property operate in a new or different manner.

(3)(2) **Manufacturing**—[Includes] Every operation commencing with the first production stage [of any article of tangible personal property] and ending with the completion of **production** [tangible personal property having the physical properties (including packaging, if any) which it has when transferred by the manufacturer to another]. The “**first production stage**” means the first act of production, and it does not include acts in preparation for production. For example, a manufacturer gathering or arranging raw material or inventory is preparing for production. For the purposes of this section, direct use of natural gas or electricity in manufacturing will [hereafter] be referred to as noncommercial use.

(4)(3) Other noncommercial uses—include:

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

(5)(4) **Processing**—Includes an operation or a series of operations, the object of which is to create, produce, modify, or to change the characteristics of an article of tangible personal property. [Performing an operation in which a physical or chemical change in tangible personal property is brought about.] The repair of tangible personal property by restoring it to its original condition is not considered processing of that property. The property being processed may belong either to the processor or the [to his] customer, the only tests being whether the property is processed and whether it will ultimately be sold. The mere packing, unpacking, or shelving of a product to be sold will not be considered processing of that product. Direct use of natural gas or

electricity in processing will [hereafter] be referred to as noncommercial use.

(6)(5) **Residential use**—Use in a family dwelling or in a multifamily apartment complex or housing complex or in a building or portion of a building [thereof] occupied as a home or residence.

(b) **Sales tax applicable.** [For the purpose of this section,] The furnishing of natural gas or electricity is a sale [shall be considered to be the furnishing] of tangible personal property. All the provisions in the Texas Tax Code, Chapter 151, applying to the sale of tangible personal property, [shall] apply to the sale of natural gas or electricity.

(c) **Commercial uses taxable; noncommercial uses exempt.** The tax imposed by the Texas Tax Code, Chapter 151, must [shall] be collected on the sale of natural gas or electricity for commercial use. The sale of natural gas or electricity for residential use or for use directly in manufacturing, processing, or for other noncommercial uses is exempt.

(d) **Predominant use; exemption certificates.**

(1) Natural gas or electricity used during a regular monthly billing period for both exempt and taxable [nonexempt] purposes under a single meter is [shall be] totally exempt or taxable [nonexempt for the billing period] based upon the predominant use of the [such] natural gas or electricity measured by that meter. **A person who performs a processing or manufacturing function continually must establish predominant use on 12 consecutive months of use.**

(2) **If, in the regular course of business, a person performs a processing or manufacturing function part of the year and a nonprocessing or nonmanufacturing function for the remainder of the year, the predominant use may be established for that period of time the processing or manufacturing function occurs based on the predominant use during that period.**

(3) The person claiming the exemption must make a determination that the predominant use of the natural gas or electricity is for an exempt use and must issue an exemption certificate to the utility company. See §3.287 of this title (relating to Exemption Certificates) for further information on exemption certificates. The exemption is valid only as long as the person continues to operate in a manner which is for predominantly exempt purposes. **At the time the uses of the utilities change so that the predominant use is commercial, it is the person's responsibility to immediately revoke the exemption certificate previously furnished the utility company.**

(4) **When determining the predominant use of natural gas or electricity, utilities used to operate production machinery and machinery or equipment which directly supports production may be considered to be exempt. Utilities used in an area open to the public for the purpose of marketing a product ready for sale are taxable. Utilities used to operate air conditioning for human comfort are taxable.**

(5)(2) Persons whose use of natural gas or electricity is solely in family dwellings will not be required to furnish exemption certificates.

(6)(3) **A person** [Persons] whose use is in multifamily apartment complexes, housing complexes, or other residential buildings may be required to issue an exemption certificate [certificates] if one is necessary for

the utility company to distinguish exempt residential use from **taxable** [nonexempt] commercial use.

(7)[(4)] **Manufacturers, processors, and other noncommercial users must** [will be required to] issue exemption certificates to [establish their exemption] **the utility company to claim sales tax exemptions.**

[(e) **Effect of billing periods.** The tax imposed by the Texas Tax Code, Chapter 151, will apply to sales of natural gas or electricity for residential use made during a customer's regular monthly billing period which begins before the October 1, 1978, effective date of the exemption. The tax shall not apply to regular monthly billing periods beginning on or after the effective date of the exemption.]

(e) Transportation of a material extracted from the earth.

(1) Sales or use tax is not due on natural gas or electricity used to transport a material or its components extracted from the earth. Examples of materials or components extracted from the earth would be oil, natural gas, coal, or coal slurry.

(2) Sales or use tax is due on natural gas or electricity used to transport a product which was manufactured from a material extracted from the earth. These products include substances which do not exist in nature or are not components of crude oil, natural gas, coal, or other minerals extracted from the earth.

(3) A material will not be considered to be manufactured when an additive is combined with a material for ancillary reasons, for example, odorant added to natural gas.

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 September 10, 1984

TRD-849325 Bob Bullock
 Comptroller of Public Accounts

Earliest possible date of adoption
October 19, 1984

For further information, please call (512) 475-1931.

34 TAC §3.302

The Comptroller of Public Accounts proposes an amendment to §3.302, concerning accounting methods, credit sales, bad debts deductions, repossessions, and interest on sales tax. The amendment is necessary since the legislature changed the taxability of financing leases, as fully described in §3.294 of this title, concerning rentals and leases of taxable

items. Section 3.302, as amended, refers taxpayers to §3.294 for information concerning the taxability of rentals and leases.

Billy Hamilton, revenue estimating 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 as a result of enforcing or administering the rule. This rule is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that taxpayers will be better informed as to which sales tax rule relates to the accounting of rentals and leases. The proposed amendment by itself imposes no additional economic burden upon the public. 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 D. Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.302. *Accounting Methods, Credit Sales, Bad Debt Deductions, Repossessions, and Interest on Sales Tax.*

(a) **Accounting methods.**

(1) For sales and use tax purposes, retailers may use a cash basis, an accrual basis, or any generally recognized accounting basis which correctly reflects the operation of their business. Retailers who wish to use an accounting system to report tax which is not on a pure cash or accrual basis or that is not a commonly recognized accounting system should obtain prior written approval from the comptroller

(2) Rentals and leases are not covered by this section. See §3.294 of this title (relating to Rentals and Leases of Taxable Items) for the accounting of rentals and leases.

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

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

Issued in Austin, Texas, on September 10, 1984.

TRD-849326 Bob Bullock
 Comptroller of Public Accounts

Earliest possible date of adoption:
October 19, 1984

For further information, please call (512) 475-1931.

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

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

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

Adopted Rules

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 75. Curriculum Subchapter D. Essential Elements, Grades 9-12 Other Courses 19 TAC §75.123, §75.124

The Texas Education Agency adopts new §75.123 and §75.124, with changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4063). Unit designations have been added for Reserve Officer Training Corps (ROTC) (1-4 units) and Computer Science I and II (one unit each). In §75.124(b)(3)(A), a comma has been added between "arrays" and "strings."

The new sections designate essential elements which must be covered in all Computer Science I and II courses and permits ROTC to be counted for state graduation credit.

ROTC is now recognized as an elective course for state graduation credit. There are no prescribed essential elements since each branch of the armed services provides the course objectives and instructors. Computer Science I and II are added as approved courses. Essential elements for these courses are included based upon college board recommendations which have been reviewed by leading computer science educators at the university level.

No comments were received regarding adoption of these new sections.

These new sections are adopted under the Texas Education Code, §21.101, which directs the State Board of Education to designate essential elements for the

subjects listed in subsection (a) of that section and permits the board to provide for additional subjects in addition to those listed in subsection (a).

§75.123. *ROTC*. Reserve Officer Training Corps (ROTC—one-four units) may be offered as an elective approved for state graduation credit.

§75.124. *Computer Science*.

(a) Computer Science I (one unit). Computer Science I shall include the following essential elements.

(1) Beginning concepts associated with programming methodology. The student shall be provided opportunities to:

(A) develop functional specifications for specific programming problems;

(B) use current program design methodology such as modularization, top-down design, and stepwise refinement to develop program solutions for a given problem specification;

(C) develop structured program coding with good style and clarity of expression;

(D) demonstrate skill in testing for program correctness, using effective coding, design, and test data;

(E) develop effective debugging strategies; and

(F) develop adequate internal and external documentation.

(2) Beginning concepts and skills associated with programming languages. The student shall be provided opportunities to:

(A) code with a block-structured language using both local and global identifiers correctly;

(B) develop coding with correct and efficient use of data as represented by constants and variables;

(C) develop coding with correct and efficient use of expressions and assignment statements, including the use of standard functions, operators, and proper operator precedence;

(D) develop coding with correct use of sequential, conditional, and repetitive execution control structures;

(E) demonstrate effective use of predefined input and output procedures for a language;

(F) develop coding with effective use of procedures and functions, identifying actual and formal parameters and using proper value and reference parameters; and

(G) annotate coding properly with comments, indentation, and formatting.

(3) Beginning concepts and skills associated with data types and structures. The student shall be provided opportunities to:

(A) develop coding using the primitive data types for numeric data, character data, and Boolean data; and

(B) develop coding using the linear data structures: arrays and strings.

(4) Beginning concepts and skills associated with algorithms. The student shall be provided opportunities to:

(A) solve programming problems using sequential and iterative algorithms; and

(B) design and code sequential (linear) search algorithms to be used in solving problems for information storage and retrieval.

(5) Beginning concepts associated with the applications of computing. The student shall be provided opportunities to:

(A) code and study examples of coding for text processing;

(B) code or study examples of coding for simulation and modeling;

(C) code and study examples of coding for data analysis;

(D) code and study examples of coding for data management;

(E) code or study examples of coding for system software and graphics; and

(F) code or study examples of coding for games.

(6) Beginning concepts associated with computer systems. The student shall be provided opportunities to:

(A) identify major hardware components such as processors, peripherals, and memory; and

(B) identify and use system software such as language processors, operating systems, and graphical output facilities.

(7) Beginning concepts associated with the social implications of computers. The student shall be provided opportunities to:

(A) discuss the responsible use of computer systems; and

(B) discuss the social ramifications of computer applications related to privacy, values, and reliability of systems.

(b) Computer Science II (one unit). Computer Science II shall include the following essential elements.

(1) Concepts associated with programming methodology. The student shall be provided opportunities to:

(A) develop larger programs with increased emphasis on design, style, clarity of expression, and

documentation as they relate to ease of maintenance, program expansion, reliability, and validity;

(B) develop further skill in testing programs, including methodologies for program verification; and

(C) perform analysis of design methodologies such as top-down design versus bottom-up.

(2) Concepts and skills associated with programming languages. The student shall be provided opportunities to:

(A) develop coding flexibility with file input and output;

(B) compare various programming languages and analyze their appropriateness for a variety of applications; and

(C) develop coding skills with recursive procedures and algorithms.

(3) Concepts and skills associated with data types and structures. The student shall be provided opportunities to:

(A) develop coding using the linear data structures: arrays, strings, linked lists, stacks, and queues;

(B) develop coding using binary tree structures and effectively use current terminology related to tree data structures; and

(C) develop skills in representing data structures sequentially, with pointers, and with linked data structures.

(4) Concepts and skills associated with algorithms. The student shall be provided opportunities to:

(A) design and code programming solutions requiring the use of binary search, hash-coded search, and the search of an ordered binary tree;

(B) analyze the benefits and applicability of the various search algorithms with respect to search time;

(C) design and code programming algorithms using bubble sort, merge sort, sorting using an ordered binary tree, and quicksort; and

(D) develop skills in the manipulation of data structures, including string processing, insertion and deletion in linear structures and trees, and tree traversals.

