

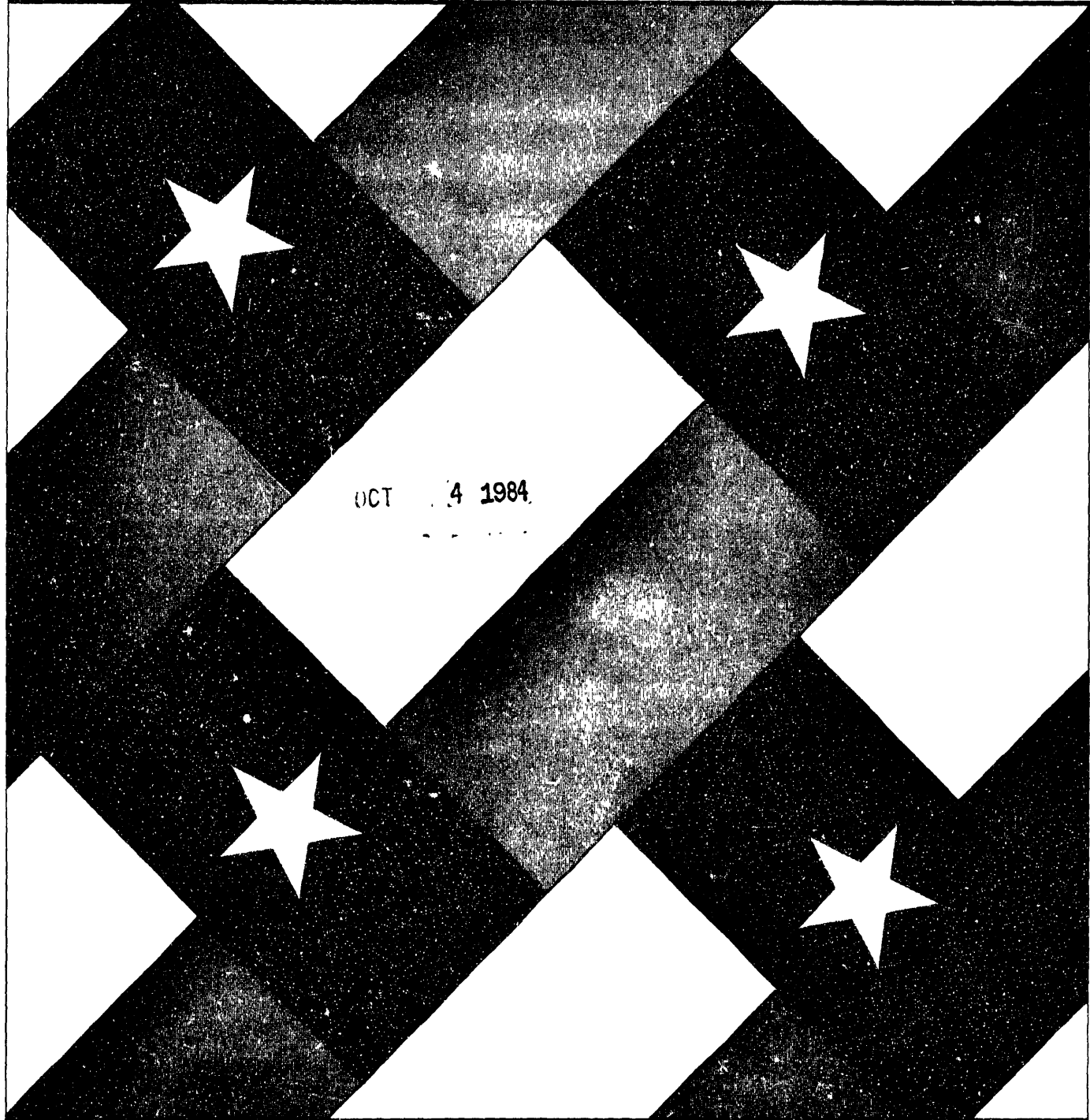
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Texas Register

Volume 9, Number 73, September 28, 1984

Pages 5025 - 5078



Highlights

The Office of the Governor adopts on an emergency basis amendments in a chapter concerning the Criminal Justice Division
 Effective date - September 19 page 5030

The Railroad Commission of Texas proposes amendments and new sections in a chapter

concerning regulations for compressed natural gas fuel systems Earliest possible date of adoption - October 29 page 5035

The Comptroller of Public Accounts proposes amendments concerning state sales and use tax Earliest possible date of adoption - October 29 page 5040

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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



Texas Register Publications

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Myra A. McDaniel
Secretary of State

Director
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Documents Section Coordinator
Jane Hooks
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Cynthia Cooke, Phyllis Smith
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Production Section Coordinator
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Richard Salinas, Kathy Kincade
Typographers
**Virginia J. Gregory,
Gale Hathcock-Inman**

Circulation Section Coordinator
Dee Wright
Circulation Assistant
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TAC Editors
**William Craig Howell
Jes Simmons**

Assistant to the Director
Donna A. Matkin
Administrative Assistant
Jeff Richardson

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

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

The Governor

Appointments Made September 19

State Board of Education

For terms to expire January 1, 1989:

Volly Bastine
Associate Attorney
Henry & Ross
4400 San Jacinto
Houston, Texas 77004

Mary Helen Berlanga
Partner
Bonilla, Read, Bonilla, Berlanga
2590 Morgan
Corpus Christi, Texas 78405

Jon Brumley
President and Chief Executive Officer
Southland Royalty Company
1000 Fort Worth Club Tower
Fort Worth, Texas 76102

J. Fred Bucy, Jr.
President and Chief Executive Officer
Texas Instruments, Incorporated
P.O. Box 225474, Station 236
Dallas, Texas 75265

Rebecca Ellis Dawson Canning
3528 Lake Heights
Waco, Texas 76708

Dr. Emmett J. Conrad
Owner
Emmett Conrad General Surgery
4432 South Oakland
Dallas, Texas 75215

