

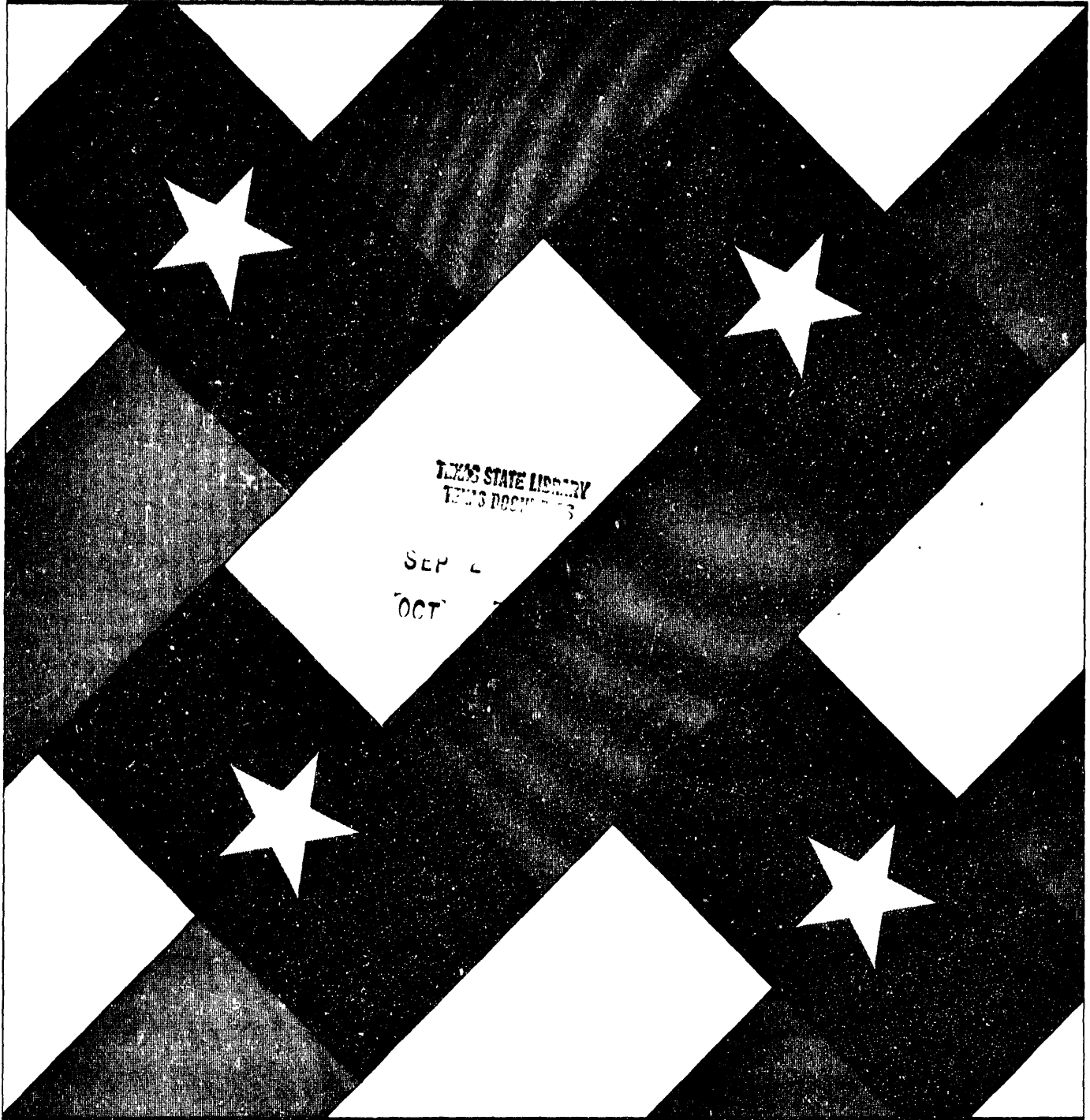
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Texas Register

Volume 9, Number 72, September 25, 1984

Pages 4995 - 5024



Highlights

The State Board of Morticians adopts on an emergency basis new sections in a chapter concerning licensing and enforcement
 Effective date - September 17 page 5000

The Texas State Board of Dental Examiners

proposes amendments concerning reporters and transcripts
 Earliest possible date of adoption - October 26 page 5003

The Comptroller of Public Accounts proposes amendments concerning state sales and use tax
 Earliest possible date of adoption - October 26 page 5004

**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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 14

Battleship Texas Advisory Board

For a term to expire February 1, 1987:

Philip L. Chumlea
5807 Beverly Hill
Townhouse #4
Houston, Texas 77057

Mr. Chumlea is being appointed to this created authority pursuant to House Bill 586, 68th Legislature, 1983.

Issued in Austin, Texas, on September 14, 1984.

TRD-849504

Mark White
Governor of Texas



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

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

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Rick Gilpin, Opinion Committee chairman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the Central File Room, Attorney General's Office, Technicenter Building, IV, 5910 Technicenter -102, Austin, Texas 78721, or by telephoning (512) 928-1323. A single opinion is free; additional opinions are \$1.00 a copy.

The Attorney General

Requests for Opinions

RQ-392. Request from Bob Bullock, comptroller of public accounts, Austin, concerning the enforcement of the Texas Bingo Enabling Act.

TRD-849524

RQ-393. Request from Margaret Moore, Travis County attorney, Austin, concerning whether information related to the theft of jail inmates' property by county employees is excepted from disclosure under the Open Records Act.

TRD-849525

RQ-394. Request from Kenneth Ashworth, commissioner, Coordinating Board, Texas College and University System, Austin, concerning whether certain foreign nationals are residents of Texas for purposes of tuition at a state university.

TRD-849526

RQ-395. Request from Bob Bullock, comptroller of public accounts, Austin, concerning whether country club fees are

subject to the amusements tax.

TRD-849527

RQ-396. Request from Senator Carl Parker, chairman, Texas Senate Education Committee, Austin, concerning whether the Texas Guaranteed Student Loan Corporation may serve as a lender of last resort.

TRD-849528

RQ-397. Request from Lloyd Criss, chairman, House Committee on Labor and Employment Relations, Austin, concerning the construction management bidding process at the University of Houston.

TRD-849529

RQ-398. Request from Mike Driscoll, Harris County attorney, Houston, concerning whether Harris County may regulate the speed and operation of boats on the San Jacinto River.

TRD-849530

RQ-399. Request from Henry Wade, district attorney, Dallas County Courthouse, Dallas, concerning the effect of Senate Bill 42, 68th Legislature, 2nd Called

Session, 1984, on the jurisdictions of certain county courts at law in Dallas County.

TRD-849531

RQ-400. Request from Mike Driscoll, Harris County attorney, Houston, concerning whether responsibility for the Harris County Child Support Division may be transferred from the Juvenile Board to the Domestic Relations office.

TRD-849532

RQ-401. Request from Charles D. Travis, executive director, Texas Parks and Wildlife Department, Austin, concerning the constitutionality of Texas Civil Statutes, Article 7467a, which authorizes specified municipalities to acquire state streambeds by annexation.

TRD-849533

RQ-402. Request from Jerry Cobb, criminal district attorney, Denton, concerning whether a commissioners court may approve a plat and accept a road for county maintenance under certain conditions.

TRD-849534

Emergency Rules

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

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

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

TITLE 22. EXAMINING BOARDS Part X. State Board of Morticians Chapter 203. Licensing and Enforcement—Specific Substantive Rules

22 TAC §203.1

The State Board of Morticians adopts on an emergency basis amendments to §203.1, concerning definitions. The welfare of the consuming public will best be served by the emergency adoption of this new section, because individuals shopping and purchasing funerals will be able to obtain price information over the telephone and provide preventive remedies for deceptive acts or practices.

These amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4582b, §5, which provide the State Board of Morticians with the authority to promulgate rules and regulations.

These amendments were proposed for permanent adoption in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3906).

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

[Personal supervision—In Texas Civil Statutes, Article 4582b, §1(C), means that a licensed funeral director or embalmer must be present at the place and time of removal of body.]

Cash advance items—Any item of service or merchandise described to a purchaser as a “cash advance,” “accommodation,” “cash disbursement,” or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser’s behalf. Cash advance items may include, but are not limited to, the following items: cemetery or crematory services, pallbearers, public transportation, clergy

honoria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certifications.

Casket—A rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, or like material and ornamented and lined with fabric.

Cremation—A heating process which incinerates human remains.

Crematory—Any person, partnership, or corporation that performs cremation.

Direct cremation—A disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.

Immediate burial—A disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present, except for graveside services.

Funeral provider—Any person, partnership, or corporation that sells or offers to sell funeral goods and funeral services to the public.

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

TRD-849471

John W. Shocklee
Executive Secretary
State Board of Morticians

Effective date: September 17, 1984

Expiration date: January 15, 1985

For further information, please call (512) 442-6721.

22 TAC §§203.8, 203.9, 203.11, 203.115

The State Board of Morticians adopts on an emergency basis new §§203.8, 203.9, 203.11, and 203.115. The welfare of the consuming public will best be served by the emergency adoption of these sections because individuals shopping and purchasing funerals will be able to obtain price information over the telephone and provide preventive remedies for decep-

tive acts or practices. These new sections were adopted in the September 21, 1984, issue of the *Texas Register*. The adoption becomes effective October 5, 1984.

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 4582b, §5, which provide the State Board of Morticians with the authority to promulgate rules and regulations.

§203.8. Telephone Price Disclosures. To prevent unfair or deceptive acts or practice, funeral directors must:

- (1) tell persons who call the funeral establishment and ask about the terms, conditions, or prices at which funeral goods or funeral services are offered, that price information is available over the telephone; and
- (2) tell persons who ask by telephone about the funeral establishment's offerings or prices any accurate information from the price lists which reasonably answers the question and any other information which reasonably answers the question and which is readily available.

§203.9. Price Disclosure. The retail price list, as defined in Texas Civil Statutes, Article 4582b, §1(S), must contain the retail prices, expressed either as a flat fee or as the price per hour, mile, or other information, of the following terms:

- (1) forwarding of remains to another funeral establishment, together with a list of the services provided for any quoted price;
- (2) receiving remains from another funeral establishment, together with a list of the services provided for any quoted price;
- (3) the price range for the direct cremation offered by the funeral establishment, together with:
 - (A) a separate price for a direct cremation where the purchaser provides the container;
 - (B) separate prices for each direct cremation offered, including an unfinished wood box or alternative container; and
 - (C) a description of the services and container (where applicable) included in each price;
- (4) the price range for the immediate burials offered by the funeral establishment, together with:
 - (A) a separate price for an immediate burial where the purchaser provides the casket;
 - (B) separate prices for each immediate burial offered, including a casket or alternative container; and
 - (C) a description of the services and containers (where applicable) included in that price;
- (5) acknowledgement cards;
- (6) specifically itemized cash advance items.