(5) Concepts associated with numerical algorithms. The student shall be provided further opportunities to:

(A) code or study code for programming solutions by approximation;

(B) code or study code for programming solutions using statistical algorithms; and

(C) discuss the importance of the numerical accuracy of computers in designing algorithms.

(6) Concepts associated with the applications of computing. The student shall be provided further opportunities to:

(A) code programming solutions for text processing;

(B) code programming solutions for simulation and modeling;

(C) code programming solutions for data analysis;

(D) code programming solutions for data management;

(E) code programming solutions for system software and graphics; and

(F) code programming solutions for games.

(7) Concepts associated with computer systems. The student shall be provided opportunities to:

(A) use and be able to explain the function of interpreters and compilers which make it possible for them to execute the programs they write; and

(B) analyze the trade-offs made in microprocessor-based personal computers and in larger multiuser systems among factors such as cost, storage capacity, execution speed, remote access, and the ability to share files.

(8) Concepts associated with the social implications of computers. The student shall be provided opportunities to:

(A) discuss the responsible use of computer systems; and

(B) discuss the social ramifications of computer applications related to privacy, values, and reliability of systems.

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 September 10, 1984.

TRD-849254 Raymon L. Bynum
Commissioner of Education

Effective date: October 1, 1984

Proposal publication date: July 27, 1984

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

Chapter 77. Comprehensive Instruction

Subchapter R. Bilingual Education and Other Special Language Programs

19 TAC §77.356

The Texas Education Agency adopts amendments to §77.356, with changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4065). In subsection (b), the second sentence should read: "Districts shall use one or more of the tests approved by the State Board of Education." There are no other changes in the text.

This section concerns the testing and classification of students for bilingual education and other special language programs. The amendments delete the list of tests to be used for classification of limited English-speaking students from the section and provide instead that a list of tests to be used for such classification shall be approved by the State Board of Education. This will simplify the process of keeping the list updated.

Under the amended section, districts shall administer an English oral language proficiency test to each student in grades kindergarten through 12 who has a language other than English as identified on the home language survey. Districts shall select one or more of the tests approved by the State Board of Education. In districts required to offer a bilingual program, the Spanish section of the oral language proficiency tests selected by a district shall also be administered in kindergarten through the elementary grades to students

whose home language is Spanish. The grade levels and the scores on each test which shall identify a student as limited English proficient shall be established by the State Board of Education. The commissioner of education shall review the approved list of tests, grade levels, and scores at least annually and shall recommend changes to the board.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §21.453, which directs the State Board of Education by rule to adopt standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into or exit from bilingual education.

§77.356. *Testing and Classification of Students.*

(a) Districts shall administer an English oral language proficiency test to each student in grades kindergarten through 12 who has a language other than English as identified on the home language survey. Districts shall select one or more of the tests approved by the State Board of Education. In districts required to offer a bilingual program, the Spanish section of the oral language proficiency tests selected by a district shall also be administered in kindergarten through the elementary grades to students whose home language is Spanish. An English-speaking professional or paraprofessional trained in language proficiency testing shall administer the English portion of the test. A Spanish-speaking professional or paraprofessional trained in language proficiency testing shall administer the Spanish portion of the test. For languages other than Spanish, informal oral assessment measures in the home language shall be used. The grade levels and the scores on each test which shall identify a student as limited English proficient shall be established by the State Board of Education. The commissioner of education shall review the approved list of tests, grade levels, and scores at least annually and shall recommend changes to the board.

(b) Districts shall administer the English reading and English language arts section of a standardized achievement test to each student in grades two through 12 who has a home language other than English as identified on the home language survey. Districts shall use one or more of the tests approved by the State Board of Education. The list of tests shall be reviewed at least annually by the commissioner of education and any needed changes shall be recommended to the board.

(c)-(g) (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 September 10, 1984.

TRD-849255 Raymon L. Bynum
Commissioner of Education

Effective date: October 1, 1984

Proposal publication date: July 27, 1984

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



Chapter 89. Adaptations for Special Populations
Subchapter G. Special Education
Clarification of Provisions in Federal Regulations and State Law

19 TAC §89.227

The Texas Education Agency adopts amendments to §89.227, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4066).

The amendments concern contracting for educational placements for handicapped students. In the past the agency has required prior agency approval for all day, as well as residential, contract placements for handicapped students. This requirement generated considerable paperwork and has been found to be unnecessary. The amendments require prior approval only for residential placements. The institutions used for day placements must be approved by the Central Education Agency, but the individual placements no longer require such approval. All residential contract placements require prior approval by the Central Education Agency. Institutions for both residential and day placements must be approved by the Central Education Agency.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program, and §16.151, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which provides for special education as part of the Foundation School Program.

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

Issued in Austin, Texas, on September 10, 1984.

TRD-849256 Raymon L. Bynum
 Commissioner of Education

Effective date: October 1, 1984
Proposal publication date: July 27, 1984
For further information, please call (512) 475-7077.

Funding

19 TAC §89.250

The Texas Education Agency adopts amendments to §89.250, with changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4065).

In clause (a)(1)(B)(iii), the Texas Education Code reference has been corrected to read §16.056(c). A new subparagraph (a)(1)(E) has been added. Minor editorial changes are also made in paragraph (a)(3) and in subsection (f).

This section concerns special education funding. The section sets out funding formulas for special education programs for the 1984-1985 school year only. Funding provisions set out in House Bill 72, 68th Legislature, Second Called Session, 1984, will be applicable beginning with the 1985-1986 school year. The formula for 1984-1985 is modified personnel unit allocation system similar to that used for the 1983-1984 school year.

For the 1984-1985 school year, a modified personnel unit allocation system shall be used for special education funding, based on the formulas in the Texas Education Code, §16.104, as they were effective for the 1983-1984 school year. Funds for districts in cooperatives will be flowed to the individual districts, which will provide funds to the fiscal agent for operation of the cooperative. All allocations will be subject to the availability of funds.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §16.151, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which directs the State Board of Education to adopt by rule a funding formula for the special education program for the 1984-1985 school year.

§89.250. Special Education Funding.

(a) For the 1984-1985 school year, a modified personnel unit allocation system shall be used for special education funding, based on the formulas in the Texas Education Code, §16.104, as they were effective for the 1983-1984 school year. The formulas shall be based on the preceding year's refined average daily attendance (ADA). All allocations shall be subject to the availability of funds.

(1) The amount of special education funding which will be allocated to each district shall be determined as follows.

(A) The Central Education Agency shall determine the special education personnel unit allocation for each special education program (using the 1983-1984 formula) for the 1984-1985 school year.

(B) Although personnel employed must be paid according to each district's minimum salary schedule, the special education allocation shall be based on the following:

(i) teacher aides—same state minimum salary schedule as 1983-1984;

(ii) teachers—minimum salary as described in the Texas Education Code, §16.056(c), for 1984-1985;

(iii) professional support and related services personnel—minimum salary as described in the Texas Education Code, §16.056(c), for 1984-1985.

(C) The 10% limitation on extending contracts for personnel units (excluding the special education director and the cooperative aide) shall remain in effect only for purposes of the calculations in this subsection.

(D) The basic support allocation and supplemental unit allocation shall be determined in accordance with the provisions of the Texas Education Code, §16.104, as they were in effect for the 1983-1984 school year, and the rules in this subchapter.

(E) In accordance with §78.69(j) of this title (relating to Vocational Program Unit Funding), districts shall utilize a portion of their special education funds, authorized by this section, as may be determined by the local district, to pay a portion of vocational education for the handicapped (VEH) teachers' salaries when handicapped students are placed in VEH classes through the ARD process and the district has reduced class size in the VEH program as compared to class size in regular vocational programs.

(2) All special education personnel funded under this system must be paid the minimum salary according to the district's local salary schedule.

(3) In order to determine each district's equalization funds, all special education dollars shall be allocated to each participating member district in a special education cooperative. The amount of funds allocated to each member district shall be determined by multiplying the total amount of dollars allocated to the cooperative times the percentages indicated for each district in the 1983-1984 special education verification report. These percentages may be adjusted by the cooperative management board. The member districts shall be expected to flow the necessary funds back to the fiscal agent for the operation of the cooperative after deducting an amount to pay for special education personnel working only in that member district.

(4) The receipt of special education funds is contingent upon the operation of an approvable comprehensive special education program in accordance with state and federal laws and rules. A district (or cooperative member district) may not divert special education funds for other purposes.

(5) Contact-hour records for special education students shall be maintained by each district and contact-hour information shall be reported as required by the commissioner of education. Based on statewide average 1983-1984 estimated contact hours, the commissioner shall compute for each district an expected number of contact hours based on the number of special education units allocated to that district. If a district's actual reported contract hours differ significantly from the expected contact hours calculated by the commissioner, the commissioner may reduce the district's funding level accordingly.

(6) All special education allocations shall be subject to the availability of funds. Should full funding of the formulas in this section require the expenditure of funds in excess of funds appropriated, the commissioner of education shall ratably reduce each district's allocation and shall make any additional adjustments in the allocation procedure which may be needed to reduce statewide disparities in the percentages of children served in special education programs.

(b) In determining the percent of students served, only students receiving direct services from the district's special education instructional or related services personnel shall be counted.

(c) Students who have reached their third birthday and have not reached their 21st birthday on September 1 of the current scholastic year who participate in the Regional Day School Program for the Deaf may be counted as part of the district's ADA if they receive instruction from the basic program for at least 50% of the school day.

(d) Students from birth through age two who are visually handicapped or deaf or both and are served by the district shall be considered as eligible for ADA on the same basis as other special education students.

(e) If the value for all special education units employed in a district from Foundation School Program funds exceeds the amount allocated, the excess shall be charged to the district's total personnel unit allocation at the regular personnel unit value.

(f) The school district shall file a verification report as of the date established by the commissioner which gives the extent of special education programs and services activated. Unfilled personnel units may be recovered by the commissioner of education and reallocated to districts based on need. Authorized units shall be reflected on the final application—foundation funds.

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 September 10, 1984.

TRD-849257 Raymon L. Bynum
Commissioner of Education

Effective date: October 1, 1984

Proposal publication date: July 27, 1984

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

Chapter 117. Pupil Attendance Accounting

19 TAC §117.1

The Texas Education Agency adopts amendments to §117.1, with changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4066). In paragraph (c)(2), the word "full" was added to the phrase "next full week" for clarity. There are no other changes in the adopted text.

The amendments to this section implement House Bill 72, 68th Legislature, Second Called Session, 1984. This bill requires the State Board of Education to designate eight weeks in which attendance will be counted for state funding purposes.

For the 1984-1985 school year and thereafter, average daily attendance (ADA) shall be determined by the best four weeks of eight weeks of attendance. Attendance for the fall semester shall be counted beginning with the first Monday of October. Attendance weeks for the spring semester are to be designated by the State Board of Education before the start of the 1985 spring semester.

Any district in which fewer than four school days are scheduled or held during one of the designated weeks shall inform the commissioner of education, who may approve the next full week at the end of the reporting period for that district.

The rule also provides for record keeping and reporting of full-time equivalent students for special education and vocational education programs.

No comments were received regarding adoption of the amendments.

These amendments are adopted under the Texas Education Code, § 16.006, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which directs the State Board of Education to designate by rule the eight weeks to be used for attendance accounting purposes.

§117.1. Requirements for Pupil Attendance Accounting for State Funding Purposes.

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

(c) Notwithstanding other provisions of this section, in accordance with the Texas Education Code, §16.006, for the 1984-1985 school year and thereafter, average daily attendance shall be determined by the best four weeks of eight weeks of attendance.