Carolyn Honea Crawford
Director, Guidance and Psychological Services
Beaumont Independent School District
1025 Woodrow
Beaumont, Texas 77705

Charles Duncan
President, Warren-King Companies
1001 Fannin, 1700 First City Tower
Houston, Texas 77002

Paul Dunn
Partner, Dunn & Dunn General DDS
701 Eighth Street
Levelland, Texas 79336

Maria Elena Acevedo Flood
Director of Operations
Texas Tech Health Sciences Center
4800 Alberta
El Paso, Texas 79905

General William V. McBride, USAF (Retired)
President
Greater San Antonio Chamber of Commerce
P.O. Box 1628
San Antonio, Texas 78296

Pete Morales, Jr.
Owner and President
Morales Feedlot, Incorporated
Box 487
Devine, Texas 78016

John Mack Prescott
Director, Institute of Occupational Medicine
Texas A&M University
College Station, Texas 77843

Katherine Percy Raines
Partner, Raines Financial Services
803 North Main
Cleburne, Texas 76031

Jack Strong
President and Part Owner
General Equities, Incorporated
Box 3767
Longview, Texas 75606

These appointments are made pursuant to House Bill 72, 2nd Called Session, 68th Legislature, 1984.

State Hospital Advisory Council

For a term to expire July 17, 1989:

Dora Olivo
3202 Avenue O
Rosenberg, Texas 77471

Ms. Olivo is replacing David A. Garrett of San Antonio, whose term expired.

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

TRD-849654 Mark White
Governor of Texas

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 1. ADMINISTRATION Part I. Office of the Governor Chapter 3. Criminal Justice Division Subchapter A. Criminal Justice

The Criminal Justice Division (CJD) of the Office of the Governor adopts on an emergency basis amendments to §§3.41, 3.42, and 3.80, concerning the administration of criminal justice grant funds.

The CJD is now in the process of completing the 1986 criminal justice plan for Texas. On behalf of the regional councils of government, the Texas Association of Regional Councils has requested amendments to the CJD rules that will apply to grant proposals submitted for funding in the 1986 fiscal year, as well as to grants already being funded. These amendments are adopted on an emergency basis to ensure that the applicants for 1986 criminal justice funds have complete and accurate information essential to the development of their grant applications and are fully aware—prior to the development of the grant applications—of statutory and administrative requirements that may affect their proposed projects.

Section 3.41, relating to eligible applicants, amends the term "local units of government" to be consistent with Texas Civil Statutes, Article 4413(32a), §6(a)(5), and deletes universities and colleges as eligible applicants for local funds.

Section 3.42, relating to regional and state agency criminal justice plans, is amended to include the statutory formula for allocation of criminal justice funds. This section has been restructured for administrative purposes to accommodate the inclusion of the statutory formula and to clarify the project requirements for review and priority designation at the regional level.

Section 3.80, relating to travel, is amended to eliminate the requirement for 15-day advance notice of out-of-state travel.

Eligible Applicants and Application Processing

1 TAC §3.41, §3.42

These amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the CJD with the authority to adopt such rules, regulations, and procedures as may be necessary.

§3.41. Eligible Applicants. Subject to the special requirements and limitations outlined in each of the program areas in the annual criminal justice plan for Texas, the following entities are eligible to apply to the Office of the Governor, Criminal Justice Division, for projects to be funded from the criminal justice planning fund or from available federal criminal justice or juvenile justice funds:

- (1) local projects:
 - (A) local units of government [(i.e. counties or incorporated cities)];
 - (B) school districts;
 - [(C) universities and colleges;]
 - (C)[(D)] regional education service centers;
 - and
 - (D)[(E)] councils of governments.
- (2) (No change.)

§3.42. Regional and State Agency Criminal Justice Plans.

(a) Regional and state agency plans. Regional and state agency criminal justice plans shall be developed and submitted in accordance with the annual **criminal justice plan for Texas and planning guides** [guide] adopted by reference in §3.21 [§3.21(6)] of this title (relating to Com-

pliance; Adoption by Reference), funding ratios and submission dates established by the Criminal Justice Division for the appropriate fiscal year, and in accordance with any subsequent revisions.

(b) **Regional plans.** [Prior to formal submission to the Criminal Justice Division (CJD), each regional council's annual criminal justice plan must be reviewed in conjunction with the annual criminal justice plan for Texas and with the CJD guide for regional criminal justice plans. The proposed projects included in the regional plan must be prioritized by a regional criminal justice advisory committee whose membership shall be composed of private citizens and representatives from the fields of law enforcement, courts—including prosecution and defense, adult corrections, and juvenile justice. The regional plan and the recommended prioritizations of proposed projects must then be approved by the regional council's executive committee.]

(1) **Allocation of funds.** The distribution of the funds to local units of government shall be in an amount equal at least to the same percentage as local expenditures for criminal justice activities are to total state and local expenditures for criminal justice activities for the preceding state fiscal year. If expenditure data is not available for the preceding fiscal year, the allocation will be based on the most current expenditure data. Funds shall be allocated among combinations of local units of government, taking into consideration the population of the combination of local units of government as compared to the population of the state and the incidence of crime of the combination of local units of government as compared to the incidence of crime of the state.

(2) **Regional prioritization and approval.** Projects to be included in regional plans must be reviewed and prioritized by a regional criminal justice advisory committee whose membership shall be composed of private citizens and representatives from the fields of law enforcement, courts—including prosecution and defense, adult corrections, and juvenile justice. All projects that are proposed for inclusion in the regional plan must be assigned a priority designation, including those that fall below the region's reasonable budget expectation (RBE). Before formal submission to the CJD, the regional plan and recommended priority designations must be approved by the regional council's executive board.

(c) (No change.)

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

TRD-849549 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Effective date: September 19, 1984
Expiration date: January 17, 1985
For further information, please call (512) 475-3001.