(These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.)

§203.11. Clarification of Fraudulent or Deceptive Conduct in Providing Funeral Services or Merchandise.

(a) Embalming provisions.

(1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

- (A) represent that state or local law requires that a deceased person be embalmed;

(B) fail to disclose that embalming is not required by law except in certain special cases.

(2) Preventive requirements. To prevent these deceptive acts or practices, funeral directors must:

(A) not represent that a deceased person is required to be embalmed for direct cremation, immediate burial, a funeral using a sealed casket, or if refrigeration is available and the funeral is without viewing or visitation and with a closed casket when state or local law does not require embalming; and

(B) place the following disclosure on the retail price list, in immediate conjunction with the price shown for embalming:

Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as funerals with viewing. If you do not want embalming, you usually have the right to choose an arrangement which does not require you to pay for it, such as direct cremation or immediate burial.

(b) Casket for cremation provisions.

(1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

- (A) represent that state or local law requires a casket for direct cremation;
- (B) represent that a casket (other than an unfinished wood box) is required for direct cremation.

(2) Preventive requirements. To prevent these deceptive acts or practices, funeral directors must place the following disclosure in immediate conjunction with the price range shown for direct cremation:

If you want to arrange a direct cremation, you can use an unfinished wood box or alternative container. Alternative containers can be made of materials like heavy cardboard or composition materials (with or without an outside covering), or purchases of canvas.

This disclosure only has to be placed on the retail price list if the funeral provider arranges direct cremations.

(c) Outer burial container provisions.

(1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(A) represent that state or local laws or regulations or particular cemeteries require outer burial containers when such is not the case;

(B) fail to disclose to persons arranging funerals that state law does not require the purchase of an outer burial container.

(2) Preventive requirements. To prevent these deceptive acts or practices, funeral providers must place the following disclosure on the outer burial container price list. The prices of outer burial containers are listed on the retail price list, in immediate conjunction with those prices:

In most areas of the country, no state or local law makes you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container so that the graves will not sink in. Either a burial vault or a grave liner will satisfy these requirements.

(d) General provisions on legal and cemetery requirements.

(1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for funeral providers to present that federal, state, or local laws or particular

cemeteries or crematories require the purchase of any funeral goods or funeral services when such is not the case.

(2) Preventive requirements. To prevent these deceptive acts or practices, as well as the deceptive acts or practices, funeral directors must identify and briefly describe in writing on the statement of funeral goods and services selected any legal, cemetery, or crematory requirement which the funeral director represents persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging.

(e) Provisions on preservative and protective value claims. In selling or offering to sell funeral goods and funeral services to the public, it is a deceptive act or practice for a funeral director to:

(1) represent that funeral goods or funeral services will delay the natural decomposition of human remains for a long-term or indefinite time,

(2) represent that funeral goods have protective features or will protect the body from gravesite substances, when such is not the case.

(f) Cash advance provisions.

(1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral director to:

(A) represent that the price charged for a cash advance item is the same as the cost to the funeral director for the item when such is not the case;

(B) fail to disclose to persons arranging funerals that the price being charged for a cash advance item is not the same as the cost to the funeral provider for the item when such is the case.

(2) Preventive requirements. To prevent these deceptive acts or practices, funeral directors must place the following sentence in the general price list, at the end of the cash advance disclosure: "We charge you for our services in buying these items," if the funeral provider makes a charge upon, or receives and retains a rebate, commission, or trade or volume discount upon a cash advance item.

(g) Casket for cremation provision.

(1) Unfair or deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral establishment or a crematory to require that a casket, other than an unfinished wood box, be purchased for direct cremation.

(2) Preventive requirements. To prevent this unfair or deceptive act or practice, funeral directors must make an unfinished wood box or alternative container

available for direct cremations, if they arrange direct cremations.

(h) Other required purchases of funeral goods or funeral services.

(1) Unfair or deceptive acts or practices. In selling or offering to sell funeral goods or funeral services, it is an unfair or deceptive act or practice for a funeral provider to condition the furnishing of any funeral goods or funeral services to a person arranging a funeral upon the purchase of any other funeral good or service, except as required by law or as otherwise permitted by this part.

(2) Preventive requirements.

(A) To prevent this unfair or deceptive act or practice, funeral providers must:

(i) place the following disclosure in the retail price list, immediately above the prices required:

The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected.

Provided, however, if the charge for services of funeral director and staff cannot be declined by the purchaser, the statement shall include the sentence "However, any funeral arrangements you select will include a charge for our services" between the second and third sentences of the statement specified herein; and

(ii) place the following disclosure on the statement of funeral services selected:

Charges are only for those items that are used. If we are required by law to use any items, we will explain the reasons in writing below

(B) A funeral provider shall not violate this section by failing to comply with a request for combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

§203.115. Comprehension of Disclosure. To prevent unfair or deceptive acts or practices, funeral directors must make all disclosures required by those sections in a clear and conspicuous manner.

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

TRD-849472

John W. Shocklee
Executive Secretary
State Board of Morticians

Effective date: September 17, 1984
Expiration date: October 5, 1984
For further information, please call (512) 442-6721.

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 V. Texas State Board of Dental Examiners Chapter 107. Dental Board Procedures Procedures Governing Grievances, Hearings, and Appeals

22 TAC §107.38

The Texas State Board of Dental Examiners proposes amendments to §107.38, concerning reporters and transcript. For the past several years, court reporter costs have increased significantly for this agency. Therefore, the board is proposing amendments so that the costs of transcripts can be divided between this agency and other interested parties.

William S. Nail, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Nail also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a definition of the cost of transcripts to the board and other parties. 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 William S. Nail, Executive Director, 411 West 13th Street, Suite 503, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of this state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§107.38. *Reporters and Transcript.*

(a) **The Texas State Board of Dental Examiners will furnish a court reporter to record the proceedings of all disciplinary hearings, and any daily cost for such transcriptions shall be borne by the Texas State Board of Dental Examiners.** [When a party makes a written request that proceedings be transcribed, the party shall state in writing his election to furnish his own stenographic reporter or to utilize the reporter on the staff of the agency, if the agency has a stenographic reporter available at the time of the request. In the event the agency does not have a stenographic reporter available at the time of the request or if the party elects to furnish the stenographic reporter, the cost of the original transcript shall be assessed against the party requesting the transcription, and the copies shall be assessed against the remaining parties requesting same.]

(b) **In the event it shall be necessary to order a transcript of a disciplinary proceeding for appeal purposes, the Texas State Board of Dental Examiners will order an original and two copies, with one copy to be furnished to the respondent. The cost of ordering such original and two copies shall be assessed one-half to the Texas State Board of Dental Examiners and one-half to the respondent.** [The original transcript shall be delivered to the board or the hearing officer not more than 14 working

days after the close of the hearing. Upon approval of the request by the board or the hearing officer, the stenographic reporter shall furnish a copy to the requesting party at not more than \$.30 per page plus the cost of postage, if any. The board may exclude any stenographic reporter for late delivery or poor workmanship in previous hearings. A stenographic reporter may sell a copy of a transcript if the stenographic reporter first submits a written request to the executive director containing the following:

- {(1) the full name and address of the party requesting the copy;
 - {(2) the number of pages in the transcript; and
 - {(3) the cost of the copy to the party.}
- (c) (No change.)

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

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

TRD-849467 William S. Nail
Executive Director
Texas State Board of Dental
Examiners

Earliest possible date of adoption:
October 26, 1984

For further information, please call (512) 475-2443.

Chapter 109. Conduct Fair Dealing

22 TAC §109.144

The Texas State Board of Dental Examiners proposes an amendment to §109.44, concerning records and their transfer. The board is proposing an amendment because it feels records should be available for a longer period of time in case the patient or the board needs these records.

William S. Nail, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Nail 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 access to dental records for a longer period of time. 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 William S. Nail, Executive Director, 411 West 13th Street, Suite 503, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of this state as may be necessary for the performance of its duties and/or to ensure com-

pliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.44. Records and Their Transfer.

(a) \ Texas dental licensee practicing dentistry in Texas shall make, maintain, and keep adequate records of the diagnosis made and the treatment performed for and upon each of his dental patients for reference, identification, and protection of the patient and the dentist for a period of not less than five [two] years, and such records shall be available for inspection by the patient after and upon appointment with the dentist and also by the officers, agents, or employees of the Texas State Board of Dental Examiners. This shall not prohibit the transfer of records to another dentist for continued treatment or to an agreed designated consultant for ascertainment of facts.

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

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

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

TRD-849468 William S. Nail
Executive Director
Texas State Board of Dental
Examiners

Earliest possible date of adoption:
October 26, 1984

For further information, please call (512) 475-2443.

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

Chapter 3. Tax Administration Subchapter O. State Sales and Use Tax 34 TAC §3.321

The Comptroller of Public Accounts proposes amendments to §3.321, concerning advertising agencies. The amendments include changes due to legislation concerning the definition of "taxable item," to include taxable services as well as tangible personal property.

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 taxpayers will be better informed as to tax policy on advertising agencies. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

An exemption certificate or purchase order from the tribal council is sufficient proof of the exempt sale.

(2) Sales made by a tribal council or a business owned by a tribal council of these Indian tribes within the boundaries of the reservation are exempt from sales tax if:

(A) the taxable item being sold is made by a member of the tribe, and

(B) the taxable item is a cultural artifact of the tribe.

(3) (No change.)

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

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

TRD-849518

Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:

October 26, 1984

For further information, please call (512) 475-1922.