(1) Attendance for the fall semester shall be counted beginning with the first Monday of October. Attendance weeks for the spring semester shall be designated by the State Board of Education before the start of the 1985 spring semester.

(2) Any district in which fewer than four school days are scheduled or held during one of the designated weeks shall inform the commissioner of education, who may approve the next full week at the end of the reporting period for that district. Districts which count attendance in an alternate week shall report to the commissioner of education such information concerning transfers into and out of the district as the commissioner may require.

(d) Districts shall maintain records and make reports concerning average daily attendance in bilingual education and special language problems as required by the commissioner of education.

(e) Districts shall maintain records to indicate the number of full-time equivalent students in average daily attendance in special education and vocational education programs and shall make such reports concerning full-time equivalent students as may be required by the commissioner of education to enable the commissioner to perform funding calculations and adjustments in accordance with the Texas Education Code, Chapter 16.

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 September 10, 1984.

TRD-849294 Raymon L. Bynum
Commissioner of Education

Effective date: October 1, 1984
Proposal publication date: July 27, 1984
For further information, please call (512) 475-7077.



**Chapter 141. Teacher Certification
Subchapter S. Testing Program
Basic Skills Tests Required for Admission
to Teacher Education Programs**

19 TAC §141.433

The Texas Education Agency adopts amendments to §141.433, with changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4067). Subsection (e) has been deleted from the adopted section. The State Board of Education decided to establish a schedule of fees which may be changed as needed. This schedule is not included in the section. Provision for the establishment of such a schedule is already included in subsection (a) of the section.

The schedule approved by the board at its September meeting is the same as that contained in the proposed section. The fee for the preprofessional skills Test is \$33 for the three tests. The fees for retakes are \$23 for one test and \$28 for two tests.

The section concerns fees for the basic skills tests required for entering into teacher education programs. The amendment concerning changes in the fee required of candidates to register for the tests was the result of a decision by the Policy Board of the Educational Testing Service to increase the fees.

The State Board of Education has established a schedule of fees. This schedule may be revised by the board as needed.

No comments were received regarding adoption of the amendments.

These amendments are adopted under the Texas Education Code, § 13.032(f), which authorizes the State Board of Education to fix and require a payment of a fee for examinations required as part of the teacher testing program.

§141.433. Fees for Testing.

(a) A uniform schedule of fees for the basic skills tests will be established by the State Board of Education. The schedule will include fees for testing and for retesting. In establishing fees, the board will consider the following costs:

- (1) operation of the testing center during the time of administration;
- (2) purchase of test materials by the center;
- (3) scoring of the tests; and
- (4) reporting of test results.

(b) The current fee structure must be prominently posted annually by each testing center.

(c) All fees shall be paid to Educational Testing Service. Educational Testing Service shall pay the chief examiner, associate examiners, and proctors for administering the tests.

(d) Fees shall be paid in advance and there shall be no refunds to persons who cancel or fail to appear. The center director may review the reasons for a person's failure to appear and recommend to Educational Testing Service that the fee be valid for the next scheduled

testing date at that center. Procedures for this process must be established by the testing center director.

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 September 10, 1984.

TRD-849258 Raymon L. Bynum
Commissioner of Education

Effective date: October 1, 1984
Proposal publication date: July 27, 1984
For further information, please call (512) 475-7077.

Chapter 149. Education Personnel Development

Subchapter A. Education Personnel Development Program

19 TAC §149.3

The Texas Education Agency adopts new §149.3, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4068).

This new section concerns the designation of areas or fields of acute teacher shortage for purposes of the programs for educational aid for teachers included in House Bill 72, 68th Legislature, Second Called Session, 1984.

Annually, the State Board of Education shall designate those areas or fields of acute teacher shortage for purposes of the educational aid for teachers programs authorized in the Texas Education Code, §52.40, Chapter 60, and Chapter 54, Subchapter C. The fields and areas shall be designated based upon the most current teacher supply/demand information, including, but not limited to, numbers and types of new certificates issued, shortages reflected in school district permit requests, and changing needs which result from new curriculum or program requirements. This information will be communicated to the Coordinating Board, Texas College and University System, which administers the educational aid for teachers programs.

No comments were received regarding adoption of the new section.

This new section is adopted under the Texas Education Code, §52.40(b), 54.104(b), and 60.11, all of which require the State Board of Education to designate areas or fields of acute teacher shortage for the purposes of educational aid programs for teachers.

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 September 10, 1984.

TRD-849259 Raymon L. Bynum
Commissioner of Education

Effective date: October 1, 1984
Proposal publication date: July 27, 1984
For further information, please call (512) 475-7077.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part XI. Texas Juvenile Probation Commission

Chapter 341. Office of the Texas Juvenile Probation Commission

37 TAC §341.11

The Texas Juvenile Probation Commission adopts new §341.11, without changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4071).

This new section implements the provisions of Senate Bill 228, 68th Legislature, 1983, which adds Texas Juvenile Probation Commission vehicles to the list of state-owned vehicles exempt from being conspicuously marked.

After this new section takes effect, the agency will not place its inscription on vehicles driven by agency personnel who provide technical assistance, monitor programs, or deliver direct probation services. Also, vehicles will not be marked which might be subject to vandalism due to extended uses away from home base.

No comments were received regarding adoption of the new section.

The new section is adopted under Senate Bill 228, 68th Legislature, 1983, which amends Texas Civil Statutes, Article 6701 M-1, which provides that the Texas Juvenile Probation Commission is exempt from the requirement that all state vehicles be conspicuously marked, and that the agency may provide, by rule, for such exemption.

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 September 6, 1984.

TRD-849246 Bill Anderson
Executive Director
Texas Juvenile Probation
Commission

Effective date: October 1, 1984
Proposal publication date: July 27, 1984
For further information, please call (512) 443-2001.

Open Meetings

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

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Department on Aging

Thursday, September 20, 1984, 10 a.m. The Texas Board on Aging of the Texas Department on Aging made additions to the agenda of a meeting to be held in the boardroom, fifth floor, 210 Barton Springs Road, Austin. The additions concern reports on the Citizens Advisory Council's July 12 and 13, 1984, meeting and the Council of Disabilities.

Contact: Daniel N. Stewart, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: September 11, 1984, 11:41 a.m.
TRD-849285

Texas Alcoholic Beverage Commission

Wednesday, September 26, 1984, 2 p.m. The Texas Alcoholic Beverage Commission will meet in Suite 210, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve the August 27, 1984, minutes; hear the administrator's and staff's report of agency

activity; and approve an affidavit of the destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: September 11, 1984, 1:10 p.m.
TRD-849286

State Banking Board

Thursday, September 13, 1984, 3 p.m. The State Banking Board submitted an emergency revised agenda for a meeting held at 2601 North Lamar Boulevard, Austin. According to the agenda, the board considered applications for interim charters for new Northwest Bank, Roanok, and new Equitable Bank, Dallas. The board also met in executive session to consider the good faith of the applicants in the application for change of domicile by American Bank, Houston. The emergency status was necessary because applicants for interim charters would have suffered detrimental tax consequences if proposed bank holding com-

pany formations were not completed by the end of the year.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas, (512) 475-4451.

Filed: September 12, 1984, 11:39 a.m.
TRD-849335

State Bar of Texas

Thursday, September 13, 1984, 10 a.m. The Executive-Budget Committee of the State Bar of Texas made an emergency addition to the agenda of a meeting held at the Texas Law Center, 1414 Colorado Street, Austin. The addition concerned consideration of a contract with Advocacy, Inc. The emergency status was necessary because the need for attention to this matter just became apparent.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78711, (512) 465-4746.

Filed: September 12, 1984, 1:12 p.m.
TRD-849336

Criminal Justice Policy Council

Wednesday, September 19, 1984, 1:30 p.m. The Criminal Justice Coordinating Council of the Criminal Justice Policy Council will meet in the boardroom, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the council will approve the minutes, review legislation from the 68th Legislature, hear the Strategies Committee report, and consider other business.

Contact: Carol Lerch, Sam Houston Building, Room 410, 201 East 14th Street, Austin, Texas, (512) 475-1281.

Filed: September 11, 1984, 1:40 p.m.
TRD-849360



Texas Education Agency

Tuesday, September 18, 1984, 8 a.m. The Texas Elementary and Secondary School Planning Council of the Texas Education Agency (TEA) will meet in emergency session in the conference room, fourth floor, Teacher Retirement System of Texas Building, 1001 Trinity Street, Austin. According to the agenda summary, the council will consider House Bill 72; Chapter 75 implementation; a resolution honoring Jack Elrod; donation of equipment to be used by education service centers (ESCs) in assisting with computer literacy programs; approval of proposed meetings of the Media Leadership Committee for November 1984 and May 1985; approval of proposed meetings of ESC special education personnel; educational programs for special populations; a report on the status of the approval of consolidated applications; a request by ESCs that the approval process for budget and/or program amendments be expedited; plan-

ning council organizational topics; and a planning council meeting with the commissioner of education. The emergency status is necessary so that the service center directors will be adequately informed about House Bill 72 so that they can assist the school districts in their regions with implementation.

Contact: Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400.

Filed: September 12, 1984, 9:12 a.m.
TRD-849318

Employees Retirement System of Texas

Monday, September 24, 1984, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas (ERS) will meet at the ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will review and approve the August 27, 1984, minutes; hear the report of retirements and death benefits granted for the period of May 1-July 31, 1984; hear a report of payments to survivors of law enforcement officers, firemen, etc., since June 8, 1984; consider investment advisor recommendations and action on investment of the system's funds; hear a report on a study conducted by Touche Ross and Company to comply with House Concurrent Resolution 117; discuss a proposal to obtain consultant services to revise or create, as necessary, certain insurance documents; hear appeals of contested cases; and hear the executive director's report. The board also will meet in executive session to consider personnel matters, discuss the appointment of an employee-member to fill a vacancy on the board, and set a date for the next meeting.

Contact: Clayton T. Garrison, Employees Retirement System Building, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: September 12, 1984, 11:01 a.m.
TRD-849333

Texas Employment Commission

Thursday, September 20, 1984 8 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 com-

mission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 38, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: September 12, 1984, 1:37 p.m.
TRD-849353-849357

State Ethics Advisory Commission

Friday, September 14, 1984, 10 a.m. The State Ethics Advisory Commission submitted an emergency revised agenda for a meeting held in Room 100-B, John H. Reagan Building, 105 West 15th Street, Austin. Items on the revised agenda included approval of the April 13, 1984, minutes and proposed rules; consideration of opinion rules and drafts; the budget; and setting the date for the next meeting. The emergency status was necessary due to the addition of a new agenda item.

Contact: Gregory Pollock, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 475-1429.

Filed: September 12, 1984, 1:23 p.m.
TRD-849338

Good Neighbor Commission

Friday, September 21, 1984, 9 a.m. The Good Neighbor Commission will meet in Salon Jazmir, Hotel Fiesta Americana, Guadalajara, Jalisco, Mexico. According to the agenda summary, the commission will approve the June quarterly meeting minutes; hear reports from the chairman, commissioners, committees, and staff; select the date and place of the next quarterly meeting; consider proposals presented by the staff of ABC Hospital, Mexico City, and the director of the Office of Bilingual Education and Minority Languages Affairs, Washington, D.C.; and discuss new business.

Contact: Lauro Cruz, P.O. Box 12007, Austin, Texas 78711, (512) 475-3581.