Implementation and Operation of Projects

1 TAC §3.80

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413(32a),

§6(a)(11), which provide the Criminal Justice Division with the authority to adopt such rules, regulations, and procedures as may be necessary.

§3.80. Travel.

- (a)-(c) (No change.)
- (d) Out-of-state travel.
- (1) (No change.)

(2) **Travel observations.** [Itinerary and written report. Not less than 15 days prior to out-of-state travel, grantees shall provide an itinerary to the Criminal Justice Division (CJD) documenting the intended travel.] All out-of-state travel using Criminal Justice Division (CJD) grant funds is subject to the condition that each traveler make a written report documenting place and purpose of travel, furnishing observations on the conference and/or course attended and commenting on any matters that may hold particular significance for the grantee's project. A copy of the report must be furnished to the CJD as an attachment to the grantee's next progress report subsequent to travel. Failure to provide a complete report to the CJD may result in denial of future requests for out-of-state travel.

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

TRD-849550 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Effective date: September 19, 1984
Expiration date: January 17, 1985
For further information, please call (512) 475-3001.

Part V. State Purchasing and General Services Commission Chapter 113. Central Purchasing Division Purchasing

1 TAC §113.9

The State Purchasing and General Services Commission adopts on an emergency basis an amendment to §113.9, concerning term contracts and the establishment of the discount-from-list procurement procedure. The amendment provides an exception from that procedure for term contracts under Class 715—publications and approval programs.

This amendment is adopted on an emergency basis because of the pending award of a contract under Class 715 and the practical impossibility of bidders complying with standard discount-from-list procurement requirements. Without this amendment, no prospective bidder would meet the bid requirements.

This amendment is adopted on an emergency basis pursuant to the provisions of Texas Civil Statutes, Article 601b, §3, which authorizes the commission to establish an economical system for purchasing all supplies, materials, services, and equipment for all state agencies, subject to certain specified exceptions.

§113.9. *Term Contracts.* Texas Civil Statutes, Article 601b, §3.10 and §3.11, authorize the commission to establish term contracts for the purchase and rental of items used in large quantities by several state agencies for delivery during a specified period of time and for estimated quantities only.

- (1) (No change.)
- (2) Bidding instructions.
 - (A) (No change.)
 - (B) Discount-from-list type of bid provides for

discounts from a manufacturer's price list, which must accompany the bid, or a percentage add-on to the vendor's cost list. Price changes are acceptable under approved conditions. Requests for price increases must be documented with a new price list from the manufacturer, covering the items in question. The new net unit prices will be computed at the same percentage as reflected in the original bid and price list. Where discount-from-list

bids are requested, firm price bids will not be accepted. **Class 715—publications and/or approval programs term contracts will be awarded on the basis of a quoted discount, and bidders will not be required to furnish a current price list with their bids, nor will they be required to furnish a new price list in the event of price changes.**

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

Issued in Austin, Texas, on September 21, 1984.

TRD-849674 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: September 21, 1984
Expiration date: January 19, 1985
For further information, please call (512) 475-5966
or STS 822-5966.

State Board of Insurance Exempt Filings

**State Board of Insurance
Notification Pursuant to the
Insurance Code, Chapter 5,
Subchapter L**

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act.)

The board's action on an emergency matter may be effective for 120 days and is renewable one time for a period not exceeding 60 days immediately following the 120-day period.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance adopts on an emergency basis an amendment to Rule V—Premium Basis, F. Payroll Limitation, of the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance*, which reinstates the average weekly payroll limitation of \$300 for stevedores, to go into effect October 1, 1984.

This notification is made pursuant to the Insurance Code, Article 5.96, which is an alternative to the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 21, 1984.

TRD-849688 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 1, 1984
Expiration date: January 30, 1985
For further information, please call (512) 475-2950.

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 1. ADMINISTRATION Part I. Office of the Governor Chapter 3. Criminal Justice Division Subchapter A. Criminal Justice

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

The Criminal Justice Division (CJD) of the Office of the Governor proposes amendments to §§3.41, 3.42, and 3.80, concerning the administration of criminal justice grant funds.

These amendments are proposed at the request of the Texas Association of Regional Councils on behalf of the 24 regional councils of government. The amendments as proposed will apply to grant proposals submitted for funding in the 1986 fiscal year, as well as to grants now being funded by the CJD.

Section 3.41, relating to eligible applicants, amends the term "local units of government" to be consistent with Texas Civil Statutes, Article 4413(32a), §6(a)(5), and deletes universities and colleges as eligible applicants for local funds.

Section 3.42, relating to regional and state agency criminal justice plans, is amended to include the statutory formula for allocation of criminal justice funds. This section has been restructured for administrative purposes to accommodate the inclusion of the stat-

utory formula and to clarify the project requirements for review and priority designation at the regional level.

Section 3.80, relating to travel, is amended to eliminate the requirement for 15-day advance notice of out-of-state travel.

Larry Janeczek, administration assistant director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

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

Comments on the proposal may be submitted to Gilbert Pena, Executive Director, Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, for a period of 30 days following publication in this issue of the *Register*.

Eligible Applicants and Application Processing

1 TAC §3.41, §3.42

The amendments are proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division of the Office of the Gover-

nor with the authority to adopt rules, regulations, and procedures as may be necessary.

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 19, 1984.

TRD-849551 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Earliest possible date of adoption:
October 29, 1984
For further information, please call (512) 475-3001.

Implementation and Operation of Projects

1 TAC §3.80

The amendments are proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provide the Criminal Justice Division of the Office of the Governor with the authority to adopt rules, regulations, and procedures as may be necessary.

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 19, 1984.

TR- 849552 Gilbert J. Pena
Executive Director
Criminal Justice Division
Office of the Governor

Earliest possible date of adoption:
October 29, 1984
For further information, please call (512) 475-3001.