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

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

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

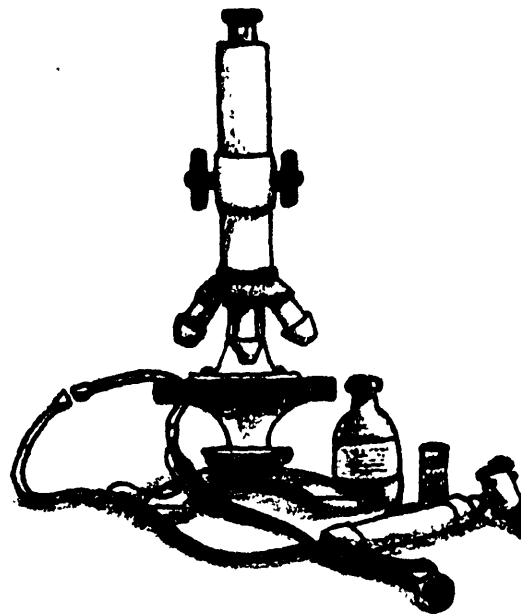
Withdrawn Rules

TITLE 25. HEALTH SERVICES
Part VIII. Interagency Council on
Early Childhood Intervention
Chapter 621. Early Childhood
Intervention Program
Complaints

25 TAC §621.41

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), proposed new §621.41 submitted by the Interagency Council on Early Childhood Intervention has been automatically withdrawn, effective September 18, 1984. The proposed new section appeared in the March 16, 1984, issue of the *Texas Register* (9 TexReg 1516).

TRD-849486
Filed: September 18, 1984



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 of Agriculture

Tuesday, October 2, 1984, 1 p.m. The Texas Department of Agriculture rescheduled a meeting to be held at 241 East McNeil Street, Stephenville. According to the agenda, the department will conduct an administrative hearing to review a possible violation of the Texas Agriculture Code, §76.116(a) (2), by Jesse Thompson, doing business as Thompson Flying Service, Inc., holder of a commercial applicator's license. The meeting originally was scheduled for September 18, 1984, as published at 9 TexReg 4690.

Wednesday, October 17, 1984, 10 a.m. The Texas Department of Agriculture rescheduled a meeting to be held at 5015 College Drive, Vernon. According to the agenda, the department will conduct an administrative hearing to review possible violation(s) of the Texas Agriculture Code, §76.116(a) (1)-(3), by J. M. Christensen, holder of commercial pesticide applicator License 649. The meeting originally was scheduled for September 6, 1984, as published at 9 TexReg 4631.

Contact: Patrick D. Redman, P.O. Box 12847, Austin, Texas, (512) 475-6686.

Filed: September 20, 1984, 8:58 a.m.
TRD-849954, 849955

Texas Department of Community Affairs

Friday, September 28, 1984, 10 a.m. The Advisory Council on Community Affairs of the Texas Department of Community Affairs (TDCA) will meet in Room 100, 2015 IH 35 South, Austin. According to the agenda, the department will review the August 31, 1984, minutes; review and update committee assignments; hear committee status reports; discuss and make recommendations concerning the TDCA budget and legislative priorities.

Contact: Larry Crumpton, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 201.

Filed: September 18, 1984, 4:38 p.m.
TRD-849513

Texas Cosmetology Commission

Sunday, September 23, 1984, 9:30 a.m. The Texas Cosmetology Commission submitted an emergency revised agenda for a meeting held at the Austin Hilton Inn, IH 35 at Highland Mall, Austin. According to the agenda, the commission heard Deanna Bock speak on the Hair Runner TM Mobile

Beauty Salon and considered proposed rule changes, the prior meeting minutes, and committee reports. The commission also met in executive session to hear consultant John Porterfield speak on personnel and budget matters and to discuss Grievance Committee matters. The emergency status was necessary because proposed rule changes were inadvertently omitted from the prior submitted agenda.

Contact: Herbert E. Cohen, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-3304.

Filed: September 19, 1984, 8:49 a.m.
TRD-849519

Texas Employment Commission

Thursday, September 20, 1984, 8 a.m. The Texas Employment Commission (TEC) made emergency additions to the agenda of a meeting held in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. The additions concerned consideration of a proposed amendment to 40 TAC §301.17 and commission Appeal 83-6805-10-051684, concerning Susan Carrasco, claimant, and Methodist Hospital, employer. The emer-

gency status was necessary to comply with federal time lapse requirements and react timely to recent federal issuance in this area.

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

Filed: September 19, 1984, 3:10 p.m.
TRD-849547

Wednesday, September 26, 1984. The Texas Employment Commission (TEC) will meet in the North Room, Howard Johnson Motor Hotel, 8887 Gateway West, El Paso. Times and agendas follow.

1 p.m. According to the agenda summary, the commission will establish a TEC policy on Hispanic translations; conduct a general update by the staff on programs and operations; update El Paso district operations; consider the position of agency administrator and appropriate action thereon, the commission's higher authority appeal procedures relating to additional hearings, interagency contracts with the attorney general's office and action thereon, and new benefit amounts and action thereon; actions, if any, resulting from an executive session; and decide on the date of and the agenda items for the next meeting. The commission will also meet in executive session to consider the TEC's sale, lease, or purchase of real property under Senate Bill 1355; discuss with attorneys the Tullis v. Grisham case, the Tullis merit system appeal, the Joiner merit system appeal, related matters, and other matters permitted by Article 6252-17, §2(e)-(g) and (j).

7 p.m. Items on the agenda include the Comprehensive Language Services Program, a public comment period, and decisions, if any, regarding the Comprehensive Language Services Program

Contact: Steve Hollahan, Texas Employment Commission Building, Room 660, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4400.

Filed: September 18, 1984, 4:07 p.m.
TRD-849509, 849510

Thursday, September 27, 1984, 7 p.m. The Texas Employment Commission will meet at the Lubbock Garden and Arts Center, 4215 University Drive, Lubbock. Items on the agenda include consideration of the Comprehensive Language Services Program, a public comment period, and decisions, if any, regarding the Comprehensive Language Services Program.

Contact: Steve Hollahan, Texas Employment Commission Building, Room 660, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4400.

Filed: September 18, 1984, 4:07 p.m.
TRD-849511

Joint Select Committee on Fiscal Policy

Thursday, September 27, 1984, 9 a.m. The Joint Select Committee on Fiscal Policy will meet in the auditorium, 909 West 45th Street, Austin. According to the agenda, some members of the committee will conduct a staff working session to discuss Texas' telephone tax, an overview of the telephone/telecommunications industry, current industry services, and conduct a panel discussion concerning the tax policy and the telecommunications industry.

Contact: Tom Scott, State Capitol, Room G31, Austin, Texas 78711, (512) 475-3106.

Filed: September 19, 1984, 9:31 a.m.
TRD-849537

Texas Health Facilities Commission

Thursday, September 27, 1984, 1:30 p.m. The Texas Health Facilities Commission made additions to the agenda of a meeting to be held in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. Additions concern consideration of the following applications.

Certificate of Need

Woodland Heights General Hospital,
Lufkin

AH84-0614-390

Medical Center Hospital, Tyler

AH84-0604-360

The University of Texas Medical Branch
at Galveston, Galveston

AH84-0509-291

Amendment of Certificate of Need Orders

Day Surgery Center of Lubbock,
Lubbock

AS83-0707-025A(081084)

Zapata Family Clinic, Zapata

AO82-0727-081A(081484)

Declaratory Ruling/Notice of Intent

American Medical International, Inc.,
Houston

AO84-0813-523

Notices of Intent to Acquire Existing Health Care Facilities

Seguin Associates Investment Group,
Walnut Creek, California

AN84-0808-516

Southwest Health Villas, Inc., Dallas

AN84-0809-520

Southwest Health Villas of Texas, Inc.,
Dallas

AN84-0809-519

Holy Cross Hospital, Inc.,
a Texas nonprofit corporation, Austin

AH84-0815-526

Notice of Intent to Acquire Major Medical Equipment

Dallas Medical Imaging, a partnership,
Duncanville

AO84-0817-529

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

Filed: September 19, 1984, 9:35 a.m.
TRD-849521

Task Force on Indigent Health Care

Tuesday, October 2, 1984, 2 p.m. The Task Force on Indigent Health Care will meet in the Senate Chamber, State Capitol, Austin. According to the agenda, the task force will conduct a public hearing to hear input from the general public concerning the task force's preliminary report.

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

Filed: September 20, 1984, 4:06 p.m.
TRD-849548

State Board of Insurance

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Wednesday, September 26, 1984, 3:30 p.m.

The board will take final action concerning new Rules 059.21.50.004 and 059.21.01.111-.119; amendments to Rules 059.01.15.209, .213, .218, 059.21.46.011-.016, 059.01.15.203, 059.05.26.101 and .102, 059.14.38.009, and 059.21.50.001, .002, .005, and .006; repeal of Rules 059.02.03.001, 059.05.26.003, 059.01.15.205, 059.21.50.003, 059.21.39.201, 059.21.49.307, 059.05.43.202, and 059.05.25.002, .006, and .008; proposed action concerning an amendment to

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board Order 45391 respecting the plan of operation of the Texas Catastrophe Property Insurance Association; rules concerning orthodontic benefits; rules to implement the plan of operation of the Texas Life, Health, and Accident Guaranty Act; and an extension of the emergency effectiveness of Rules 059.03.28.101-.105 and 059.03.28.201-.205.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: September 18, 1984, 4:26 p.m.
TRD-849512

Thursday, September 27, 1984, 2 p.m. The board will consider a decision concerning a filing by the Insurance Services Office for revision of basic limits bodily injury rates for certain premises/operations classifications for Division Six of the Commercial Lines Manual; decisions on appeals of Edward H. Chittick, Jr., *et ux*, George R. Russell, and William W. Herring, *et ux*, from actions of the Texas Catastrophe Property Insurance Association; the commissioner's and the fire marshal's reports, including personnel matters; and board orders on several different matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: September 19, 1984, 11:27 a.m.
TRD-849541

Texas Department of Labor and Standards

Tuesday and Wednesday, October 2 and 3, 1984, 9 a.m. daily. The Labor/Licensing and Enforcement 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 consider license and registration revocations, suspensions, and alleged violations of various rules and regulations of the department.

Contact: Monica Sieman, P.O. Box 12157, Austin, Texas 78711, (512) 475-7001.

Filed: September 19, 1984, 1:07 p.m.
TRD-849542

Texas Parks and Wildlife Department

Wednesday, October 3, 1984, 10 a.m. The Operation Game Thief Committee of the

Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. Items on the agenda include approval of the April 20, 1984, public hearing minutes; the financial report; consideration of payment of rewards; a three-year overview; and setting the date of the next meeting.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: September 19, 1984, 2:40 p.m.
TRD-849545

Public Utility Commission of Texas

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.

Friday, September 28, 1984, 9 a.m. The division will consider Dockets 4575, 5076, 5117, 5283, 5384, 5412, 5433, 5540, 5636, 5674, 5822, 5825, 5832, 5863, 5879, and 5889. The division will also meet in executive session to discuss pending litigation.