Filed: September 11, 1984, 3:53 p.m.
TRD-849306

**Texas Health Facilities
Commission**

Thursday, September 20, 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.

Certificates of Need

Leisure Lodge-Rosenberg, Rosenberg
AN84-0507-283

Retirement Care Center Hempstead,
Hempstead
AN84-0511-296

Stevens Park Osteopathic Hospital,
Dallas
AH84-0516-300

Amendment of Certificate of Need Orders

West Side Care Center, Inc., Fort Worth
AN83-0513-488A(072784)

Houston International Hospital,
Houston
AH81-0422-004A(070584)

Sunshine Care Nursing Center, Arlington
AN81-0630-019A(080184)

Declaratory Rulings

The Musculoskeletal Center, P.A., Tyler
AO84-0727-494

Methodist Central Hospital, Dallas
AH84-0723-477

Charlton Methodist Hospital, Dallas
AH84-0723-476

Southeastern Methodist Hospital, Dallas
AH84-0723-475

**Notices of Intent to Acquire Existing Health
Care Facilities**

Texas Health Enterprises, Inc.,
Grand Prairie

AN84-0806-511

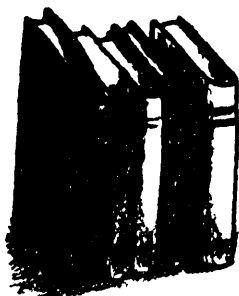
AN84-0806-512

AN84-0806-513

AN83-0806-514

Contact: John R. Neel, P.O. Box 50049,
Austin, Texas 78763.

Filed: September 12, 1984, 9:08 a.m.
TRD-849319



University of Houston System

Tuesday, September 18, 1984. Committees of the Board of Regents of the University of Houston System will meet in Room 510, Enterprise Bank Building, 4600 Gulf Freeway, Houston. Times, committees, and agendas follow.

9 a.m. The Executive Committee will consider a bylaw change; counsel and assistant secretary to the executive director and counsel; and approval of chairs, vice-chairs, and members of board committees.

9:15 a.m. The Academic Affairs and Campus Relations Committee will consider personnel recommendations; system administration and all campuses; commissioning of peace officers for Clear Lake and University Park campuses; a dual employment request for the system administration; summer 1984 small class report for all components; the 1984-1985 catalogs for all components; grants and contracts monthly reports for the system and Clear Lake, Downtown, and University Park campuses; gifts acceptance reports, including a summary report for June and July 1984, the system administration for June and July 1984, Clear Lake, Downtown, and University Park campuses for June and July 1984, and Victoria campus for July 1984; information on campus academic planning for Clear Lake and Downtown campuses; and registration procedures for the University Park campus. The committee also will meet in executive session to consider personnel appointments.

10:30 a.m. The Regental Policy Committee will consider adoption of a bylaw; establishment of a consent docket; the report of the chair, concerning bylaw and procedures; and the report of the vice-chair, concerning policies.

11 a.m. The Finance Committee will consider approval of bank resolutions for the system administration; contract approval on a long distance call management system and elevator maintenance for the University Park campus; information on budget status reports for all components; and the financial management system six-year plan for the system administration.

11:30 a.m. The Building Committee will consider the award of a lump sum contract for the law library and naming of the business administration building at the University Park campus; a schematic presentation of the transportation tower at the Downtown campus; the authority to negotiate the purchase of property at the Victoria campus; and system administration items, including a schematic presentation of entrance

gates, construction status reports for July and August 1984, and the financial status of construction projects in July and August 1984. The committee also will meet in executive session to consider the acquisition of real property for the University Park, Downtown, and Victoria campuses.

Contact: Patricia A. Bailey, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: September 13, 1984, 9:28 a.m.
TRD-849359, 849354-849357

**Task Force on Indigent Health
Care**

Friday, September 21, 1984, 9 a.m. The Task Force on Indigent Health Care will meet in the Senate Chamber, State Capitol, Austin. Items on the agenda include presentation of recommendations and discussion workgroups.

Contact: Shanna Igo, P.O. Box 12068,
Austin, Texas 78711, (512) 475-1051.

Filed: September 12, 1984, 2:16 p.m.
TRD-849339

Industrial Accident Board

Friday, September 21, 1984, 9:30 a.m. The Legislative Advisory Delivery Subcommittee of the Industrial Accident Board will meet in Room 107, first floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the subcommittee will discuss subrogation rights of the second injury trust fund, vocational rehabilitation under the Act, control of medical costs, and any other business that comes before the subcommittee.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: September 11, 1984, 10:05 a.m.
TRD-849278

**Texas Department of Labor and
Standards**

Tuesday, September 18, 1984, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will

meet in emergency session in the conference room, second floor, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will conduct informal hearings of various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f. The emergency status is necessary to help protect the welfare of the consumer.

Contact: Eric Tubbs, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: September 11, 1984, 11:05 a.m.
TRD-849282

Monday, September 24, 1984, 8 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Suite 209, 4615 North Freeway, Houston. According to the agenda, the division will conduct informal hearings of various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Eric Tubbs, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: September 11, 1984, 11:06 a.m.
TRD-849281

Tuesday, September 25, 1984, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will conduct informal hearings of various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Eric Tubbs, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: September 11, 1984, 11:06 a.m.
TRD-849283

Legislative Budget Board

Thursday, September 20, 1984, 9 a.m. The Legislative Budget Board will meet in Room 309, State Capitol, Austin. According to the agenda, the board will consider appropriation requirements for the 1986-1987 biennium.

Contact: Betsy Lloyd, State Capitol, Room 207-A, Austin, Texas, (512) 475-3426

Filed: September 12, 1984, 3:26 p.m.
TRD-849342

Texas Legislative Council

Wednesday, September 19, 1984, 4:30 p.m. The Executive Committee of the Texas Legislative Council will meet in Room 510, John H. Reagan Building, Austin. According to the agenda, the committee will consider Data Processing Division matters and other matters that may come before the chair.

Contact: Walter Fisher, P.O. Box 12128, Austin, Texas 78711, (512) 475-2736.

Filed: September 11, 1984, 11:34 a.m.
TRD-849284

Texas Department of Mental Health and Mental Retardation

Thursday, September 20, 1984, 2:30 p.m. The Personnel Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in Room 240, 909 West 45th Street, Austin. According to the agenda, the committee will consider the appointment of a superintendent at Terrell State Hospital.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas, (512) 465-4588

Filed: September 11, 1984, 4:48 p.m.
TRD-849307

Thursday, September 27, 1984. Committees of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the chapel, Abilene State School, South 25th and Maple Streets, Abilene. Committees, times, and agendas follow.

2:15 p.m. The Executive Committee will consider proposed construction of a greenhouse at Abilene State School and naming the adolescent center at Terrell State Hospital the "Jorge E. Sanchez Adolescent Treatment Center."

2:30 p.m. The Business Committee will hear a presentation of a final report on the telecommunications study by Arthur Andersen & Company and a supplemental budget request for telecommunications services for fiscal year 1986-1987, and consider the transfer of funds for fiscal year 1985, and quarterly budget additions and revisions for fiscal year 1985.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas, (512) 465-4588

Filed: September 11, 1984, 4:48 p.m.
TRD-849308, 849309

Friday, September 28, 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 the chapel, Abilene State School, South 25th and Maple Streets, Abilene. According to the agenda summary, the board will consider the August 24, 1984 minutes; the commissioner's calendar; recommendations for board consideration from the Executive Committee, Business Committee, and Personnel Committee; a citizen's comments; and the status of pending or contemplated litigation.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: September 11, 1984, 4:47 p.m.
TRD-849310

Board of Pardons and Paroles

Wednesday, September 19, 1984, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will conduct full board interviews, meeting with interested parties in connection with the case of Joe Erwin, TDC #241,928, subject to the board's jurisdiction.

Contact: Daniel Guerra, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2700.

Filed: September 11, 1984, 10:22 a.m.
TRD-849279

Texas State Board of Public Accountancy

Thursday, September 13, 1984, 9:30 a.m. The Enforcement Committee of the Texas State Board of Public Accountancy met in emergency session at 3700 First City Tower, Houston. According to the agenda, the committee discussed proposed responses to requests for informal opinions on enforcement matters. The emergency status was necessary because this was the only date the committee could meet with a quorum, and the material needed to be discussed prior to the next board meeting in late September.

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

Filed: September 11, 1984, 2:53 p.m.
TRD-849295

Texas Register

Monday, September 24, 1984, 8:30 a.m. The Ad Hoc Policy Committee of the Texas State Board of Public Accountancy will meet in Suite 1700, 2121 San Jacinto Street, Dallas. According to the agenda, the committee will discuss methods for consolidating for easy reference of policies changed or enacted by the board.

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

Filed: September 11, 1984, 2:53 p.m.
TRD-849296



Public Utility Commission of Texas

Monday, September 17, 1984, 10 a.m. The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission met in executive session to discuss personnel matters. The emergency status was necessary to consider a presentation of results before a contract expired.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 12, 1984, 3:03 p.m.
TRD-849341

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Thursday, September 20, 1984, 1 p.m. A hearing on the merits in Docket 5279—application of Water Service, Inc., and Water Services Two, Inc., for a rate increase; and Docket 5561—application of Water Services Two, Inc., to purchase Bavaria Hills Water Company, Inc., within Bexar and Guadalupe Counties.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 11, 1984, 1:44 p.m.
TRD-849287

Friday, September 21, 1984, 9:30 a.m. A prehearing conference in Docket 5905—application of Southwestern Bell Telephone Company for authority to implement private coin service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 12, 1984, 3:57 p.m.
TRD-849350

Friday, September 21, 1984, 1:30 p.m. A rescheduled prehearing conference in Docket 5705—application of City Water Board of San Antonio to amend a certificate of convenience and necessity in Bexar County. The prehearing conference was originally scheduled for September 11, 1984, as published at 9 TexReg 4693

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 12, 1984, 9:58 a.m.
TRD-849328

Thursday, September 27, 1984, 10 a.m. A prehearing conference in Docket 5891—application of Southwestern Bell Telephone Company for a change in rates for the switched access service portion of Intra-LATA foreign exchange service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 11, 1984, 1:44 p.m.
TRD-849288

Wednesday, November 7, 1984, 10 a.m. A hearing on the merits in Docket 5778—application of Meadow Woods Water Supply, Inc., for a water certificate of convenience and necessity within Hays County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 12, 1984, 9:58 a.m.
TRD-849329

State Purchasing and General Services Commission

Thursday, September 20, 1984, 9:30 a.m. The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. Items on the agenda include presentation of the staff evaluation and findings on the bids for a capitol complex communications system; review for approval a proposed defini-

tion of "sole source purchasing"; adoption of a proposed amendment to 1 TAC §113.16, regarding embedded customer premises equipment after divestiture January 1, 1984; and setting the date and time for the next meeting. The commission also will meet in executive session to discuss personnel matters.

Contact: Homer A. Foerster, P.O. Box 13047, Austin, Texas 7811, (512) 475-2211 or STS 822-2211.

Filed: September 12, 1984, 3:33 p.m.
TRD-849343

Texas Rehabilitation Commission

Friday, September 21, 1984, 9 a.m. The Autism Task Force of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 302, 118 East Riverside Drive, Austin. Items on the agenda include a presentation concerning the Governor's Committee for Disabled Persons and the Subcommittee on Autism, Cerebral Palsy, and Spina Bifida; an update on recent public hearings; a discussion of the final report and recommendations; and other organizational concerns.

Contact: Roger Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8870.