Part V. State Purchasing and General Services Commission Chapter 113. Central Purchasing Division Purchasing

1 TAC §113.2, §113.3

The State Purchasing and General Services Commission proposes amendments to §113.2 and §113.3,

concerning a definition for a sole source procurement and provisions for such procurements to be made without written justification.

Herb Gersbach, Centralized Purchasing Division director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Gersbach also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is a new purchasing definition and procedure that will not require an agency to provide written justification for sole source procurements. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, State Purchasing and General Services Commission, P.O. Box 13047, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 601b, §3, which provide the commission with the authority to establish an economical system for purchasing all supplies, materials, services, and equipment for all state agencies, subject to certain specified exceptions.

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

Sole source—A procurement without product or price competition where there is only one source for the item or service sought and the purchaser knows of no functionally equivalent items or services. (See §113.3(b)(2) of this title (relating to Requisition Processing) for the handling of such procurements.) Examples of sole source items or services in the previously defined sense include, but are not limited to, the following:

- (A) replacement parts, available only from the manufacturer;
- (B) published materials, available only from the publisher;
- (C) training and educational films, available only from the producer;
- (D) patented drugs, available only from one drug company; and
- (E) maintenance service, available only from the manufacturer.

§113.3. Requisition Processing.

- (a) (No change.)
- (b) Review of specifications and/or conditions of purchase.
 - (1) (No change.)
 - (2) When the commission finds specifications and/or conditions of purchase which are proprietary to one vendor and do not include language permitting an equivalent product to be supplied, it shall require written justification of the requested specifications and/or

conditions of purchase before processing the requisition further, but the agency may furnish such justification with its requisition under the Act, §3.09. **Written justification will not be required in connection with any sole source procurement as defined in §113.2 of this title (relating to Definitions).** [Such] Written justification required for the use of a proprietary specification and/or condition of purchase shall:

- (A)-(C) (No change.)
- (3)-(5) (No change.)
- (c)-(d) (No change.)

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

Issued in Austin, Texas, on September 21, 1984.

TRD-849676 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Earliest possible date of adoption:

October 29, 1984
For further information, please call (512) 475-5966,
or STS 822-5966.

1 TAC §113.9

(Editor's note: The State Purchasing and General Services Commission proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The State Purchasing and General Services Commission proposes amendments to §113.9, concerning term contracts, and establishes an exception to the discount-from-list bid procedure for Class 715—publications and/or approval programs.

Herb Gersbach, Centralized Purchasing Division 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. Gersbach also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the establishment of an exception to the discount-from-list procurement procedure for vendors of a commodity class who cannot effectively comply with this procedure. 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 James H. Quick, General Counsel, State Purchasing and General Services Commission, P.O. Box 13047, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 601b, §3, which provides the commission with the authority to establish an economical system for purchasing all supplies, materials, services,

and equipment for all state agencies, subject to certain specified exceptions

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 21, 1984.

TRD-849675 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Earliest possible date of adoption:

October 29, 1984
For further information, please call (512) 475-5966
or STS 822-5966.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 13. Regulations for Compressed Natural Gas (CNG) Fuel Systems

Subchapter A. Scope and Definitions

16 TAC §13.2

The Railroad Commission of Texas proposes amendments to §13.2, concerning definitions used in CNG regulations. The amendments add definitions which give greater clarity to the regulations and delete those definitions which are no longer necessary.

Thomas A. Petru, acting 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. Petru 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 greater clarity in CNG regulation. 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 Thomas D. Petru, Acting Director, Railroad Commission of Texas, LP Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendments are proposed under the Natural Resources Code, §116.011, which provides the Railroad Commission of Texas with the authority to adopt necessary rules and standards relating to compressed natural gas work and operations.

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

Approved—Acceptable to the section or the [Railroad] commission [of Texas].

Cascade storage system [systems]—Storage in multiple cylinders

CNG system [systems]—A system of safety devices, cylinders, piping, fittings, valves, compressors, regulators, gauges, relief devices, vents, installation fixtures, and other CNG equipment intended for use or used in any building or public place by the general public or in conjunction with a motor vehicle fueled by compressed natural gas, and any system of equipment designed to be used or used in the compression, sale, storage, transportation for delivery, or distribution of compressed natural gas in portable CNG cylinders; but does not include a natural gas pipeline located upstream of the inlet of the compressor

Commission—The Railroad Commission of Texas.

Compressed natural gas (CNG)—Natural gas which is mixtures of hydrocarbon gases and vapors, consisting principally of methane (CH₄) in gaseous form which has been compressed and used, stored, sold, transported, or distributed for use by or through a CNG system.

Cylinder service valve—A handwheel-operated valve connected directly to a CNG cylinder [outlet not larger than 3/4-inch].

[Cylinder—A container constructed, inspected, and maintained according to Department of Transportation (DOT) regulations for the purpose of storing natural gas and having not over 1,000 pounds of water capacity (nominal).]

Dispensing station—A compressed natural gas installation that dispenses CNG from any source [storage cylinders] by any means [of compressor or pressure booster] into fuel supply cylinders installed on vehicles or into portable cylinders.

[Flexible metal and wire braided hose—A metal hose approved by the Railroad Commission and made from continuous tubing which is corrugated for flexibility and which, for pressurized applications, shall have an external wire braid]

Fuel supply cylinder—A cylinder mounted upon a vehicle in which to store CNG as a fuel supply to an [the] internal combustion engine [of the vehicle]

Location—A site operated by a CNG licensee at which the licensee carries on an essential element of its CNG-related activities, but where the activities of the site alone are not enough to qualify such site as an outlet.

Manifold—The assembly of piping and fittings used for interconnecting CNG [all] cylinders [to a common pipe line]

[Manual shut off valve—A quick-closing valve located downstream of all CNG fuel supply cylinders on the vehicle.]