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

Filed: September 19, 1984, 3:04 p.m.
TRD-849546

Monday, October 1, 1984, 9 a.m. A hearing in Docket 5747—application of Texas Utilities Electric Company to amend its certificate of convenience and necessity for the Twin Oak Steam Electric Station.

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

Filed: September 20, 1984, 9:21 a.m.
TRD-849565

Monday, October 22, 1984, 9 a.m. A hearing on the merits in Docket 5902—complaint of Mark Smith against Southwestern Bell Telephone Company regarding a billing dispute.

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

Filed: September 18, 1984, 1:57 p.m.
TRD-849502

State Purchasing and General Services Commission

Thursday, September 20, 1984, 9:30 a.m. The State Purchasing and General Services Commission made an emergency addition to the agenda of a meeting held in Room 916, LBJ Building, 111 East 17th Street, Austin. The addition concerned approval of an emergency rule for Class 715 publications and approval programs which would amend 1 TAC §113.9. The emergency status was necessary because the matter came up subsequent to the filing of the regular agenda and needed to be considered by the commission in view of the contract beginning date on Class 715.

Contact: Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211 or STS 822-2211.

Filed: September 19, 1984, 8:34 a.m.
TRD-849520

Texas Rehabilitation Commission

Monday, October 1, 1984, 10:30 a.m. The Subcommittee on Media Relations and Public Information of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet in Suite 104, 158 East Riverside Drive, Austin. According to the agenda, the subcommittee will review the 1983 Barbara Jordan nomination package and make recommendations for the 1984 Barbara Jordan nomination package, discuss the 1984 Media Conference and Barbara Jordan Awards Banquet and make recommendations for the 1985 Media Conference and Barbara Jordan Awards Banquet, discuss the media conference and banquet location, rationale, and desired month and day for 1985; and review the volunteer aid kit.

Contact: Virginia Roberts, 158 East Riverside Drive, Room 104, Austin, Texas 78704, (512) 445-8272

Filed: September 20, 1984, 9:15 a.m.
TRD-849566

Sunset Advisory Commission

Wednesday and Thursday, October 3 and 4, 1984, 9 a.m. daily. The Sunset Advisory Commission will meet in Room E, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the commission will hear agency testimony of the Texas Department of Health; staff



presentations and public testimony of the Texas Conservation Foundation, the Texas Coastal and Marine Council, the Anatomical Board of the State of Texas, and the Office of Interstate Compact on Mental Health administrator for Texas; consider commission decisions concerning the Texas Coordinating Commission for Health and Welfare Services, the Texas Commission for the Deaf, the Texas Commission on Alcoholism, the Texas Rehabilitation Commission, and the Commission for the Blind; and discuss legislation concerning the state entomologist, the state forester, the Soil and Water Conservation Board, the Texas Advisory Board of Occupational Therapy, and the Texas Department on Aging.

Contact: Cindy Unsell, 105 West 15th Street, Room 305, Austin, Texas, (512) 475-1718.

Filed: September 18, 1984, 3:23 p.m.
TRD-849507

Advisory Council for Technical-Vocational Education in Texas

Tuesday, October 2, 1984, 11 a.m. The Industry/Education Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in the Sala Grande III Room, La Quinta Royale, 601 North Water Street, Corpus Christi. According to the agenda, the committee will review and discuss program of work items to be implemented and review plans for a statewide conference on vocational education to be held November 15 and 16, 1984, in Austin.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 475-2046.

Filed: September 20, 1984, 9:15 a.m.
TRD-849567

Texas Water Commission

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Thursday, October 11, 1984, 10 a.m. In Room 118, the commission will consider the application of Triad Properties, Inc., for proposed Permit 12910-01, to authorize the disposal of treated domestic wastewater effluent at a volume not to exceed an average

flow of 50,000 gallons per day in Smith County, Neches River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 19, 1984, 10:56 a.m.
TRD-849538

Tuesday, October 23, 1984, 2 p.m. In Room 118, the commission will conduct a hearing on a petition for creation of Rankin Road West Municipal Utility District, containing 313.623 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 19, 1984, 10:57 a.m.
TRD-849539

Tuesday, October 30, 1984, 9 a.m. In Room 618, the commission will consider an application of Travis County Municipal Utility District 2, (formerly Austin-Manor Investments, J.V.), in care of Michael A. Cole, P.C., 5300 Memorial Drive, Suite 1070, Houston, Texas 77007, to the Texas Department of Water Resources for proposed Permit 12900-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1.58 million gallons per day from the proposed Travis County Municipal Utility District 2 wastewater treatment plant which is to be constructed in three phases and will serve the needs of Travis County Municipal Utility District 2.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78701, (512) 475-2711.

Filed: September 19, 1984, 2:02 p.m.
TRD-849544

Tuesday, October 30, 1984, 2 p.m. In Room 118, the commission will consider the application of Vincent Consoli, doing business as Kingwood Mobile Home Park, for proposed Permit 12891-01, to authorize a discharge of 22,000 gallons per day average daily flow of treated domestic effluent in Harris County, San Jacinto River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 19, 1984, 10:56 a.m.
TRD-849540

Wednesday, October 31, 1984, 2 p.m. In Room 118, the commission will consider the application of Olin Corporation for an amendment to Permit 00647, for an increase in the ammonia limit from 10 mg/l to 30 mg/l as a daily maximum concentration in Jefferson County, Neches River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 18, 1984, 2:09 p.m.
TRD-849503

Regional Agencies Meetings Filed September 18

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room, administration facility, 4101 South Medford Drive, Lufkin, on September 25, 1984, at 5:30 p.m. Information may be obtained from Jim McDermott, Ph.D., 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Region 18 Education Service Center, Joint Committee, will meet at the Midland Air Terminal, LaForce Boulevard, Midland, on October 3, 1984, at 10 a.m. The Board of Directors will meet at the same location on October 4, 1984, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79701, (915) 563-2380.

The Leon County Central Appraisal District, Board of Directors, met at the Leon County Courthouse, Centerville, on September 24, 1984, at 7:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Texas Municipal League Workers' Compensation-Joint Self-Insurance Funds, Risk and Insurance Management Services Board of Trustees, met at the La Posada Hotel, 1000 Zaragosa, Laredo, on Sunday and Monday, September 23 and 24, 1984, at 2 p.m. and 9 a.m. respectively. Information may be obtained from William I. Martin, Jr., 1020 Southwest Tower, Austin, Texas 78701, (512) 478-6601.

The South Texas Development Council, STED Corporation Board of Trustees, met in emergency session in the La Junta Conference Room, Jim Hogg County Public Library, Hebbronville, on Friday, September 21, 1984, at 11 a.m. The Board of Directors met at the same location on the same day at 3 p.m. Information may be obtained from Robert Mendiola or Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on

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Wednesday, September 26, 1984, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.
TRD-849499

Meetings Filed September 19

The Amarillo Mental Health and Mental Retardation Regional Center, Executive Committee of the Board of Trustees, will meet in Room G-15, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on September 27, 1984, at noon. The Board of Trustees will meet at the same location on the same day at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on September 25 and

26, 1984, at 7:30 p.m. daily. Information may be obtained from Clifton L. Kessler, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District, Appraisal Review Board, met in emergency session at 535 South Main, San Antonio, on September 21, 1984, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, will meet at 408 Mulberry Drive, Brownwood, on September 25, 1984, at 4:30 p.m. Information may be obtained from Randy K. Harkey, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, ext. 102.

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, will meet at 1404 Village Drive, Victoria, on

September 27, 1984, at noon. Information may be obtained from T. G. Kelliher, Jr., 1404 Village Drive, Victoria, Texas 77901, (512) 578-5262.

The Texas Association of Regional Councils will meet at the Del Rio Convention Center, Highway 90 West, Del Rio, on September 28, 1984, at 2 p.m. Information may be obtained from Jim Ray, 508 West 12th Street, Austin, Texas 78701, (512) 478-4715.
TRD-849543

Meeting Filed September 20

The Mental Health and Mental Retardation Regional Center of East Texas, Board of Trustees, will meet in the board room, 2323 West Front Street, Tyler, on September 25, 1984, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.
TRD-849568

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner), notices of rate ceilings (filed by the consumer credit commissioner), changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of September 10-14, 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.

R. W. McKinney & T. L. James & Company, Inc., Ennis; portable rock crusher; Ennis, Ennis County; 2524C; modification

GNB Batteries, Inc., Metals Division, Frisco; oxide plant reactor system four; South Fifth Street, Collin County; 3048A; modification;

GNB Batteries, Inc., Metals Division, Frisco; Frisco oxide expansion facility; South Fifth Street, Collin County; 5818A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; storage tank; Corpus Christi, Nueces County; 2463A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; floating roof tank; Corpus Christi, Nueces County; 1321A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; floating roof tank; Corpus Christi, Nueces County; 1352A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; floating roof tank; Corpus Christi, Nueces County; 1353A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; fixed roof tank; Corpus Christi, Nueces County; 1354A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; fixed roof tank; Corpus Christi, Nueces County; 1355A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; fixed roof tank; Corpus Christi, Nueces County; 1356A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; two storage tanks; Corpus Christi, Nueces County; 3477A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; clay tower and heater; Corpus Christi, Nueces County; 3834A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; naphtha splitter; Corpus Christi, Nueces County; 3784A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; hydrodesulfurization unit; Corpus Christi, Nueces County; 3783A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; reformer heater; Corpus Christi, Nueces County; 4699A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; crude distillation unit heater three; Corpus Christi, Nueces County; 1322A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; hydrocracker Unit II-H-301; Corpus Christi, Nueces County; 5487A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; hydrocracker flare; Corpus Christi, Nueces County; 5488A; modification

Coastal Refining & Marketing, Inc., Corpus

Christi; hydrogen production unit; Corpus Christi, Nueces County; 5285A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; recycle tower feed; Corpus Christi, Nueces County; 4748A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; HD Audit L-10; Corpus Christi, Nueces County; 4696A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; HDA Heater L-101; Corpus Christi, Nueces County; 4697A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; flare stack; Corpus Christi, Nueces County; 4243A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; aromatics extraction unit; Corpus Christi, Nueces County; 3506A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; storage tanks; Corpus Christi, Nueces County; 3548A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; sulfur recovery Unit 12; Corpus Christi, Nueces County; 6131A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; storage tank; Corpus Christi, Nueces County; 2180A; modification

Coastal Refining & Marketing, Inc., Corpus Christi; storage tank; Corpus Christi, Nueces County; 3142C; modification

GNB Batteries, Inc., Metals Division, Frisco; five pot refining furnaces, soft lead; South Fifth Street, Collin County; 5466E; modification

GNB Batteries, Inc., Metals Division, Frisco; reverberatory furnace; South Fifth Street, Collin County; 5466D; modification

GNB Batteries, Inc., Metals Division, Frisco; ingot casting machine; South Fifth Street, Collin County; 5466G; modification

Philips Industries, Inc., Lasco Division, Lancaster; bath fixture manufacturing; 151 Industrial Street, Dallas County; 9519; new source

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

TRD-849508 Paul M. Shinkawa
Director of Hearings
Legal Division
Texas Air Control Board

Filed: September 18, 1984
For further information, please call (512) 451-5711, ext. 354.