Filed: September 12, 1984, 9:58 a.m.
TRD-849330

Friday, September 21, 1984, 1:30 p.m. The Hispanic Conference Ad Hoc Planning Committee of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet in Room 104, 158 East Riverside Drive, Austin. Items on the agenda include setting up objectives and identifying resources for the Hispanic conference.

Contact: Virginia Roberts, 158 East Riverside Drive, Room 104, Austin, Texas 78704, (512) 445-8276.

Filed: September 13, 1984, 8:49 a.m.
TRD-849352

Commission on Standards for the Teaching Profession

Thursday, September 20, 1984. Committees of the Commission on Standards for the

Texas Register

Teaching Profession will meet at the Texas Education Agency (TEA) North Building, 1200 East Anderson Lane, Austin. Times, rooms, committees, and agendas follow.

9 a.m. In Room 101-E, the Interim Reports Committee will consider interim reports from Concordia Lutheran College, East Texas Baptist College, Howard Payne University, Incarnate Wood College, Lamar University, Southwest Texas State University, Stephen F. Austin State University, St. Edward's University, Tarleton State University, Texas College, Texas Southern University, the University of Texas at San Antonio, the University of Mary Hardin-Baylor, and the University of St. Thomas.

12:15 p.m. In Room 105, the Committee on Membership will review nominations for commission membership.

1:30 p.m. In Room 101-E, the Committee on Certification Programs and Requirements will discuss plans for certification tests and continue the study of requirements for professional certificates.

3:15 p.m. In Room 101-E, the Committee on Recruiting and Training Members of Visiting Teams will review a draft copy of a form to be utilized in the processing of reports from visiting evaluation teams.

4 p.m. In Room 105, the Teacher Education Conference Planning Committee will discuss possible sites for the 1985 Teacher Education Conference and finalize plans for the 1984 Teacher Education Conference.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: September 11, 1984, 3:08 p.m.
TRD-849298-849302

Friday, September 21, 1984. A committee of the Commission on Standards for the Teaching Profession and the full commission will meet at the TEA North Building, 1200 East Anderson Lane, Austin. Times, rooms, and agendas follow.

8:15 a.m. In Room 105, the Executive Committee will meet and the commission chair will discuss agenda items with committee chairmen.

9 a.m. In Room 101, the commission will consider informational items, including the assignment of an intern, the expansion of commission membership, and reservations for the annual conference; a report from the Interim Reports Committee on interim reports from 14 institutions; reports from the Committee on Certification Programs concerning plans for certification tests and the

study of requirements for professional certificates; a report from the Committee on Membership on the review of nominations for commission membership; a report from the Committee on Recruiting and Training Members of Visiting Teams on its review of the draft copy of the form to be utilized in processing reports of visiting evaluation teams; and a report from the Teaching Education Conference Planning Committee on the proposed site for the 1985 Teacher Education Conference and final plans for the 1984 conference.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: September 11, 1984, 3:08 p.m.
TRD-849303, 849304

Texas State Technical Institute

Sunday and Monday, September 23 and 24, 1984, 1 p.m. and 9:15 a.m. respectively. Policy Committees of the Board of Regents of Texas State Technical Institute (TSTI) will meet in Building 45, TSTI-Sweetwater. According to the agenda, the committees will approve the July 16, 1984, minutes; hear campus reports; elect officers; consider requests for a budget change, an operation agreement with Jack Barger for operation and maintenance of a golf course at TSTI-Waco, a lease agreement with R & R Appliance Service of Amarillo for self-service laundry at TSTI-Amarillo, classes meeting with less than 10 students, a lease agreement with the City of McAllen for an instructional building, acceptance of a self-service laundry building at TSTI-Amarillo, acceptance of title to property and a house from the Rolling Plains Technical Foundation, acceptance of Building 10 and Building 45 at TSTI-Sweetwater, revisions to hiring rates provisions of the TSTI compensation manual basic policy, and appointment of a dean of instruction at TSTI-Sweetwater.

Contact: Theodore A. Talbot, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: September 12, 1984, 2:33 p.m.
TRD-849340

Board of Vocational Nurse Examiners

Monday-Wednesday, September 17-19, 1984, 8 a.m. daily. The Board of Vocational Nurse Examiners will meet in emergency

session at the Sunrise Motor Hotel, 7622 IH 35 North, Austin. According to the agenda summary, on Monday the board will approve the minutes; hear reports from the executive director and the director of education concerning program contacts, seminars conducted, rules and regulations changes, concerns related to the issuance of temporary permits, and concerns related to foreign educated applicants and program concerns; and consider unfinished business and new business, including the election of officers, rules of order, and administrative hearings. On Tuesday and Wednesday, the board will conduct business meetings and administrative hearings. The board may also meet in executive session. The emergency status is necessary because the open meeting notice was delayed by the mail service and not received by the *Texas Register* seven days prior to the scheduled meeting date. Also, it is of urgent public necessity to go on with the meeting as called due to 3½ hours of regular business meetings on Monday with nine administrative hearings and 16 administrative hearings scheduled for Tuesday. It is in the public interest to pursue disciplinary action against nurses who are not qualified to practice in this state and who have received actual notice of hearing.

Contact: Joyce A. Hammer, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

Filed: September 11, 1984, 1:45 p.m.
TRD-849289

Texas Water Commission

Tuesday, October 16, 1984, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of the City of Pasadena, P.O. Box 672, Pasadena, Texas 77501, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of 3.7 million gallons per day (7.4 million daily maximum) from its Golden Acres Wastewater Treatment Plant which is located on the north bank of Armand (Middle) Bayou in the 6300 block of Spencer Road in southeast Pasadena in Harris County. The applicant proposes to make improvements to the wastewater treatment facility.

Addition to the previous agenda:

Application of the City of Pasadena, P.O. Box 672, Pasadena, Texas 77501, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of 5.8 million gallons per day (11.6 million daily maximum) from its Vince Bayou Wastewater Treatment Plant which is located on the east and west banks of Vince Bayou, west of McDonald Street and north of West Richey Access Road in Harris County. The applicant proposes to make necessary improvements to the wastewater treatment facility.

Contact: Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 475-7845.

Filed: September 11, 1984, 2:50 p.m.
TRD-849297, 849305

Texas Department of Water Resources

Thursday, September 20, 1984, 1:30 p.m.

The Texas Water Development Board of the Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider approval of the minutes; the development fund manager's report; extension of loan commitments to the City of Sachse and the City of Big Sandy; allowing Brown County WID 1 to issue additional bonds; financial assistance to the Red RA, the City of Italy, and the City of Leonard; fiscal year 1985 joint funding agreements for water resources investigations and topographic mapping with the United States Geological Service; the fiscal year 1985 construction grants project priority list; amendments to rules for private sewage facilities in Tom Green County; a petition for rule making regarding shrimp boat and shrimp off-loading and processing discharges; a public hearing to determine if the upper portion of the Brushy Creek watershed should be designated a regional wastewater service area; a contract with Corpus Christi for municipal water to be supplied from Lake Texana and amendment of a certificate of adjudication; payment of operation and maintenance costs associated with recent releases of water from Lake Texana; a cooperative project for studies of effects of freshwater inflows on the fisheries of the Lavaca River Delta; adoption of the amended state water plan; and a briefing on the *A/venus* oil spill. The

board also will meet in executive session to discuss litigation.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: September 12, 1984, 11:05 a.m.
TRD-849334

Regional Agencies Meetings Filed September 11

The Atascosa County Appraisal District, Board of Directors, will meet at 1010 Zanderson, Jourdanton, on September 20, 1984, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Dallas Area Rapid Transit Authority, Board, submitted an emergency revised agenda for a meeting held at 601 Pacific Avenue, Dallas, on September 11, 1984, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Region XVII Education Service Center, Board of Directors, will meet at 4000 22nd Place, Lubbock, on October 2, 1984, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Golden Crescent Regional Planning Commission, General Assembly, will meet in the Cuero Municipal Clubhouse, Cuero, on September 19, 1984, at 6 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at 3232 Briarcrest Drive, Bryan, on September 20, 1984, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, Ph.D., P.O. Box 4588, Bryan, Texas 77805, (409) 696-8585.
TRD-849293

Meetings Filed September 12

The Deep East Texas Council of Governments, Board of Directors, will meet at the Woodville Inn, Highway 69, Woodville, on September 20, 1984, at 1:30 p.m. Information may be obtained from Rhonda Ruckel, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

The Dewitt County Appraisal District, Appraisal Review Board, met in the district office, 103 Bailey Street, Cuero, on September 17, 1984, at 8 p.m. Information may be obtained from Wayne K. Woolsey, RPA, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The East Texas Council of Governments, East Texas Regional Review Committee, met in emergency session at 3800 Stone Road, Kilgore, on September 13, 1984, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Fannin County Appraisal District, Board of Review, met in the Peeler Building, 401 North Main, Bonham, on September 17, 1984, at 5:30 p.m. Information may be obtained from Joe Hart, Peeler Building, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

The Golden Crescent Regional Planning Commission, Board of Directors, will meet at the Cuero Municipal Clubhouse, Cuero, on September 19, 1984, at 8 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587, ext. 7.

The Guadalupe-Blanco River Authority, Industrial Development Corporation, will meet at 933 East Court Street, Seguin, on September 20, 1984, at 9:30 a.m. The Board of Directors will meet at the same location on the same day at 10 a.m. Information may be obtained from John J. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on September 27, 1984, at 4 p.m. Information may be obtained from Carl W. Riehn, Drawer C, Wylie, Texas 75098, (214) 442-5505.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, will meet at the Outpatient Clinic, 104 Charles Street, Granbury, on September 19, 1984, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, Ed.D., P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Central Appraisal District of Rockwall County, Board of Directors, met in emergency session at 106 North San Jacinto, Rockwall, on September 13, 1984, at 7:30 p.m. Information may be obtained from Eugene "Bo" Daffin, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

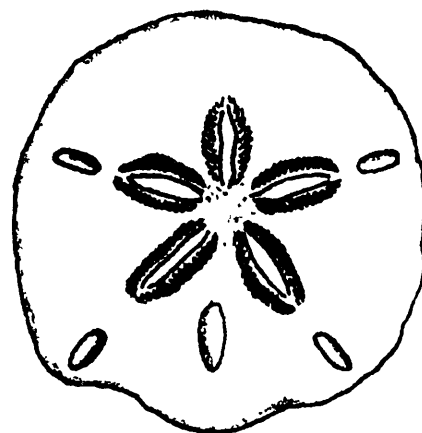
The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at Highway 80 West at Sun Camp Road, Longview, on September 27, 1984, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Swisher County Appraisal District, Appraisal Review Board, will meet at 130 North Armstrong, Tulia, on September 18, 1984, at 11 a.m. Information may be ob-

tained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.
TRD-849331

Meeting Filed September 13

The South Plains Health Provider Organization, Inc., Board of Directors, met at 715 Amarillo Street, Plainview, on September 17, 1984, at 8 p.m. Information may be obtained from J Sylvia Cuevas, 706 Canyon, Plainview, Texas 79072, (806) 293-8561.
TRD-849358



In Addition

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

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of September 3-7, 1984.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Parkans International, Inc., Houston; catalyst reclamation facilities; 5521 Armour Drive, Harris County; 9518; new source

American Petrofina Pipeline Company, Port Arthur; colonial station tank; Roosevelt Avenue and 53rd Street, Jefferson County; 8044A; modification

Lubbock Asphalt Products, Division of BAP, Inc., Lubbock, asphalt batch plant; 2836 Clovis Road, Lubbock County; 2045A; modification

R. W. McKinney and T. L. James & Company, Inc., Ennis; asphaltic concrete plant; Ennis, Ellis County; 5253A; modification

GNB Batteries, Inc., Metals Division, Frisco; oxide hammermill system; South Fifth Street, Collin County; 1589A; modification

GNB Batteries, Inc., Metals Division, Frisco; blast furnace; South Fifth Street, Collin County; 1147A; modification

Issued in Austin, Texas, on September 10, 1984.