Outlet—A site operated by a CNG licensee at which the business conducted materially duplicates the operations for which the licensee is initially granted a license. Elements to be considered in determining the existence of an outlet include, but are not limited to, the following:

- (A) storage of CNG on the site;
- (B) sale or distribution of CNG from the site;
- (C) licensee supervision of employees at the site;
- (D) proximity of the site to other outlets;

(E) communication between the site and other outlets; and

(F) nature of licensee activities.

Pressure relief valve [device]—A device designed to prevent rupture of a normally charged cylinder [when it is placed in a fire].

[Pressure relief device channels—The passage or passages beyond the operating parts of the pressure relief device through which gas must pass to reach the atmosphere.]

Section—The Compressed Natural Gas Section of the Liquefied Petroleum Gas Division of the Railroad Commission of Texas.

Transport—Any vehicle or combination of vehicles and CNG cylinders designed or adapted for use or used primarily as a means of moving or delivering CNG from one place to another. This shall include, but not be limited to, any truck, trailer, semitrailer, cargo tank, or other vehicle used in the distribution of CNG.

Ultimate consumer—The individual controlling CNG immediately prior to its ignition.

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 20, 1984.

TRD-849635 Walter Earl Lilie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption
October 29, 1984

For further information, please call (512) 445-1186.

Subchapter E. Classification, Registration, and Examination

16 TAC §§ 13.81, 13.84, 13.86, 13.88-13.90,
13.95-13.99

The Railroad Commission of Texas proposes new §§ 13.81, 13.84, 13.86, 13.88-13.90, and 13.95-13.99, concerning the classification, registration, and examination of those individuals or businesses subject to the jurisdiction of the CNG Section of the LP-Gas Division

Thomas D Petru, LP-Gas Division acting director, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government for the first five-year period is estimated to be approximately \$15,000 per year for 1984-1988. This is approximately what it will cost the section to administer the proposed rules. There is no anticipated effect on local governments.

There will be a financial cost to small businesses subject to the section's jurisdiction, as the proposed rules require licensing fees of either \$150 per year or \$500 per year, depending on the nature of the CNG-related activities of the small business. Additionally, there will be costs associated with the insurance required by these proposals. Because of the divergent costs of in-

insurance, and because these costs will depend, to a large degree, upon the nature of a licensee's activities, the division is not able to assess what this cost per year will be. Employees of any business will be required to take examinations. These examinations cost either \$10 per exam or \$25 per exam, depending on the level of proficiency tested. Although the licensee is not required to pay an employee's examination fee, this could also contribute to increased costs for businesses. The costs to small businesses will be identical to those of large businesses, except in the field of insurance, where a large company may wield better bargaining power.

Mr. Petru also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is greater safety in the CNG marketplace and increased clarity in regulation. The anticipated economic cost to individuals who are required to comply with the rule as proposed has been stated previously. CNG-related businesses will have to pay licensing fees each year; will have to meet the insurance requirements of the rules in each year; and will have to pay (in some cases) for the costs of examination of employees and representatives. These examinations are either \$10 per exam or \$25 per exam, depending on the degree of proficiency measured. Because of the varied natures of those who may be affected by these rules, more accurate estimates of the cost to the public cannot be offered. All costs would continue on a yearly basis until a rule is revoked.

Comments on the proposal may be submitted to Thomas D. Petru, Acting Director, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

The new sections are proposed under the Natural Resources Code, §116.011, which provides the Railroad Commission of Texas with the authority to adopt necessary rules and standards relating to compressed natural gas work and operations.

§13.81. Classification of Licensees. The Railroad Commission of Texas establishes the following classes of licensees and license fees.

(1) **Category 1: manufacturers and fabricators.** This category includes those persons who engage in the manufacture, fabrication, assembly, repair, installation, subframing, testing, and sale of CNG cylinders, including CNG motor/mobile fuel cylinders and systems, and including the repair and installation of transports and transfer systems. The Category 1 license fee shall be \$500 per year.

(2) **Category 2: installers and repairmen.** This category includes those persons who engage only in the sale, service, repair, and installation of CNG storage units, or any type of CNG system, including motor/mobile fuel cylinders or systems, but excluding the sale of any CNG. The Category 2 license fee shall be \$150 per year.

(3) **Category 3: retailers and wholesalers.** This category includes those persons who engage in the storage, sale, transportation, and distribution of CNG at retail and/or wholesale, and all other activities included in this

rule except the manufacture, fabrication, assembly, testing, and repair of CNG cylinders. The Category 3 license fee shall be \$500 per year.

(4) **Category 4: testers.** This category includes those persons who engage only in the testing of CNG cylinders and parts of CNG systems, including the assembly and disassembly of CNG cylinders and CNG systems, but excluding the sale of any CNG, CNG cylinders, or parts of CNG systems. The Category 4 license fee shall be \$150 per year.

§13.84. Insurance Requirements.

(a) Pursuant to the Texas Natural Resources Code, Chapter 116, the Railroad Commission of Texas has adopted the following insurance requirements for those persons or businesses licensed by the CNG Section to do business in Texas. A valid certificate of insurance shall be filed with the CNG Section before the section grants or renews a license.

(1) Each member of each category shall have the following coverage.

(A) General liability insurance, including, specifically, premises and operations coverage and products and completed operations coverage, with the following minimum amounts of coverage: \$500,000 bodily injury coverage plus \$300,000 property damage coverage per occurrence, with \$500,000 aggregate coverage for property damage, or \$800,000 combined single limits coverage.

(B) Workers' compensation coverage, including employer's liability coverage as required by Texas law.

(2) In addition to the requirements in paragraph (1) of this subsection, all licensees or ultimate consumers who have purchased, leased, or obtained other rights in any vessel defined as a CNG transport by this chapter shall also have automobile bodily injury and property damage liability coverage with the following minimum amounts of coverage: \$250,000 bodily injury per person with \$750,000 bodily injury per occurrence, plus \$150,000 property damage per occurrence, or \$900,000 combined single limits coverage.