Banking Department of Texas Public Hearings

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on November 27, 1984,

at 2601 North Lamar Boulevard, Austin, on the charter application for Lakeland State Bank in an unincorporated area of Travis County.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78701, (512) 475-4451.

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

TRD-849505 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: September 18, 1984
For further information, please call (512) 475-4451.

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Monday, November 19, 1984, at 2601 North Lamar Boulevard, Austin, on the charter application for Park Central Bank of Dallas, Dallas 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 18, 1984.

TRD-849506 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: September 18, 1984
For further information, please call (512) 475-4451.

Texas Department of Community Affairs Public Hearings

The Texas Department of Community Affairs is sponsoring a series of public hearings in an effort to obtain public comments from citizens, local officials, and private groups regarding state administration of the Energy Crisis Intervention Program. The hearings are at 10 a.m. on Friday, October 5, 1984, on the first floor, McLennan County Courthouse, Fifth and Washington, Waco; 10 a.m. on Friday, October 5, 1984, at the Gulf Coast Community Services Association, 6300 Bowling Green, Houston; 5 p.m. on Friday, October 5, 1984, at the Coastal Bend Council of Governments, 2910 Leopard Street, Corpus Christi; and 4 p.m. on Friday, October 5, 1984, in the Community Room, Mahon Library, 1306 Ninth Street, Lubbock.

At these hearings, state agency representatives will provide descriptions of this program and explain the proposed use of funds for federal fiscal year 1985, which begins October 1, 1984. Copies of the draft program plan for the state will be available at the hearing.

Local officials and citizens are encouraged to participate in the hearing process and express their views on this program. Written or oral comments that are received will be used to prepare the final program plan. Written com-

ments from those who cannot attend the hearing in person may be mailed by October 8, 1984, to Edmundo M. Zaragoza, Director, Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711. For further information regarding this notice, please contact Edmundo M. Zaragoza at (800) 252-9642 or (512) 475-0681.

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

TRD-849489 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: September 18, 1984
For further information, please call (512) 443-4100,
ext. 210.

The Texas Department of Community Affairs announces that a public hearing will be held pursuant to the Energy Conservation in Existing Buildings Act of 1976, Part A, as amended, 42 United States Code 6861 *et seq.* The purpose of the public hearing is to receive comments on proposed contractors for the Weatherization Assistance for Low-Income Persons Program activities in the uncovered counties of Galveston, Fort Bend, Wharton, and Matagorda.

The proposed contractor for Galveston, Fort Bend, and Wharton Counties is Galveston County Community Action Council, Inc., Galveston, and the proposed contractor for the county of Matagorda is Economic Action Committee of the Gulf Coast, Bay City.

This public hearing will be held October 5, 1984, at 2 p.m. in the Gulf Coast Community Services Association offices, 6300 Bowling Green, Houston. For additional information, contact Edmundo M. Zaragoza, Director, Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (800) 252-9642 or (512) 475-0681.

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

TRD-849490 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: September 18, 1984
For further information, please call (512) 443-4100,
ext. 210.

Office of Consumer Credit Commissioner Interpretations

(Editor's note: A notice was published in the August 10, 1984, issue of the Texas Register (9 TexReg 4367) indicating that the following interpretations by the Office of Consumer Credit Commissioner on mat-

ters relating to credit transactions would be published in September.)

The Consumer Credit Commissioner has issued various interpretations which set out the position of the Office of Consumer Credit Commissioner on matters relating to credit transactions.

Sam Kelley, consumer credit commissioner, has determined that the interpretations will benefit the public in that they will state the administrative position of the consumer credit commissioner on various questions relating to credit transactions and therefore will make known to the public these positions and interpretations and allow the public to rely on them.

In 1981 the 67th Legislature enacted House Bill 1228 which became effective May 8, 1981. Most of that bill is now codified in various sections of Texas Civil Statutes, Article 5069. Article 5069, §1.04(p), provides in part that "a person does not violate this Title . . . by any acts done or omitted that conform to an interpretation of this Title by the consumer credit commissioner." Also, §8.01(f) provides, in part, that:

a person may not be held liable in any action brought under this Article for a violation of this subtitle if . . . the violation was an act done or omitted in good faith in conformity with any rule, regulation, or interpretation of this Title by any state agency, board, or commission . . . notwithstanding that after such act or omission has occurred such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

These interpretations are presented pursuant to and in conformity with the previously mentioned statutory provisions.

These interpretations are for the most part excerpted from and based upon previous letter interpretations written by the consumer credit commissioner. They represent the present positions and views of the commissioner relative to the matters covered thereby. Any interested party wishing to comment on any or all of the interpretations may do so by submitting such comments in writing to Sam Kelley, Consumer Credit Commissioner, P.O. Box 2107, Austin, Texas 78768. The consumer credit commissioner will consider the interpretations published herein to represent the position of that office on the subject matter covered by such interpretations unless amended, withdrawn, or added to by publication of any such change(s) in this publication.

The interpretations published here are supplemental and in addition to those previously published interpretations numbered (1)-(34) which appeared in the August 17, 1982, issue of the *Texas Register* (7 TexReg 3040) and those interpretations numbered (35)-(116) which appeared in the June 28, 1983, issue of the *Texas Register* (8 TexReg 2298).

Interpretations. All references are to provisions of Texas Civil Statutes, Article 5069, unless otherwise indicated. References to letter interpretations are to interpretative letters previously written by the consumer credit commissioner which are available for public inspection at the Office of Consumer Credit Commissioner.

117. The series of interpretations contained in this numbered section are based on the same fact situation which is set out first followed by the alphabetically designated interpretations.

Fact situation: (The dates used herein are illustrative only and are not critical to the interpretations except as they relate to beginning and conclusion of a ceiling period.) A retailer, effective October 1, implemented a time price differential charge for accounts in a revolving charge account equivalent to a rate of 21% per annum subject to the annualized ceiling provided for in Article 1.04(a)(2). This was the initial implementation by this retailer of the provisions of Article 1.04 which became effective May 8, 1981. Since the annualized ceiling was implemented on October 1, the time price differential rate charged on the program is subject to adjustment on the following October 1. However, during the annualized period at a time prior to the mandatory adjustment date of October 1 (for example, March 1) the retailer wishes to voluntarily lower the time price differential assessed under the program to 18% on new purchases made on and subsequent to March 1.

Interpretations: (Applicable to plans subject either to Article 1.04(h)(1) or 1.04(h)(2).)

(a) The previously described retailer may reduce the rate of charge on purchases made pursuant to the plan on and after March 1 without giving the notice described in Article 1.04(i). The participants (obligors) in the program have previously (October 1) agreed to a rate of charge of 21%. Such charge is authorized at least until the following October 1. Article 1.04(g) provides as follows:

(g) Unless otherwise agreed, when the parties have agreed to a rate, they are considered also to have agreed to any lesser rate that the creditor may elect, or is required under §(h) of this article to implement.

Article 1.04(g) authorizes a creditor to elect to charge a lesser rate than that previously agreed to by the obligors. The previously described retailer may reduce the rate of charge on the described plan and is not required to give the notice described in Article 1.04(i). If the open-end account is subject to either Article 1.04(h)(1) or 1.04(h)(2), the only notice requirements would be those of Regulation Z or the Truth in Lending Act. (Letter Interpretation 83-2, February 10, 1983).

(b) On new accounts established after March 1 (when the rate of charge is reduced from 21% to 18%) the retailer may use existing agreements which provide for a rate of charge of 21% but charge only 18% on those accounts. (See Article 1.04(j).) (Letter Interpretation 83-2, February 10, 1983).

(c) The retailer may apply the new rate of charge of 18% per annum only to new purchases made on or after March 1 and continue to charge the rate of 21% per annum to purchases made on or after the initial October 1 and prior to March 1. Since the reduction in the rate from 21% to 18% is voluntary and has not been mandated by a reduction in the annualized ceiling, the rate of charge of 21% on balances incurred from the initial October 1 to March 1 will be lawful until the following October 1. Article 1A.01 is not applicable to those purchases made under the plan on and after the initial October 1, since they would not be part of any balance

existing as of the original implementation of provisions of Article 1.04. (Letter Interpretation 83-2, February 10, 1983).

(d) Article 1A.01 was applicable to balances existing when the retailer originally implemented the provisions of Article 1.04 which became effective May 8, 1981, and such existing balances had to be grandfathered at their old rate of charge, which was 18% per annum on amounts of \$500 or less. The retailer has determined that all such grandfathered balances are reduced to \$500 or less at the time (March 1) the retailer wishes to voluntarily lower the rate of charge on new purchases. Since all such grandfathered balances are \$500 or less, a rate charge of 18% per annum is lawful on such balances. Since the rate of charge on new purchases under the program as of March 1 would be assessed at the same rate of charge (18%), any remaining grandfathered balances of \$500 or less may be combined with the new balances incurred on and after March 1 on which a rate of charge of 18% is assessed. (Letter Interpretation 83-2, February 10, 1983).

(e) As payments are received, the retailer may apply them to retire the various different categories of balances as the retailer chooses, assuming there is not a contractual provision stating otherwise. (Article 1A.01 allows the retailer various options in the manner of credits.) If, however, the grandfathered balances are not retired first and at some future date the retailer implements a rate higher than 18% per annum, any existing grandfathered balances should continue to be assessed no more than 18% per annum. (Letter Interpretation 83-2, February 10, 1983).