TRD-849268

Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed: September 10, 1984

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

Contested Case Hearing

Pursuant to the authority provided in the Texas Clean Air Act, §§3.15-3.17, Texas Civil Statutes, Article 4477-5, (the Act), and the procedural rules of the Texas Air Control Board (TACB), 31 TAC §§103.11(3), 103.41, and 103.81, an examiner for the TACB will conduct a hearing to consider whether Velsicol Chemical Corporation (the company) should have been granted a permit amendment to Operating Permit R-3714B (semiworks unit). This permit amendment, which was effective July 23, 1984, is for a six-month production of hexachlorophene, with emissions of 3.9 tons of heptane and 4.8 tons of ethylene dichloride, and becomes void when this production ceases. The company is located on West Port Arthur Road in Beaumont, Jefferson County.

The company is directed to appear at the following time and place and demonstrate by preponderance of the evidence that the company has satisfied all the requirements of the TACB and the Act for the issuance of a permit amendment to Operating Permit R-3714B.

The record of this hearing will be used by the TACB in determining the appropriateness of the action taken by the executive director in issuing the company a six-month amendment to Operating Permit R-3714B.

Information regarding the operating permit application and copies of the board's rules and regulations are available at the regional office of this agency located at 4605-B Concord Road, Beaumont, Texas 77703; the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; and at the district clerk's office located at the Jefferson County Courthouse, 1149 Pearl Street, Beaumont, Texas 77701.

The examiner has set the hearing to begin at 7 p.m. on October 2, 1984, in the auditorium, Lower Neches Valley Authority, 7850 Eastex Freeway, Beaumont, Texas 77703. At this time, parties to the hearing are the TACB staff and company. Any other person desiring to be made a party must specifically apply in writing for party status to Examiner Jose E. Camacho, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other person will be admitted as a party unless the request is actually received at that address by September 24, 1984. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the date set out in this notice. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing, but who does not desire to be a party, may call the Legal Division of the TACB at (512) 451-4711, ext. 353, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to the procedural rules of the TACB, 31 TAC §103.46, the examiner has scheduled a prehearing conference at 7 p.m. on September 26, 1984, in the auditorium, Lower Neches Valley Authority, 7850 Eastex Freeway, Beaumont, Texas 77703. All persons wishing to be admitted as parties must attend the conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. At this conference, a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony, and copies of written and documentary evidence pursuant to 31 TAC §103.46(2).

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, at (512) 451-5711, ext. 353, or the regional office in Beaumont at (409) 838-0397 a day or two prior to the hearing date to confirm the setting, since continuances are granted from time to time.

Issued in Austin, Texas, on September 7, 1984.

TRD-849267 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: September 10, 1984
For further information, please call (512) 451-5711,
ext. 354.



Extension of Deadline for Written Comments

In the August 7, 1984, issue of the *Texas Register* (9 Tex-Reg 4311), the Texas Air Control Board (TACB) published a notice of public hearings on proposed rules and regulations and the state implementation plan (SIP) held at the following locations on the specified days: Houston, on August 27, 1984; Beaumont, on August 28, 1984; Arlington, on August 29, 1984; Austin, on August 29, 1984; El Paso, on August 30, 1984; and Corpus Christi, on August 31, 1984.

The purpose of the hearings was to receive testimony concerning revisions to its rules and to the SIP pertaining to permits and the standard exemption list. The deadline for written comments as set out in that notice has been extended to September 20, 1984. The comments at the hearing, as well as written comments received by 4 p.m. on September 20, 1984, at the TACB central office in Austin, will be considered by the board prior to any final decision on the proposed changes.

Five copies of all written comments offered would be helpful to the board in making its review.

Copies of the proposed revisions to the rules, as well as the proposed revisions to the SIP, are available at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723, and at the regional offices of this agency. For further information, call Beverly Fowler, at (512) 451-5711.

Issued in Austin, Texas, on September 7, 1984

TRD-849266 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: September 10, 1984
For further information, please call (512) 451-5711,
ext. 354.

Public Hearing

Notice is given pursuant to the requirements of the Texas Clean Air Act, §§3.12 and 3.15-3.17; Texas Civil Statutes, Article 4477-5 (the Act); the procedural rules of the Texas Air Control Board (the TACB), 31 TAC §103.31; and the Federal Clean Air Act, §113(d)(1), 42 United States Code 7401 *et seq*; that an examiner for the TACB will conduct a public hearing at 7 p.m. on October 11, 1984, in the Trimble Room, Grand Prairie City Hall, 318 West Main Street, Grand Prairie.

The purpose of the hearing is to consider a proposed order revising the provisions of Board Order 81-10 adopted on August 4, 1981, regarding the Grand Prairie, Tarrant County, operations of Printpack, Inc. (the company). The company was unable to comply with the requirements of 31 TAC §115.201, relating to control of flexographic printing processes, and therefore, Board Order 81-10 requires compliance with 31 TAC §115.201 no later than December 1, 1985. The revisions are proposed to satisfy the requirements of the Federal Clean Air Act, §113, relating to delayed compliance orders, and will require compliance with §115.201 by December 31, 1985.

The order as proposed will require the company to embark on a three-way program of compliance involving the parallel development of computer scheduling of printing on a daily basis to minimize emissions, installation of equipment which allows more efficient utilization of ink, and development of water-based inks. The company will further be required to install additional abatement equipment to be fully compliant with §115.201(3) if the developmental processes fail to demonstrate compliance by December 31, 1985. The record of this hearing, including written comments submitted pursuant to this notice, will be used to determine if the proposed order meets the applicable state and federal requirements.

Copies of the proposed order and background information are available for public inspection at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723, and the regional office of the TACB located at 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116.

Comments on the proposed order, both oral and written, are invited at the public hearing.

Issued in Austin, Texas, on September 7, 1984.

TRD-849265 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: September 10, 1984
For further information, please call (512) 451-5711,
ext. 354.

State Banking Board Public Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Wednesday, November 14, 1984, at 2601 North Lamar Boulevard, Austin, on the charter application for Interstate Bank, Houston, Harris County.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on September 7, 1984.

TRD-849291 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: September 11, 1984
For further information, please call (512) 475-4451.



Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On September 10, 1984, the banking commissioner received an application to acquire control of Brush Country Bank/Freer Bancshares, Inc., Freer, by Benard A. Newman, J. D. White, and W. B. Acker, all of Freer.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on September 10, 1984.

TRD-849361 Arche P. Clayton III
General Counsel
Banking Department of Texas

Filed September 12, 1984
For further information, please call (512) 475-4451.

Texas School for the Deaf Consultant Contract Award

The Texas School for the Deaf (TSD) has awarded a private consultant contract. The consultant proposal request was filed under the provisions of Texas Civil Statutes, Article 6252-11c, and was published in the August 7, 1984, issue of the *Texas Register* (9 TexReg 4314).

Description. Under the contract, the consultant will furnish a full-time food service director, 40 hours per week, to manage the operation of two food service areas (28 employees) feeding three meals per day, seven days a week to 500 students. The contract will also furnish and pay for a consultant dietitian and the training of supervisors to conduct food service training to staff. All benefits will be paid by the consulting firm. The duties of food service manager include ordering of food and supplies, preparation of menus, issues, inventory, and preparation of necessary reports.

Contractor. The contractor is ARA Services, Independence Square, Philadelphia, Pennsylvania 19106.

Contract Value and Period. The total of the contract is not to exceed \$39,000. The beginning date of the contract was September 1, 1984, and the completion date is August 31, 1985.

Issued in Austin, Texas, on September 4, 1984.

TRD-849247 Sheila O'Leary
Administrative Assistant
Texas School for the Deaf

Filed: September 10, 1984
For further information, please call (512) 442-7821.

Employees Retirement System of Texas Request for Proposals

In accordance with the Texas Insurance Code, Article 3.50-2, §4, as amended, and subject to the approval of the board of trustees, the Employees Retirement System (ERS) announces a request for proposals (RFP) to have the following documents revised or created as necessary: Board of Trustees rules (insurance section), standardized group insurance contract, standardized HMO agreement, bid specifications, and standardized insurance booklets.

The project will provide for the uniform interpretation and application of the trustee rules and contractual requirements. The project will be undertaken in phases at the discretion of the ERS and should result in a series of coordinating documents, each of which can be amended with an absolute minimum number of changes to the other documents. Firms wishing to respond to the request should have recognized expertise and specialization in employee benefit plan design, group insurance contract development, and insurance administration.

If approved by the board of trustees, the RFP instructions, which detail information regarding the project format, will be available on or after September 24, 1984, at the Employees Retirement System, Uniform Group Insurance Division, 18th and Brazos Streets, Austin, Texas 78711

If approved by the board of trustees, the deadline for receipt of proposals in response to this request will be 5 p m on October 22, 1984

The ERS reserves the right to accept or reject any or all proposals submitted. The ERS is under no legal requirement to execute a resulting contract on the basis of this advertisement. The ERS intends to use responses as a basis for further negotiations of specific project details with potential contractors. The ERS will base its choice on cost, demonstrated competence, qualifications, and evidence of superior conformance with criteria.

This RFP does not commit the ERS to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the ERS to award a contract or to pay any costs incurred in the preparation of a response. The ERS specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where the ERS deems it to be in the best interest of the State of Texas.

For further information regarding this notice, or to obtain copies of the RFP instructions, please contact Henry D. Eckert, Employees Retirement System, Uniform Group Insurance Division, P O Box 13207, Austin, Texas 78711, (512) 476-6431, ext 215

Issued in Austin, Texas, on September 12, 1984

TRD-849332 Clayton T Garrison
Executive Director
Employees Retirement System of
Texas

Filed: September 12, 1984

For further information, please call (512) 476-6431.

Texas Department of Health Intent to Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 5-06232, issued to the Bryman School, for the following reasons.

(1) In accordance with *Texas Regulations for Control of Radiation (TRCR)*, §42.6, Certificate of Registration 5-06232 expired January 31, 1983. The registrant has not submitted to the agency a request to renew the certificate of registration.

(2) The agency determined that the registrant is no longer located at 12700 Park Central Place, #200, Dallas, Texas 75251. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, inspection, and certified mail have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration issued to the Bryman School be revoked immediately.

In accordance with TRCR §13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30-days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked 14 days after the end of the 30 day period of notice.