(b) A licensee or applicant for a license that does not employ or contemplate employing any person in CNG-related activities may file CNG Form 1996B in lieu of a certificate of workers' compensation coverage, including employer's liability insurance. The licensee or applicant for license must file the required insurance certificate with the CNG Section before hiring any person as an employee in a CNG-related position.

(c) A licensee or applicant for license that does not engage in or contemplate engaging in any operations that would be covered by general liability insurance may file CNG Form 1998C in lieu of a certificate of general liability insurance. The licensee or applicant for a license must file the required insurance certificate with the section before engaging in any operations that require general liability insurance.

(d) All policies of insurance provided under this section shall be effective until canceled by the insurer, and all certificates of insurance received by the CNG Section shall so state. Additionally, the CNG Section shall be notified immediately upon the cancellation of any policy of insurance, by both the insured and the insurer, and all certificates of insurance shall so state.

(e) All providers of insurance under this section shall be approved by the Texas State Board of Insurance,

or they shall be substantially similar in form and financial soundness as those firms approved by the board.

§13.86. Limitation/Avoidance of Licensee Liability.

(a) A CNG licensee may not limit or avoid its liability or that of its insurer for damages proximately caused by any negligent act or acts of the licensee in handling CNG.

(b) An attempt to limit or avoid liability before the negligent act or acts, through indemnity clauses or otherwise, shall be null and void.

(c) This section does not apply to negotiations and/or settlements made subsequent to the recognition by the parties to a contract of the licensee's negligent act or acts.

(d) To the extent that any damage, occurring during or subsequent to any of the following acts, does not proximately result from any negligent act of the licensee, the licensee may limit liability based on the following:

(1) unauthorized, unsafe, or improper applications of CNG and/or CNG systems or equipment by any user or other person;

(2) any use or operation of CNG and/or CNG systems or equipment contrary to the specific representations made by any user or other person to a CNG licensee during or preceding installations or servicing of such CNG systems or equipment and relied upon by such CNG licensee in selecting, designing, installing, or servicing such systems or equipment; or

(3) any modification, change, installation, alteration, tampering, or other action by any unlicensed person, to or upon any CNG system or equipment.

§13.88. Changes in Ownership and/or Form of Dealership.

(a) Transfer of dealership outlet or location by sale, lease, or gift.

(1) Licensing. The purchaser, lessee, or donee of any dealership outlet or location shall apply for and be issued a notice of tentative CNG license approval, prior to engaging in the transfer of such an entity. Such tentative CNG license approval, when issued, shall be valid for a period not to exceed 90 days from the date of issue. During this 90-day period, the licensee and the recipient of the tentative CNG-license approval shall be allowed to conduct business under this subchapter. Any applicable licensing fees shall be prorated to cover this period of tentative approval, and shall be payable at the time of application for tentative approval. Any portion of the licensing fees unused during this 90-day period shall be applied on a prorated basis to the licensing fee required of the new purchaser, lessee, or donee of such dealership or outlet.

(2) Notice. The purchaser, lessee, or donee of any dealership outlet or location, or the authorized representative thereof, shall notify the CNG Section of the completed transfer of such dealership by certified mail immediately upon the completion of said transfer, and shall cause to be filed with the section all forms of application for licensing or registration required by this subchapter.

(b) Other changes in ownership.

(1) Licensing. Upon the death of a sole proprietor or partner, the dissolution of a corporation or partnership, any changes in the members of a partnership, or other changes in ownership not specifically provided

for elsewhere in this section, the operation of the licensee shall continue for no longer than 30 days, unless a CNG license is issued to the successor in interest and the notice requirements of paragraph (2) of this subsection have been satisfied. This 30-day period shall be allowed only when the licensee meets all other pertinent requirements of this subchapter, specifically those regarding the licensee's representative.

(2) Notice. An authorized representative of the previously existing dealership or successor in interest shall notify the CNG Section by certified mail of the death of a sole proprietor or partner, the dissolution of a corporation or partnership, any change in partnership members, or other changes in ownership not specifically provided for elsewhere in this section.

(3) Change in partnership members. A change in partnership members occurs upon the death, withdrawal, expulsion, or addition of a partner.

(4) The provisions of paragraphs (1)-(3) of this subsection notwithstanding, a change in ownership does not occur, for the purposes of this section, when shares of stock in a corporation are transferred, exchanged, sold, or alienated, unless such action creates a new controlling interest in such corporation.

(c) Changes in dealership business form.

(1) Licensing. When a dealership converts from one business entity to a different kind of business entity, the newly formed entity shall apply for and be issued a notice of tentative CNG license approval, prior to engaging in the conversion. Such tentative CNG license approval, when issued, shall be valid for a period not to exceed 90 days from the date of issue. During this 90-day period, the licensee (regardless of form) shall be allowed to conduct business under this subchapter. Any applicable licensing fees shall be paid or maintained to cover this period of tentative approval and shall be paid or payable at the time of application for tentative approval. Any fees paid by this original entity shall be credited on a prorated basis to the account of the new entity.

(2) Notice. An authorized representative of the original entity or of the new entity shall notify the CNG Section by certified mail of an accomplished change in business form immediately upon the completion of such conversion, and shall cause to be filed with the CNG Section all forms of application for licensing or registration required by this subchapter.

§13.89. Dealership Name Change

(a) Duty to report. A licensee shall file the following forms evidencing any change in the licensee's name with the CNG Section prior to engaging, under such new business form, operations that require a CNG license:

(1) an amended application for license;

(2) certificate of insurance and/or statement in lieu of insurance (where permitted), and

(3) any other forms required by the section.

(b) Duty to reregister. A licensee operating under a changed name shall cause the reregistration of any CNG transport unit from the old name to the changed name of the licensee by filing an amended Form 1007 with the CNG section prior to the use of any such unit in the transport or delivery of CNG in the State of Texas.

§13.90 Registration of CNG Transport Units.