(f) If the obligors in the described plan have previously agreed to pay a rate of 21% per annum or (if a variable rate program) agreed to pay a rate not in excess of 21% per annum, the retailer does not have to comply with Article 1.04(i) if the retailer subsequently wishes to increase the rate charged on the program to some amount not in excess of 21% per annum. The parties have previously agreed to a rate not to exceed 21% per annum and no further agreement or notice is required. Any notice required by the Federal Truth in Lending Act and/or Regulation Z should be given. (Letter Interpretation 83-2, February 10, 1983).

118. A part of Senate Bill 405, 68th Legislature, 1983, §37, (see Article 1.11, footnote) mandated that certain annualized ceilings, applicable to accounts pursuant to which retail credit card transactions may be made, be deemed to be equal to 18% as of July 1, 1983. Because of Article 1.04(g) and the fact that the Texas Legislature required rate reductions as of July 1, 1983, a retailer was not required to give the 1.04(i) notice when effecting the required rate reduction. (Letter Interpretation 83-3, June 7, 1983).

119. Senate Bill 405, 68th Legislature, 1983, §37, (Article 1.11, footnote) mandated that certain annualized ceilings be deemed to be equal to 18% per annum as of July 1, 1983, but allowed retailers to implement that rate on affected open-end accounts either on that date or on the first day of each customer's monthly billing cycle next succeeding that date. If a customer's monthly billing cycle ended on July 15, 1983, the old annualized ceiling would be applicable to purchases made on or after July 1, 1983, through but not after July 15, 1983. (Letter Interpretation 83-3, June 7, 1983).

120. On purchases made prior to the closing date of a customer's billing cycle on an open-end account which ended during the month of July, 1983, the retailer could charge the rate which was in effect prior to July 1, 1983. If the retailer was utilizing the annualized ceiling, the pre-July 1, 1983, rate of charge could be charged on those purchases made before July 1, 1983, or before the closing of the customer's billing cycle which ended in July until that annualized ceiling period ended. (Letter Interpretation 83-3, June 7, 1983).

121. Transactions made prior to the effective date of the relevant provisions of Senate Bill 405, 68th Legislature, 1983, which are subject to annualized ceilings are subject to such a ceiling which is computed by utilizing 12 months of treasury bill auction rates. An annualized ceiling based on 12 months of treasury bill averages will be applicable to pre-Senate Bill 405 balances and another annualized ceiling based on three months of treasury bill averages is applicable to subsequent transactions. (Letter Interpretation 83-3, June 7, 1983).

122. If a retailer does not use credit cards or discontinues the use of credit cards and therefore does not utilize a credit program pursuant to which "credit card transactions" (as defined in Article 1.01(g)-§29, Senate Bill 405) may be made, Article 1.11, Senate Bill 405, §32, is not applicable to that retailer. If a retailer engages in credit card transactions and noncredit card transactions, Senate Bill 405, §32, is applicable only to the program involving credit card transactions. (Letter Interpretation 83-3, June 7, 1984).

123. Senate Bill 405, 68th Texas Legislature, 1983, prospectively changed the method of computation of the annualized ceiling from one of utilizing a 12-month average of treasury bill rates to one of utilizing a three-month average of treasury bill rates. A retailer which as of the effective date of Senate Bill 405 (July 1, 1983) was assessing a rate of charge under a variable rate, open-end account (Article 1.04(h)(2)) pursuant to which the agreement provided that the annualized ceiling applicable to the contract was computed by using a 12-month average of 26-week treasury bill rates, and the plan's annual anniversary date was June 30, 1983, would not have to give the Article 1.04(i) notice to its customers when it lowered the rate of charge for the new annual period beginning July 1, 1983. However, since the agreement not only stated that the plan was subject to the annualized ceiling but went further and stated that 12 months of 26-week treasury bill averages were used in computing the ceiling, if at a later date the creditor wished to increase the rate on the plan utilizing the new type of annualized ceiling computed with three months of treasury bill averages, the Article 1.04(i) notice should be given. This notice would not be required had the agreements only stated that the annualized ceiling was applicable to the agreements and had not gone further and specified the method of computation of that ceiling. (Letter Interpretation 83-3, June 7, 1983).

124. Article 5069—2.02(4) requires that information concerning the Office of Consumer Credit Commissioner be placed on loan contracts entered into by entities licensed, supervised and examined by that office. It does not apply to credit agreements made pursuant to Article

5069, Chapters 6, 6A, or 7; nor does it apply to banks, savings and loan associations, or credit unions. (Letter Interpretation 83-4, June 8, 1983).

125. Article 1.11 is not applicable to open-end account credit agreements if a merchant discount as defined in Article 1.01(h) is imposed or received by the creditor in connection with the credit card transactions. (Letter Interpretation 83-5, June 17, 1983).

126. Senate Bill 405, 68th Legislature, 1983, §37, (Article 1.11 and Article 15.02, footnotes) was prospective in nature and does not apply to transactions occurring prior to July 1, 1983. Open-end account balances subject to an annualized ceiling prior to the amendment of Article 1.04(d) by the 68th Legislature will continue until paid to be subject to an annualized ceiling computed by using the average of 12 months of treasury bill auctions during the period preceding the calculation date. Beginning July 1, 1983, annualized ceilings applicable to open-end account balances incurred on and after that date will be computed using the average of three months of treasury bill auctions during the period preceding the calculation date. (Letter Interpretation 83-5, June 17, 1983).

127. Balances incurred on lender credit card agreements on and after July 1, 1983, are subject to the quarterly ceiling and quarterly adjustment. (Letter Interpretation 83-5, June 17, 1983).

128. Article 15.02(b) is applicable to a lender credit card agreement if the credit card issuer, within the limits as provided by Article 15.02(d), is utilizing the rates as authorized by Article 1.04, and the interest charge assessed on the account may be computed on the average daily balance. (Letter Interpretation 83-5, June 17, 1983).

129. On July 1, 1983, the interest rates set out in Article 15.02(a) became unavailable for utilization in connection with a lender credit card agreement. Such agreements, as of that date, must be subject to the provisions of Article 15.02(d) and the rates authorized by Article 1.04. (Letter Interpretation 83-5, June 17, 1983).

130. Article 15.02(d) provides that the quarterly ceiling adjustments on lender credit cards may be made either on the quarterly calendar dates set out in Article 1.04(d) or on the first day of the first billing cycle of an account immediately following the calendar dates. (Letter Interpretation 83-5, June 17, 1983).

131. In a lender credit card agreement subject to Article 15.02(d), if an account's billing cycle begins (for example) on October 15 (the first month of a quarter) the ceiling applicable to that account will be in effect through the following January 14, even though the rate on that account for the first 14 days of January may be in excess of the quarterly ceiling applicable to January. This interpretation is applicable to both fixed rate and variable rate plans which are subject to Article 15.02(d). (Letter Interpretation 83-5, June 17, 1983).

132. Senate Bill 405, 68th Legislature, 1983, mandated various changes in lender credit card agreements covered by Article 15.02(d). There was no requirement that the card issuer give notice of these changes to the cardholders prior to or during the various billing cycles commencing in July 1983. This interpretation is applicable only to the

specific circumstances herein described (Letter Interpretation 83-5, June 17, 1983).

133. Although, as stated previously in Interpretation 132, 1983, the changes mandated by Senate Bill 405, 68th Legislature, 1983, did not have to be given to cardholders prior to or during the various billing cycles commencing in July 1983, the card issuer was required at some time to advise its cardholders of the changes in the plan(s) (Letter Interpretation 83-5, June 17, 1983)

134. On lender credit card agreement balances in existence as of the July 1983 effective date of Senate Bill 405, 68th Legislature, 1983, (excluding any balances grandfathered because of House Bill 1228, 67th Legislature, 1981, effective May 8, 1981) the issuer could continue to charge interest on those balances at the rate in effect to the expiration date of the applicable annualized ceiling period. The law in effect at the time such balances were incurred would still be applicable to pre-Senate Bill 405 balances. Even though beginning July 1, 1983, the annualized ceilings for future transactions are to be computed by utilizing three months of treasury bill auction rates, as to transactions made prior to the effective date of the relevant provisions of Senate Bill 405 the annualized ceiling applicable to those transactions should be computed by using 12 months of treasury bill auction rates. (Letter Interpretation 83-5, June 17, 1983)

135. If the Regulation Z disclosures are given in connection with an open-end variable rate contract, the notice provisions of Article 1.04(f)(1) need not be given (Letter Interpretation 83-5, June 17, 1983).

136. The amendment provisions of either Article 1.04(i) or Article 15.05 may be utilized on agreements subject to Article 15.02(d). Any change which could be adverse to the customer would mandate that 90 days' notice be given to the cardholder if Article 15.05 is utilized rather than Article 1.04(i) (Letter Interpretation 83-5, June 17, 1983).

137. Senate Bill 405, 68th Legislature, §§29-37, 1983, were enacted to apply to the typical bank and retail credit card extensions of credit. The legislature did not intend that the provisions of Senate Bill 405 apply to all open-end credit plans but only to typical credit card programs. Senate Bill 405 does not apply to transactions in which some sort of special checks or drafts might be used to draw on previously established open-end lines of credit, but only those types of credit in connection with which the cardholder is issued a typical credit card. Neither the typical debit card program nor the typical American Express Gold Card Plan being utilized at the effective date of Senate Bill 405 (July 1, 1983) was intended to be affected by that bill. (Letter Interpretation 83-6, June 27, 1983, and Letter Interpretation 83-9, July 13, 1983) For more details concerning these types of plans which are not covered by Senate Bill 405, please refer to these letters.)

138. Because of Senate Bill 405, 68th Legislature, §37, 1983, creditors were given the option of complying with its provisions as of its effective date (July 1, 1983) or, in the case of open-end credit accounts, as of the first billing cycle of each account next succeeding July 1, 1983 (Letter Interpretation 83-7, June 28, 1983).

139. In an open-end account credit plan subject to the provisions of Article 15.02(d) where cardholders with inactive accounts have previously agreed to a variable rate which may float from 14% to 22%, there is no requirement that the notice described in Article 1.04(h)(2) be given to inactive cardholders until the next billing statement is sent to the cardholder (Letter Interpretation 83-8, July 12, 1983)

140. Because of Article 5069-1.10(a), state-chartered credit unions are not required to comply with the provisions of Article 5069, Chapter 15 or Subtitle 2, but because of Texas Civil Statutes, Article 2461-7.01, they may avail themselves of those statutes if they enter into contracts which specifically provide that such provisions are applicable (Letter Interpretation 83-10, October 11, 1983)

141. The returned check charge authorized by Texas Civil Statutes, Article 9022, may be assessed in connection with a returned check given in full or partial payment of a transaction made pursuant to Article 5069, Chapters 6, 6A, or 7. However, the charge, if assessed, must be separate from the original credit transaction, and the amount of the charge may not be debited to the balance owed on the original transaction. The returned check charge authorized by Article 9022 is not applicable to loans made pursuant to the provisions of Article 5069, Chapters 3, 4, or 5 (Letter Interpretation 83-11, November 3, 1983, and Letter Interpretation 84-5, March 21, 1984)

142.