Issued in Austin, Texas, on September 11, 1984

TRD-849312 Robert A. MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 12, 1984

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

Licensing Actions for Radioactive Materials

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

NEW LICENSES ISSUED

Location	Name	License #	City	Amend- ment #	Date of Action
Dallas County	City of Garland, Street Department	05-3675	Garland	0	08/28/84

Texas Register

Throughout Texas	Meader Construction Co., Inc.	09-3701	San Antonio	0	08/29/84
Throughout Texas	Moolin-Metascan, J.V. Ltd.	11-3707	Pasadena	0	08/30/84
AMENDMENTS TO EXISTING LICENSES ISSUED:					
Location	Name	License #	City	Amendment #	Date of Action
Abilene	Radiology Associates	04-339	Abilene	45	09/06/84
Alvin/Baytown	Amoco Chemicals Corporation	11-1422	Alvin	27	08/29/84
Amarillo	Northwest Texas Hospital	01-2054	Amarillo	16	08/20/84
Arlington	W. H. Henken Industries, Inc	05-967	Arlington	9	08/28/84
Atascosa County	San Miguel Electric Cooperative, Inc	09-2347	Jourdanton	10	08/28/84
Austin	Mobile Medical Services	06-3666	Austin	1	08/28/84
Austin	Austin Diagnostic Clinic	06-868	Austin	25	08/30/84
Bay City	Ebasco Services Incorporated	11-3370	Bay City	5	08/23/84
Baytown	Exxon Chemical Americas	11-1135	Baytown	36	09/04/84
Beaumont	Nuclear Pharmacy, Inc.	10-2987	Beaumont	9	09/04/84
Brownwood	Brownwood Regional Hospital, Inc.	04-2322	Brownwood	11	08/24/84
Bryan	Bryan Radiology Associates	06-1210	Bryan	12	08/28/84
Channelview	ARCO Chemical Company	11-64	Channelview	18	08/30/84
Corpus Christi	Spohn Hospital	08-2357	Corpus Christi	3	09/06/84
Corpus Christi	Spohn Hospital	08-2495	Corpus Christi	9	09/06/84
Dallas	Presbyterian Hospital of Dallas	05-1586	Dallas	37	08/20/84
Dallas	Texas Instruments, Inc.	05-946	Dallas	33	08/22/84
Dallas	Optic-Electronic Corporation	05-2155	Dallas	8	08/29/84
Dallas	Medical Arts Hospital	05-3051	Dallas	1	09/05/84
El Paso	Diagnostic Radiology, P A	03-3395	El Paso	2	09/04/84
Freeport	Badische Corporation	11-1021	Freeport	27	08/28/84
Giddings	Lee Memorial Hospital	06-3495	Giddings	1	09/05/84
Grand Prairie	Trinity River Authority	05-2010	Grand Prairie	7	08/29/84
Harrison County	Southwestern Electric Power Company	07-3297	Hallsville	3	08/29/84
Houston	Smith Kline Clinical Laboratories, Inc	11-2787	Houston	2	08/30/84
Houston	Cypress Fairbanks Medical Center, Inc	11-3424	Houston	3	09/06/84
Humble	Northeast Medical Center Hospital	11-2412	Humble	13	09/04/84
Kingsville	Kleberg Memorial Hospital	08-2917	Kingsville	4	08/20/84
Littlefield	Littlefield Medical Center	02-3241	Littlefield	2	08/28/84
Lubbock	Maxi-Scan Diagnostic Services, Inc.	02-3678	Lubbock	1	08/28/84
Lubbock	Texas Instruments Incorporated	02-2743	Lubbock	7	09/04/84
McAllen	Rio Grande Cancer Treatment Center	08-2205	McAllen	20	09/06/84
Midland	West Texas Diabetes and Endocrinology Center	12-3238	Midland	2	09/05/84
Nederland	Mid-Jefferson County Hospital	10-1756	Nederland	13	08/20/84
Point Comfort	Aluminum Company of America	08-32	Point Comfort	28	08/22/84
Port Arthur	U S Industrial Chemicals Co	10-804	Port Arthur	24	08/30/84

Richmond	Polly Ryon Memorial Hospital	11-2406	Richmond	5	09/05/84
San Antonio	Humana Hospital-Metropolitan	09-2232	San Antonio	13	08/17/84
San Antonio	Nix Memorial Hospital	09-3531	San Antonio	1	08/24/84
San Antonio	Nix Medical Center	09-3532	San Antonio	1	08/28/84
San Antonio	Nix Medical Center	09-3531	San Antonio	1	08/30/84
San Antonio	Beta Diagnostics, Inc	09-3574	San Antonio	2	09/06/84
Sweetwater	Ludlum Measurements, Inc	04-1963	Sweetwater	26	08/30/84
Taylor	Johns Community Hospital	06-3657	Taylor	2	09/04/84
Temple	Scott and White Memorial Hospital	06-490	Temple	14	08/29/84
Throughout Texas	Phillips Petroleum Company	01-2480	Borger	8	08/22/84
Throughout Texas	Texaco, Inc., Bellaire Research Laboratories	11-247	Bellaire	46	08/22/84
Throughout Texas	Titan Services, Inc	11-2684	Houston	9	08/22/84
Throughout Texas	M & M Wireline Services, Inc	06-3604	San Marcos	1	08/22/84
Throughout Texas	State Dept of Highways and Public Transportation	06-197	Austin	28	08/22/84
Throughout Texas	Select Wireline Services, Inc	12-2748 08-2300	Snyder Victoria	5 10	08/22/84 08/22/84
Throughout Texas	K and N Perforators				
Throughout Texas	Gearhart Industries, Inc	05-3284	Alvarado	7	08/22/84
Throughout Texas	Gearhart Industries	05-442	Fort Worth	60	08/22/84
Throughout Texas	Basin Industrial X-Ray, Inc.	08-2280	Corpus Christi	10	08/23/84
Throughout Texas	Technical Welding Laboratories, Inc	11-2187	Houston	29	08/23/84
Throughout Texas	Phoenix Wireline Services	09-3513	Seguin	1	08/23/84
Throughout Texas	Southwestern Public Service Company	01-1981	Amarillo	18	08/23/84
Throughout Texas	Texas Department of Water Resources	06-1852	Austin	6	08/23/84
Throughout Texas	Reynolds Metals Company	08-200	Corpus Christi	26	08/28/84
Throughout Texas	Waxahachie Civil Defense	05-2984	Waxahachie	2	08/28/84
Throughout Texas	Dresser Atlas, A Division of Dresser Industries	11-446	Houston	72	08/29/84
Throughout Texas	Brytest, Inc.	06-1989	Austin	13	08/29/84
Throughout Texas	Schlumberger Well Services	11-1833	Houston	38	08/29/84
Throughout Texas	Rountree and Company	07-3412	Longview	3	08/30/84
Throughout Texas	Radiographic Specialists, Inc	11-2742	Houston	7	08/30/84
Throughout Texas	Mid-Coast Fabricators, Inc.	11-2186	Freeport	11	08/30/84
Throughout Texas	World Technical Services, Inc	11-3696	Deer Park	1	08/30/84
Throughout Texas	All American Maintenance, Inc	09-1336	San Antonio	10	08/30/84
Throughout Texas	Computer Logging, Inc	09-3187	Pleasanton	2	08/30/84
Throughout Texas	Radiation Consultants, Inc.	11-2179	Houston	11	08/30/84
Throughout Texas	Phillips Petroleum Company	11-3054	Bartlesville, OK	4	08/30/84
Throughout Texas	Arco Oil and Gas Company	05-134	Dallas	33	08/30/84
Throughout Texas	Ultrasonic Specialist, Inc	11-1774	Houston	23	08/30/84
Throughout Texas	Houston Inspection Service, Inc	11-2011	Houston	13	08/30/84
Throughout Texas	Lin-San Inspection, Inc	08-3577	Corpus Christi	1	08/30/84
Throughout Texas	NDT & Corrosion Control Service	11 3245	Houston	6	08/30/84
Throughout Texas	El Paso Engineering & Testing	03-1567	El Paso	17	08/30/84

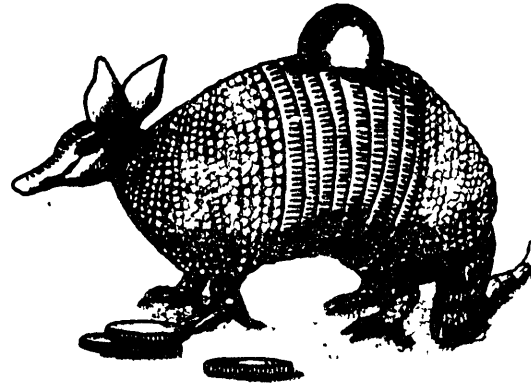
Throughout Texas	Professional Service Industries	09-2845	Oak Brook, IL	6	08/23/84
Throughout Texas	BJ Hughes, Inc.	11-736	Houston	43	09/04/84
Throughout Texas	E I du Pont de Nemours & Company	08-1753	Ingleside	16	09/04/84
Throughout Texas	Southwestern Public Service Company	01-1981	Amarillo	19	09/04/84
Throughout Texas	J S Petro-Services, Inc	11-2865	Channelview	13	09/04/84
Throughout Texas	Dowell Schlumberger Incorporated	00-764	Tulsa, OK	41	09/04/84
Victoria	Geosource Wireline Service, Inc.	11-3127	Houston	11	08/22/84
Waco	Hillcrest Baptist Medical Center	06-845	Waco	43	09/06/84

Issued in Austin, Texas, on September 11, 1984
 TRD-849313 Robert A MacLean, M D
 Deputy Commissioner
 Professional Services
 Texas Department of Health

Filed: September 12, 1984
 For further information, please call (512) 835-7000.

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Acti-on
Breckenridge	Stephens Memorial Hospital	04-3264	Breckenridge	2	09/04/84
Lampasas	Rollins-Brook Hospital	06-3480	Lampasas	1	09/05/84
Throughout Texas	Perfojet Services, Inc	12-1112	Midland	8	08/28/84



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

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

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

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

Opportunity for Public Hearing

Briscoe County and City of Silverton have filed Application 651 with the Texas Department of Health to operate a Type III municipal solid waste disposal site to be located north-northeast of Silverton, 5.25 miles north and one mile east of the intersection of First and Parks Streets in Silverton, Briscoe County.

The site consists of approximately two acres of land and is to receive daily approximately 0.5 ton of solid wastes under the regulatory jurisdiction of the Texas Department of Health.

The application is being processed, and the final decision will be made by the department pursuant to the provisions of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7; the Texas Department of Health's municipal solid waste management regulations; and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

No public hearing will be held on this application unless a person affected 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, has suffered or will suffer actual injury or economic damage by the granting of the application.

If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision.

Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste

Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region I headquarters located at Old Health Center Building, 300 Victory Drive, Canyon, Texas 79016, (806) 655-7151.

Issued in Austin, Texas, on September 11, 1984

TRD-849314 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed September 12, 1984

For further information, please call (512) 458-7271

Rescission of Order

An emergency impoundment order dated July 27, 1984, issued to M & M Wireline Services, Inc., Route 1, Box 4, Trails End, San Marcos, Texas 78666 (Radioactive Material License 6-3604), by the Texas Department of Health, as published in the September 14, 1984, issue of the *Texas Register*, has been rescinded by an order dated August 30, 1984.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m., Monday through Friday (except holidays).

Issued in Austin, Texas, on September 11, 1984.

TRD-849315 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed September 12, 1984

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

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order, CN indicates certificate of need; PFR indicates petition for reissuance, NIE indicates notice of intent to acquire major medical equipment, NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project, NIE/HMO indicates notice of intent for exemption of HMO-related project, and EC indicates exemption certificate.

Should any person wish to become a party to any of the 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, 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.

MGH Medical, Inc., doing business as Humana Hospital—Metropolitan (formerly known as Metropolitan General Hospital), San Antonio AH82-1025-137A(082984)

CN/AMD—Request for an extension of the completion deadline from October 8, 1984, to May 31, 1986, in Certificate of Need AH82-1025-137, which authorized the certificate holder to complete 32,885 square feet of shelled space located adjacent to the facility to contain the emergency room department, an ambulatory surgical suite, the Sleep Disorders Center, physical therapy department, and education department.

American Medical Management Corporation, doing business as Heritage Manor Southwest Parkway, Wichita Falls AN82-0708-016A(083184)

CN/AMD—Request for an extension of the completion deadline from September 1, 1984, to March 1, 1985, in Certificate of Need AN82-0708-016, which authorized the certificate holder to relicense and recertify a 100-bed intermediate care nursing home facility containing 21,000 square feet.