(a) A licensee who has purchased, leased, or obtained other rights in any vessel defined as a CNG transport by this subchapter shall register each such unit with the CNG Section in the name of licensee, prior to the use of such unit for the transport or delivery of CNG in Texas.

(b) An ultimate consumer who has purchased, leased, or obtained other rights in any vessel defined as a CNG transport by this subchapter shall register each such unit with the CNG Section in the name of the consumer, prior to the use of such unit for the transport of CNG on public highways in Texas.

§13.95. Examination and Notification Generally.

(a) Each individual wishing to submit to examination by the CNG Section shall file with the CNG Section a Form 1016, application for examination, prior to the examination and within any deadlines established by the CNG Section.

(b) The CNG Section will administer all examinations in Austin and at other selected sites, when appropriate, unless an applicant demonstrates good cause for administering examination elsewhere. Good cause includes, but is not limited to, severe economic hardship.

(c) Satisfactory completion of any required examination shall accrue to the individual.

(d) Failure of any examination shall immediately disqualify the individual from performing any CNG activities covered by the examination which is failed.

(e) Information regarding examinations may be acquired from the Austin office of the CNG Section.

(f) Any individual who fails to pass any test administered by the CNG Section may not be reexamined for a period of at least 24 hours.

(g) A licensee shall notify the CNG Section when a previously qualified person is hired. Notification will include the employee's name as recorded on a current driver's license or Texas Department of Public Safety identification card, employee Social Security number, name of previous licensee-employer, and CNG-related work to be performed.

(h) Any notice, application, or statement submitted to the CNG Section shall have effect only on the date of receipt in the Austin office, and not on the date of mailing. In this regard, the CNG Section charges the licensee with the duty to ensure by whatever means necessary that correspondence reaches the CNG Section promptly. Notice may be received by United States post, by telegram, or by private postal carrier at the Austin office of the CNG Section. Notice may also be delivered in person by any other appropriate means.

§13.96. Examination of Representative.

(a) Each applicant for a license or license renewal shall file with the CNG Section Form 1001, designating a representative, who shall be an owner or employee of the licensee and shall be directly responsible for actively supervising CNG operations of the licensee. Sole proprietors licensed as retail and wholesale dealers under this subchapter must pass the management examination of the CNG Section and be qualified as a representative.

(b) A licensee may not engage in CNG-related activities governed by the Texas Natural Resources Code, Chapter 116, until its designated representative has passed

the management examination administered by the CNG Section. The CNG Section shall not issue or renew a license unless the designated representative has passed this examination.

(c) The licensee shall notify the CNG Section in writing upon termination of its representative of record and shall at the same time designate a replacement by submitting a new CNG Form 1001.

(d) The licensee must cease operations if, at the termination of its representative, there is no other qualified representative of the licensee acknowledged and recorded by the CNG Section at its Austin office. The licensee may not resume operation until such time as it has qualified representative.

(e) A licensee may have more than one representative.

§13.97. Designation and Testing of Operations Supervisors.

(a) The CNG Section shall designate whether a site is an outlet for the purpose of this subchapter.

(b) A licensee that maintains more than one outlet, as designated by the CNG Section, shall designate a person as operations supervisor at each outlet. The operations of the licensee at the outlet may not commence or continue when the operations supervisor has not passed the management examination as administered by the CNG Section.

(c) An operations supervisor may also be a representative of the licensee, provided, however, that an individual may be designated as an operations supervisor at no more than one outlet.

(d) The operations supervisor shall be directly responsible for actively supervising CNG operations of the licensee at the designated outlet.

§13.98. Examination of Employees.

(a) No individual may work or be employed in any capacity which requires contact with CNG or CNG systems, until that person has submitted to and passed a CNG Section examination which measures the competency of that person to perform the CNG-related activities anticipated. This applies to licensees and to those ultimate consumers who have purchased, leased, or obtained other rights in any vessel defined as a CNG transport by this subchapter, and includes any employee of such ultimate consumer who drives or in any other way operates such a CNG transport.

(b) Notwithstanding the requirements of subsection (a) of this section, a licensee or consumer may employ an individual as a trainee for a period not to exceed 45 days, without that person having passed the necessary examination. During this training period, however, the trainee must be directly and individually supervised at all times by an individual who has passed the CNG Section examination for the areas of work being performed by the trainee. In addition, the licensee or consumer is responsible for ensuring that a Form 1016 is on file with the CNG Section for each employee in training. No trainee may perform any work while unsupervised, if such work involves CNG or CNG systems.

(c) A trainee who attempts to pass the CNG Section examination, and who fails the examination, shall cease to perform any CNG-related activities covered by the examination failed. A trainee who has been in train-

ing for a total period of 45 days, in any combination or for any number of employers, shall cease to perform any CNG-related activities. A trainee who continues to work in violation of this section may be held responsible for its violation. An employer who employs an individual in violation of this section may be held responsible for its violation.

(d) Any employee applying for the transport driver examination must also submit to and pass the service and installation examination for CNG systems.

(e) A licensee or ultimate consumer who employs any individual in the capacities previously outlined shall exercise due diligence in training personnel in the maintenance and storage of CNG and CNG systems, and in the operation of equipment during the filling of a dispensing from storage containers, and in the protection of containers and equipment against mechanical injury or against tampering by unauthorized persons.

§13.99. Examination Fees.

(a) Each applicant shall pay to the CNG Section in advance a nonrefundable examination fee for each required examination. The fee for all categories of management examination shall be \$25 per exam. The fee for all employee examinations shall be \$10 per exam. If an applicant fails an examination, the full examination fee shall be charged for a subsequent examination.

(b) Qualified employee status must be renewed on a yearly basis. In order for an individual who is examined to maintain his or her status as a qualified employee, a renewal fee of \$10 must be paid annually, on or before the day of the year on which the examination was passed. Failure to timely renew qualified status will require the employee to pay another examination fee and to be reexamined.