(a) Set out herein are the definitive elements of both regular payment and irregular payment retail installment contracts subject to the provisions of Article 5069, Chapter 6 or Chapter 7. A regular payment transaction is one that includes precomputed finance charge/time price differential and provides for the repayment of the indebtedness in substantially equal consecutive monthly installments with the first installment scheduled to be paid no later than one month plus 15 days from the date of the contract. An irregular payment retail installment transaction is one that includes precomputed finance charge/time price differential and provides that the repayment of the indebtedness be scheduled in one or a combination of the following plans:

(1) consecutive monthly installments substantially equal in amounts, but the first payment period is longer than one month plus 15 days;

(2) installment amounts are not substantially equal;

(3) one or more installment periods following the first are longer than one month (Letter Interpretation 84-1, January 25, 1984)

(b) The acceptable methods of calculating the minimum required refund of time price differential to satisfy the requirements of Article 5069, §6.02(10), and Article 5069, §7.04, vary dependent upon when prepayment in full occurs and whether the transaction is a regular payment or an irregular payment retail installment contract. In addition to the applicable minimum charge permitted, the holder may retain the following amounts of time price differential if prepayment in full occurs prior to the first scheduled due date. The first month's charge may be retained for any such prepayment that occurs during the first month of a Chapter 6 contract plus a full month's

charge for any portion of a month that has elapsed beyond the monthly anniversary date of the date of the contract. The first two months' charges may be retained on a Chapter 7 contract when such prepayment occurs during the first monthly period of the contract plus a full monthly charge for any portion of a month that has elapsed beyond the monthly anniversary date of the date of the contract. The monthly charge to be retained above (prepayment prior to first due date) shall be calculated by use of the sum of the digits (Rule of 78) method for both regular payment and irregular payment transactions as if the transactions had been scheduled to be repayable in equal consecutive monthly installments over the entire term of the contract. If prepayment in full occurs on or following the first scheduled installment due date, the sum of the monthly balances method of calculation shall be used in connection with regular payment transactions and the accrual method shall be used in connection with irregular payment transactions. See Letter Interpretation 84-1 for further explanation of the methods of computation. (Letter Interpretation 84-1, January 25, 1984).

The method of calculating the time price differential refund should be delineated in the retail installment contract. The compounding of accrued but unpaid finance charge on Chapter 6 and Chapter 7 transactions is not considered acceptable. (Letter Interpretation 84-1, January 25, 1984)

143. A creditor, when initially implementing the provisions of Article 1.04 as to an open-end overdraft checking account plan, may effect compliance with the provisions of Article 1A.01 by giving the customer immediate cash credit for an amount equal to the difference between the finance charges that would accrue on the preimplementation balance at the old rate and payment terms (assuming payments are made at the agreed minimum payments) and the finance charges that would accrue for the same amortization period at the new Article 1.04 rates. After such credit, both preimplementation balances and new balances may be assessed the new rates of charge. (Letter Interpretation 84-2, January 31, 1984).

144. The simple method of computation of a finance charge on a Chapter 7 contract is now authorized by Article 1.04(n)(4). The refunding method set out in Article 7.04 is not applicable to a Chapter 7 contract in which the time price differential is computed on a simple or interest (time price differential) bearing basis. In such a contract, the borrower's obligation at anytime is determined based upon true principal owed plus actual accrued unpaid finance charge plus the acquisition fee authorized by Chapter 7, if contracted for. (Letter Interpretation 84-3, February 24, 1984)

(b) If the finance charge on a Chapter 7 contract is computed on a simple basis, the portion of the Article 7.02(2) notice which would inform the debtor of a right to pay off the contract in advance and under certain conditions obtain a partial refund of the finance charge would not be an appropriate disclosure to be made. (Letter Interpretation 84-3, February 24, 1984)

(c) The default charges authorized in Article 7.03(6) for precomputed transactions should not be assessed in addition to daily earnings in a simple interest (time price differential) contract. (Letter Interpretation 84-3, Febru-

ary 24, 1984).

(d) If a Chapter 7 contract in which the rate of charge has been computed by using the simple method is extended, renewed, restated, or rescheduled as provided for in Article 7.05(1)(b), the new principal balance is determined as stated in that Article. The new balance would include the old, unpaid principal balance as of the date of the amendment, the cost of any insurance incidental to the amendment, any additional necessary official fees, and any accrued collection charges. (Collection charges are authorized only in the event of repossession, sequestration, or other action necessary to secure possession of a motor vehicle). Article 7.05(1)(b) also provides for a deduction of the prepayment refund credit required by Article 7.04; but such provision would not be applicable to a simple time price differential contract. Article 7.05(1)(b) also provides that the minimum charges under Article 7.03 and the acquisition costs under the refund schedule in Article 7.04 shall not apply in calculating the principal balance of the amended contract. (Letter Interpretation 84-3, February 24, 1984).

(e) The disclosure provisions authorized by Official Staff Commentary, Regulation Z, §226 18(b)(2), relating to manufacturer's rebates (not seller's rebates) may be utilized by Texas creditors and Texas law does not restrict these types of disclosures. (Letter Interpretation 84-3, February 24, 1984)

145. Provided no interest is charged on the sums advanced, the parties to a Chapter 6A contract may agree that the creditor may advance money to pay liens, encumbrances or rents past due but not paid relating to the manufactured home financed in the contract and that the debtor under the contract agrees to repay the creditor the amounts actually advanced. (Letter Interpretation 84-4, February 29, 1984)

146. A Chapter 6 retail installment contract which is subject to Article 1.04(q) (home solicitation contract) may be structured so as to calculate the time price differential in a simple manner so long as the rate so calculated does not exceed the equivalent simple rate of the add-on charges authorized by Article 6.02(9)(a). (Letter Interpretation 84-6, May 3, 1984).

Issued in Austin, Texas, on August 1, 1984

TRD-848054

Sam Kelley
Commissioner
Office of Consumer Credit
Commissioner

Filed: August 3, 1984

For further information, please call (512) 475-2111.

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

The Texas Health Facilities Commission gives notice of applications accepted as of the date of this publication.

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

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, 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.

St. Anthony Center, Houston
AN84-0823-541

DR—Request for a declaratory ruling that a certificate of need is not required for St. Anthony Hospital to enter into a temporary lease arrangement with New Age Hospice whereby the hospice would use up to 10 of St. Anthony Center's special hospital beds to provide inpatient hospice services, to continue using the beds designated for hospice use for rehabilitation services whenever these beds are not being used by the hospice, and to once again use the beds exclusively for rehabilitation purposes once the hospice lease is terminated. The initial term of the lease will be a one-year term with the possibility of renewal on a month-to-month basis after that. A certificate of need application (AH84-0117-038) on behalf of New Age Hospice is currently pending before the commission.

Demeris Smith, Houston
AN84-0831-555

NIEH—Request for a declaratory ruling that a certificate of need is not required for Demeris Smith to acquire by lease Katyville Healthcare Center, an existing 96-bed ICF nursing facility located in Katy, from ARA Services, Inc.

Texas Tower Partnership, a to-be-formed partnership, Houston
AN84-0904-566

DR—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to acquire major medical equipment is required for Texas Tower Partnership, a to-be-formed partner-

ship, to acquire the necessary equipment to operate an outpatient diagnostic imaging center. The equipment to be purchased includes a real-time ultrasound scanner, a B-Mode ultrasound scanner, an Echo-Flow II (Doppler scanner), and a nuclear scintillation scanner. The proposed equipment will be located in approximately 3,200 square feet of leased space at the Texas Tower Center, 17080 Red Oak Drive, Houston. Services will be provided on an outpatient basis and on an inpatient basis as permitted by commission rules. No single piece of equipment or single system of components with related functions costs \$400,000 or more. The total project cost is \$1,543,280.

Cardiovascular Health Unit, a proposed Texas limited partnership, Abilene
AO84-0906-570

DR—Request for a declaratory ruling that a certificate of need is not required for Cardiovascular Health Unit, a proposed Texas limited partnership, to establish a cardiovascular rehabilitation and preventive medicine clinic near Humana Hospital in Abilene. Services to be offered include treadmill testing, weight training, treadmill exercise, hearing and vision screening, blood tests, hydrostatic weighing, Lange skin fold, and in the future, aerobic dancing, dietetic counseling, heart disease risk screening, special conditioning for pregnant clients, and special rehabilitation of heart disease victims. The primary purpose of the Cardiovascular Health Unit is to provide cardiovascular rehabilitation and other programs to help prevent cardiovascular disease. No major medical equipment will be acquired. The total project cost is \$883,000.

Westworld Community Healthcare of Texas, Inc., a wholly-owned subsidiary of Westworld Community Healthcare, Inc., a Delaware Corporation, Lake Forest, California
AH84-0912-581

NIEH—Request for a declaratory ruling that a certificate of need is not required for Westworld Community Healthcare of Texas, Inc., a wholly-owned subsidiary of Westworld Community Healthcare, Inc., a Delaware corporation, to acquire by lease Hubbard Hospital, an existing 30-bed hospital with 28 medical/surgical and two obstetric beds located in Hubbard, from Hubbard Hospital Authority.

Issued in Austin, Texas, on September 19, 1984

TRD-849523

John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: September 19, 1984

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

Petition for Reissuance of Certificate of Need

The Texas Health Facilities Commission gives notice 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.

Real Properties, Inc., and Beverly Enterprises,
doing business as Regency Manor Nursing
Home, Temple

AN83-0620-638R(091284)

PFR—Petition for Reissuance of Certificate of
Need AN83-0620-638, which authorized the certifi-
cate holder to offer skilled nursing services through
the reclassification of 36 ICF-III beds to skilled.

Issued in Austin, Texas, on September 19, 1984.

TRD-849522 John Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: September 19, 1984
For further information, please call (512) 475-6940.

Texas Department of Human Resources Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consultant services.