Medical Care International, Inc., Houston AS84-0831-552

NIEH—Request for a declaratory ruling that a certificate of need is not required for Medical Care International, Inc., to acquire by purchase Arlington Day Surgery Center, an existing outpatient surgical center located in Arlington, from Arlington Day Surgery Center, Inc., a Texas corporation, and Arlington Day Surgery Center Partnership, a Texas general partnership.

Fundamental Care Corporation, a to-be-formed Texas corporation, Arlington AN84-0831-560

NIEH—Request for a declaratory ruling that a certificate of need is not required for Fundamental Care Corporation, a to-be-formed Texas corporation, to acquire by lease Bellmead Nursing Home, an existing 49-bed ICF nursing facility located in Waco, from Med West Health Care Management Corporation, a South Dakota corporation.

Fundamental Care Corporation, a to-be-formed Texas corporation, Arlington
AN84-0831-561

NIEH—Request for a declaratory ruling that a certificate of need is not required for Fundamental Care Corporation, a to-be-formed Texas corporation, to acquire by lease Cliff Gardens Nursing Home, an existing 34-bed ICF nursing facility located in Dallas, from Med West Health Care Management Corporation, a South Dakota corporation.

O. K. Properties, a California limited partnership, Encino, California
AN84-0831-563

NIEH—Request for a declaratory ruling that a certificate of need is not required for O. K. Properties, a California limited partnership, to acquire by purchase Hickory Elm Convalescent Center, an existing 74-bed ICF nursing facility located in Burkburnett, from Carewell Corporation of Texas, Inc., a Texas corporation

Jules Netreba's Medical Corporation PA, Wichita Falls
AN84-0831-562

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jules Netreba's Medical Corporation PA to acquire by lease Hickory Elm Convalescent Center, an existing 74-bed ICF nursing facility located in Burkburnett, from O. K. Properties, a California limited partnership

Allan Shivers Radiation Therapy Center, Austin
AO84-0813-524

NIE/DR—Request for a declaratory ruling that a certificate of need is not required for the Allan Shivers Radiation Therapy Center to construct an additional 16,269 square feet and to purchase two linear accelerators, a Varian Clinac 1800, a Varian Clinac 6-100, and a Varian Ximatron simulator. The equipment will be located at 2600 East Martin Luther King Boulevard, Austin, and will be utilized on an outpatient basis

Medical Care International, Inc., (formerly Medical 21 Corporation), Houston
AS84-0822-539

NIEH—Request for a declaratory ruling that a certificate of need is not required for Medical Care International, Inc. (formerly Medical 21 Corporation), to acquire by purchase 50% interest in Southwest Houston Surgical Center, an existing free-standing outpatient surgical center located in Houston, from Amburg, Inc. Southwest Houston Surgical Center is currently owned by Amburg, Inc., (50%) and Medical Care International, Inc., (50%).

Issued in Austin, Texas, on September 12, 1984

TRD-849320 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: September 12, 1984
For further information, please call (512) 475-6940

Petition for Reissuance of Certificate of Need

Notice is hereby given by the Texas Health Facilities Commission of an application (including a general project description) for petition of reissuance of certificate of need which has been filed with the commission

The commission may require a hearing on a petition for reissuance of certificate of need when it is determined that good cause exists for such a hearing. A request for a hearing on a petition for reissuance of certificate of need must be submitted to the commission within 15 days after publication of notice and show reason why a hearing should be held. Requests for a hearing are to be mailed to the chairperson of the commission, P. O. Box 50049, Austin, Texas 78763, and must be postmarked no later than the day prior to the last day allowed for filing requests for hearing

The petition will be approved only if the commission determines that it qualifies under the criteria of Texas Civil Statutes, Article 4418h, §3.13, and 25 TAC §§509.81-509.85 and §§513.51-513.53

In the following list, the applicant is listed first, the file number second, and the relief sought and description of the project third

Nacogdoches Medical Center, Nacogdoches
AH83-0815-113R(083084)

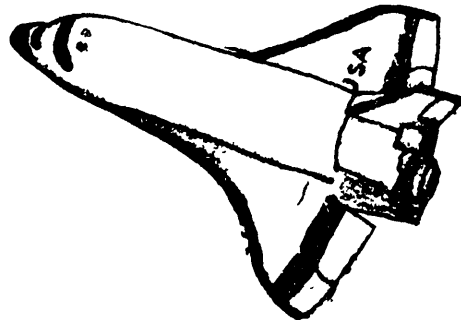
PFR—Petition for reissuance of Certificate of Need AH83-0815-113, which authorized the certificate holder to construct an 18,000 square foot fourth floor to the existing three-story facility and to renovate 3,700 square feet

Issued in Austin, Texas, on September 12, 1984

TRD-849322 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed September 12, 1984

For further information, please call (512) 475-6940



Show Cause Hearing

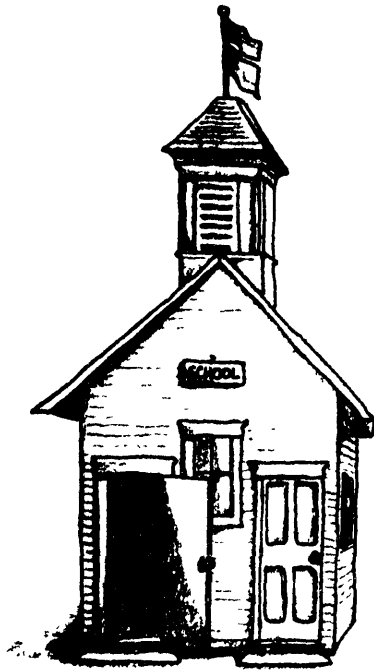
The Texas Health Facilities Commission has found that sufficient grounds exist to require a show cause hearing regarding the matter of Huguley Memorial Medical Center, Fort Worth. It has, therefore, been ordered that Huguley Memorial Medical Center appear before the commission in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, on Monday, November 26, 1984, at 9 a.m., and show cause why Huguley Memorial Medical

Center should not be found in violation of the Texas Health Planning and Development Act, Article 4418h, Texas Civil Statutes, and the commission rules, for having obligated a capital expenditure in excess of \$600,000 to construct a health education complex on the hospital campus without having appropriate authorization from the commission.

Issued in Austin, Texas, on September 12, 1984.

TRD-849321 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: September 12, 1984
For further information, please call (512) 475-8940.



State Department of Highways and Public Transportation Consultant Proposal Request

As required by Texas Civil Statutes, Article 6252-11c, the following consultant proposal request is filed.

The State Department of Highways and Public Transportation (SDHPT) is seeking a qualified contractor to perform a study to examine the impact of Houston's existing and future priority busway/park-and-ride network on land use in the Houston metropolitan area. This will allow a more accurate prediction of costs, benefits, and land-use impacts associated with planned or proposed HOV transitways. The Texas Transportation Institute (TTI) will conduct a majority of the land-use portion of the project. The consultant shall perform a majority of the turnkey park-and-ride portion of the project.

Agency Contact. Additional information regarding this request for proposal may be obtained by contacting Jack Housworth, Transportation Planning Division, State Department of Highways and Public Transportation, (512) 465-7466 or Texan 886-7466.

Response Date. To be considered, proposals must arrive at the Transportation Planning Division, Research Section, P.O. Box 5051, Austin, Texas 78763, on or before September 30, 1984. If mailing proposals, contractors should allow normal mail delivery time to insure timely receipt.

Selection Criteria. Proposals will be reviewed by the Transportation Planning Division technical staff on the basis of proposer's demonstrated competence and technical qualifications and the reasonableness of the proposed fee. Due to Barry Goodman and Associates' past working relationship with the TTI, the consulting portion of the project will be awarded to this agency unless a better offer is received.

Issued in Austin, Texas, on September 7, 1984

TRD-849245 Diane L. Northam
 Administrative Technician
 State Department of Highways
 and Public Transportation

Filed: September 10, 1984
For further information, please call (512) 475-2141.

Texas Department of Human Resources Public Hearing

The Texas Department of Human Resources (DHR) has scheduled a public hearing to receive oral comments on the proposed rules for the Child Protective Services Program. These rules were proposed in the August 31, 1984, issue of the *Texas Register*

The hearing will begin at 9 a.m. on September 27, 1984, at the first floor conference room, West Tower, John H. Winters Human Services Center, 701 West 51st Street, Austin.

Issued in Austin, Texas, on September 11, 1984

TRD-849271 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: September 11, 1984
For further information, please call (512) 450-3766.

Texas Department of Mental Health and Mental Retardation Consultant Contract Award

This award of consulting services is being filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

On July 19, 1984, the central office of the Texas Department of Mental Health and Mental Retardation (TDMHMR) filed a request for proposals with the *Texas Register* which appeared at 9 TexReg 4095. The consultant is to provide the following services.

(1) Expand case management services concerning development of a case management training program; assistance to the TDMHMR facilities and the community centers for mental health and mental retardation services in the implementation of the training program; and monitoring of the implementation and continuation of case management services.

(2) Design an automated case management information system which will describe data elements necessary to support case management system functions at community centers, facility, regional, and central office levels.

(3) Design, develop, and implement a perspective capitation methodology for funding public mental health services and to evaluate the effects of such a methodology.

The central office of the TDMHMR gives notice that it contracted with Penelope Caragonne to provide the previously described services. The contract was entered into on September 1, 1984, and will be in effect until August 31, 1985. Ms. Caragonne's business address is 705 A Sparks, Austin, Texas 78705. The total value of the contract is \$50,480 plus actual expenses incurred, and Ms. Caragonne will provide a summary report to her activities to the central office of the TDMHMR on or before September 15, 1985.

Issued in Austin, Texas, on September 11, 1984.

TRD-849311 Gary E. Miller, M D
Commissioner
Texas Department of Mental
Health and Mental Retardation

Filed: September 11, 1984
For further information, please call (512) 465-4691.

Texas Tourist Development Agency Consultant Proposal Request

This consultant service selection report is filed in accordance with the provisions of Texas Civil Statutes, Article 6252-11c. The notice of the consultant proposal request was published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2576).

The study is to produce, edit, and distribute 50 video tapes on Texas tourism to 12 television stations. The private consultant selected is Bob Griffin, Box 4812, Shreveport, Louisiana 71104. The total value of the study is \$34,125, payable in 12 equal payments of \$2,843.75. The contract is dated August 30, 1984. The project began September 1, 1984, and ends August 31, 1985.

There is no specific due date; however, the 50 video tapes are to be produced and distributed to the 12 television stations between the beginning date of the contract, September 1, 1984, and the terminating date of the contract August 31, 1985. The Texas Tourist Development Agency receives reports each month from each of the 12 television stations indicating which video tapes were used during that particular month.

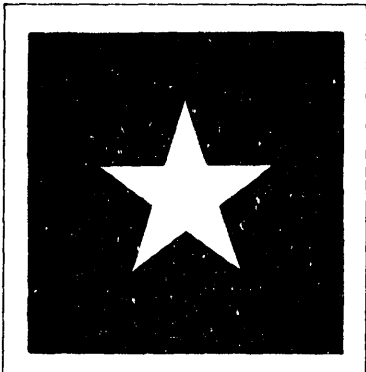
Issued in Austin, Texas, on August 31, 1984.

TRD-849292 Frank Hildebrand
Executive Director
Texas Tourist Development
Agency

Filed: September 11, 1984
For further information, please call (512) 475-4326.

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