Description of Services. The contractor will consult with and train regional staff to facilitate a program of family education developed at the University of Michigan Institute of Gerontology. This program, titled "As Parents Grow Older" (APGO), concerns the aging process and provides information regarding support services for families experiencing stress in caring for an elderly family member.

In conjunction with this program, the contractor will conduct an elder abuse model program in Travis County to provide intervention in care-giving situations where critically high stress levels are causing signs of neglect and abuse. Both programs will include aspects of increasing

public awareness about elder abuse and will aim particularly at preventing and treating elder abuse.

Specific activities to be performed are as follows:

- (1) conduct a series of facilitator training classes for DHR staff and volunteers;
- (2) provide ongoing consultation and assistance to facilitators;
- (3) identify and assess highly stressed families at risk of abusive behavior or those who are already responding in an abusive manner to the demands of elder care;
- (4) provide educational and counseling services to those families;
- (5) educate the professional community and the general public on the nature of elder abuse;
- (6) gather and assess data concerning all program components.

Procedure for Selecting Consultant Services. Final selection will be made by a panel from the Office of Services to the Aged and Disabled of the DHR. This contract will not necessarily be awarded to the lowest bidder. Offers will be evaluated on a qualitative as well as cost-effective basis according to the following criteria:

- (1) background, experience, and knowledge of the APGO program and the field of gerontology;
- (2) demonstrated ability to conduct and facilitate training sessions for professional staff and volunteers;
- (3) demonstrated ability to work with families in stressful care-giving situations;
- (4) proposed cost of service in relation to proposal content.

Contract Term. The contract begins on November 1, 1984, and ends on August 31, 1985. Payments under the contract are not expected to exceed \$138,000 for the entire contract term.

Contact Person. Prospective bidders may contact Paula Mixson, Program Specialist, Texas Department of Human Resources 542-W, P.O. Box 2969, Austin, Texas 78769, (512) 450-3203.

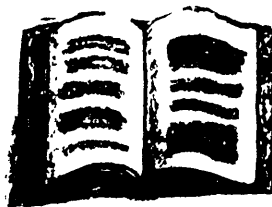
Closing Date. All bids must be actually received and date stamped by DHR no later than 5 p.m. on October 25, 1984.

Intent to Continue Current Contract unless Presented a Better Offer. This invitation for bids is a continuation of work performed by Family Eldercare, Inc., under a previous contract. The DHR intends to award the contract to this agency unless a superior proposal is received.

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

TRD-849480 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: September 17, 1984
For further information, please call (512) 450-3766.



State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

- (1) Application for admission to do business in Texas of Midland Stock Life Insurance Company, a foreign life insurance company. The home office is in Columbus, Ohio.
- (2) Application for admission to do business in Texas of ELID Life Insurance Company of Delaware, a foreign life insurance company. The home office is in Wilmington, Delaware.
- (3) Application for admission to do business in Texas of Farwest American Assurance Company, a foreign life insurance company. The home office is in Portland, Oregon.
- (4) Application for admission to do business in Texas of Pilgrim Life Insurance Company of America, a foreign life insurance company. The home office is in Wilmington, Delaware.
- (5) Application for admission to do business in Texas of Royal Oak Life Insurance Company, a foreign life insurance company. The home office is in King of Prussia, Pennsylvania.
- (6) Application for admission to do business in Texas of Continental National Life Insurance Company, a foreign life insurance company. The home office is in Wilmington, Delaware.

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

TRD-849535 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: September 19, 1984
For further information, please call (512) 475-2950.

Texas Parks and Wildlife Department Gulf States Marine Fisheries Commission

The Gulf States Marine Fisheries Commission will hold its 35th annual fall meeting October 15-19, 1984. Louisiana is the host state, and arrangements have been made to convene at the Monteleone Hotel, 214 Rue Royale, New Orleans. Robert J. Kemp, director of fisheries, Texas Parks and Wildlife Department, will be the presiding chairman.

All persons interested in the Gulf States Marine Fisheries Commission are invited to attend. For additional information, please call Ginny Herring at (601) 875-5912.

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

TRD-849501 Charles D. Travis
 Executive Director
 Texas Parks and Wildlife
 Department

Filed: September 18, 1984
For further information, please call (512) 479-4806.

Texas Board of Private Investigators and Private Security Agencies Correction of Error

An emergency adoption of the Texas Board of Private Investigators and Private Security Agencies appearing in the September 14, 1984, issue of the *Texas Register* (9 TexReg 4852) contained an error as submitted.

Section 435.9(a)(8)(F) should read:

(F) Firearms training and qualification (includes range firing and procedures and firearm safety and maintenance)—five hours.

Texas Southern University Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11C, Texas Southern University (TSU) requests all interested parties to submit technical proposals to provide project management services in the installation, conversion, and implementation of a new computerized fiscal system. Funds expended under this contract are not expected to exceed \$120,000.

Description of Services. The objectives of this contract are to provide TSU with the project management expertise and support services necessary to the successful implementation of a new fiscal system.

Closing Date. The closing date for offers to provide these services is October 17, 1984.

Effective Date. The effective date is on or about November 1, 1984, and the ending date is August 31, 1985.

Procedures for Selecting Contractor. Texas Southern University will select the contractor based on the evaluation and recommendation of the Automated Information Systems Advisory Council. Because of work performed previously by a private consultant on TSU's current system, it is the intent of TSU to enter into a contract with that consultant unless a better and more satisfactory proposal is received. This is not intended to discourage other proposers, but to make them aware of the previous relationship of this consultant. Selection of the contractor will be based on the following factors:

- (1) the adequacy and effectiveness of the methodology recommended in reference to the requirements;
- (2) an evaluation of the statement of work, project approach, personnel assigned, tasks outlined, schedules, and resulting deliverables;
- (3) contractor experiences in project management and the implementation of new fiscal systems; and
- (4) an evaluation of the costs submitted.

Weighted scoring forms will be used.

Terms and Conditions of the Contract. The following terms and conditions must be accepted by all respondents.

- (1) Texas Southern University reserves the right to reject any and all proposals.

(2) The selected contractor will not be eligible to participate in any subsequent hardware/software procurement contracts arising out of the project. This does not preclude negotiations of subsequent contracts with the vendor selected.

(3) All information generated is the exclusive property of TSU.

(4) Cost for travel, lodging, telephone, and other services required by the selected contractors must be included in the overall costs.

(5) The contractor will be required to submit weekly status reports, participate in semimonthly progress report meetings (time of meeting at the discretion of TSU), and a final review and summarization meeting.

Contact Person. Any contractor interested in submitting a proposal may obtain a copy of the bid specifications for project management services by contacting John Geil, Coordinator for Management and Information Systems, Texas Southern University, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 572-7962.

Issued in Houston, Texas, on September 15, 1984.

TRD-849500 Wayne M. Carle
Vice-President
Management Services

John M. Rudley
Vice-President
Fiscal Affairs
Texas Southern University

Filed: September 18, 1984
For further information, please call (713) 527-7962.

Texas State Treasury Department Consultant Proposal Request

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The department is requesting bids to assist with the development of an integrated unclaimed property system. The project will involve the analysis, design, programming, and installation of four major unclaimed property functions: claims, reporting and compliance, audit, and owner location.

Additional information and date and time of the vendor's conference may be obtained from Wes McGehee, Administrative Assistant, Texas State Treasury Department, P.O. Box 12608, Austin, Texas 78711, (512) 475-2924. Proposals are due by 4 p.m. on December 3, 1984.

The department will award the contract for consulting services based on demonstrated competence, knowledge, qualifications, timeliness, and suitability of the proposed work plan and reasonableness of the proposed fee for the services.

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

TRD-849514 Jorge A. Gutierrez
General Counsel
Texas State Treasury
Department

Filed: September 19, 1984
For further information, please call (512) 475-2591.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of September 10-14, 1984.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of September 10-14, 1984

Allied Industries, Houston; facility manufacturing pressure vessels for industrial use; 2828 Clinton Drive in the City of Houston, Harris County; 02725; new permit

Bridgestone Municipal Utility District, Bellaire; wastewater treatment plant; on the south bank of Seals Gully, approximately 2,000 feet upstream of the point where Spring-Cypress Road crosses Seals Gully in Harris County; 11835-01; amendment

Arthur E. Bayer, Spring; sewage treatment plant; on Lemm Gully, approximately 1,400 feet south of Spring-Cypress Road in Harris County; 12352-01; amendment

Willow Run Public Service, Humble; wastewater treatment plant; approximately 1-1/8 miles west-southwest of the intersection of IH 45 and FM Road 149 approximately 1,400 feet southwest of the intersection of Stuebner-Airline Road and FM Road 149 in Harris County; 10699-01; amendment

Crosby Municipal Utility District, Crosby; wastewater treatment plant; southwest of the community of Crosby approximately 1/2 mile southwest of the intersection of FM Road 2100 and the T&NO Railroad in Harris County; 11388-01; amendment

City of Amarillo; waste-activated sludge land disposal facility; approximately 10 miles north-northeast of the

intersection of IH 40 and U.S. Highway 87, approximately 1.5 miles east of U.S. Highway 87 in Potter County; 10392-01; amendment

Kirby Forest Industries, Incorporated, Houston; wastewater treatment plant; approximately one mile northwest of FM Road 787 at a point approximately 10 miles east of the City of Cleveland in Liberty County; 02196; amendment

Bill Milburn, Incorporated, Austin; activated sludge treatment plant; approximately two miles south of U.S. Highway 290 and approximately 7,000 feet west of Brodie Lane in Travis County; 12964-01; new permit

U.S. Department of the Navy, Corpus Christi; wastewater treatment plant; at the Naval Air Station east of Cayo del Oso, at the end of Ocean Drive, and east of the City of Corpus Christi, Nueces County; 02317; amendment

The City of Baytown; wastewater treatment plant; at 1709 West Main Street in Harris County; 10395-02; amendment

Issued in Austin, Texas, on September 14, 1984.

TRD-849461 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: September 17, 1984
For further information, please call (512) 475-4514.



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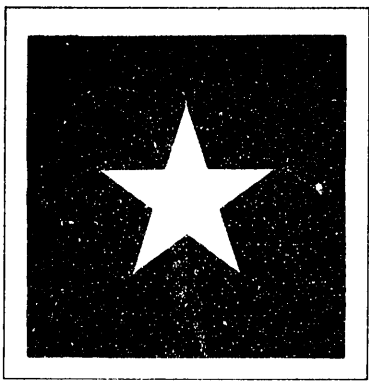
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