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 20, 1984.

TRD-849634 Walter Earl Lille
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:
October 29, 1984

For further information, please call (512) 445-1186.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter O. State Sales and Use Tax
34 TAC §3.328**

The Comptroller of Public Accounts proposes amendments to §3.328, concerning optional reporting methods for grocers and other vendors. The amend-

ments are necessary to reflect legislative changes in the Sales Tax Act. Taxable services are included in the term "taxable items," and the tax rate for state sales and use tax has been raised from 4.0% to 4.125%. Other parts of this section have been reworded for clarity.

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 the public will be provided with new information regarding its tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

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

§3.328. Optional Reporting Methods for Grocers and Other Vendors.

- (a) (No change.)
- (b) Reporting methods.
 - (1) First method (B).
 - (A) (No change.)
 - (B) Procedure:

(i) Add all invoices for merchandise purchased during the past calendar or fiscal year to obtain a total of those [such] purchases.

(ii) Add all invoices for exempt merchandise purchased during the past calendar or fiscal year to obtain a total of those [such] purchases.

(iii) (No change.)

(iv) Multiply the total receipts from all sales during the reporting period by the percentage [thus] obtained in clause (iii) of this subparagraph.

(v) Deduct the figure obtained by this multiplication as described in clause (iv) of this subparagraph from the total receipts for the reporting period. The remaining amount will be taxable receipts from the sale of taxable items [tangible personal property]. [To this amount must be added] Any purchases upon which the use tax is due must be added to this amount.

(C) This amount of calculating taxable receipts from the sale of taxable items [tangible personal property] is available for reporting purposes only, and is subject to audits as the comptroller may require. If an [such] audit indicates that the actual tax liability differs from the tax reported and paid, then the comptroller will [shall] assess additional tax or grant a refund. No penalties or interest will [shall] be assessed on additional taxes disclosed

to be due by audit unless the [said] audit discloses fraud or willful evasion of the tax.

(D) A retail grocer electing to use this method of reporting must maintain records which will substantiate purchases of exempt and taxable items as well as records which will substantiate [their] total gross sales.

(2) Second method (C).

(A) (No change.)

(B) Procedure.

(i) Any retail grocer whose total receipts do not exceed \$100,000 per calendar year may elect to report and pay the tax imposed by this chapter on the basis that [his] taxable receipts from the sale of **taxable items** [tangible personal property] are equal to 15% of [his] total receipts.

(ii) If a grocer qualifies and elects to use this method, any audits performed on his account will be limited to this method. No additional taxes will [shall] be assessed or refunds or credits allowed because of any showing that the amount of tax paid to the state under this method of reporting differs from the amount that would have been paid under any other reporting method. This method cannot be substituted for another method previously elected, and it is prospective only in nature.

(iii) Grocers electing to use this method of reporting are [shall be] required to continue in the manner prescribed for a period of three years following such election, providing the total receipts of such grocers continue to be \$100,000 or less. At such time as the gross receipts of any grocer exceed \$100,000, such grocer shall, upon the next succeeding calendar month, be ineligible to use this optional method, and he **must** [shall] promptly inform the comptroller of this fact and [shall] cease to use **that** [such] basis immediately. Any retail grocer who fails to inform the comptroller of his ineligibility **loses** [shall lose] the immunity for audit assessment otherwise provided and [shall] consequently be [be] liable for all back taxes, penalty, and interest prescribed by this section and in accordance with the Texas Tax Code, §151.415.

(3) Third method (E). Any retailer, including those mentioned in this section, who establishes an accounting system in **which** [whereby] the tax collected pursuant to the Limited Sales Tax Act is commingled with the receipts from the sale of **taxable items** [tangible personal property] may determine the taxable receipts in the following manner:

(A) He **must** [shall] subtract from his total receipts the receipts from any sales which are specifically exempt from or otherwise excluded from the tax imposed by this Act. The remainder **consists** [shall consist] of the receipts from the sale of taxable items [tangible personal property] plus the tax collected pursuant to the provisions of the Act.

(B) If the retailer is subject to state tax only, the remainder **must** [shall] be divided by **1.04125** [1.04]. If the retailer is subject to both state and city tax, the remainder **must** [shall] be divided by **1.05125** [1.05].

(i) **If the retailer is subject to state, city, and the Fort Worth Metropolitan Transit Authority tax, the remainder must be divided by 1.05375.**

(ii) If the retailer is within the San Antonio Metropolitan Transit Authority but not subject to city tax, the remainder **must** [shall] be divided by **1.04625** [1.045]. If the retailer is subject to state, city, and the San

Antonio Metropolitan Transit Authority taxes, the remainder **must** [shall] be divided by **1.05625** [1.055].

(iii) **If the retailer is subject to state, city, and the Dallas Metropolitan Transit Authority tax, the remainder must be divided by 1.06125.**

(iv) If the retailer is within the Houston Metropolitan Transit Authority but not subject to city tax, the remainder shall be divided by **1.05125** [1.05]. If the retailer is subject to state, city, and the Houston Metropolitan Transit Authority taxes, the remainder **must** [shall] be divided by **1.06125** [1.06].

(C) The answer resulting is [shall be] the taxable gross receipts of the retailer for reporting purposes as prescribed by the Limited Sales Tax Act, §151.416.

(D) The sole purpose of this third method is to permit the widest possible latitude in the internal accounting system of retailers and to avoid requiring certain retailers to remit to the state a tax computed upon a base which already includes the tax imposed by this Act. Nothing in this section **may** [shall] be construed to relieve the retailer of the obligation and duty of collecting the tax in the specific manner prescribed by the Texas Tax Code, §151.053, and the bracket system provided therein. Neither **may** [shall] anything in this third method be construed to relieve the taxpayer of the obligation of paying tax, penalty, and interest upon delinquent taxes.

(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 19, 1984.

TRD-849625

Bob Bullock

Comptroller of Public Accounts

Earliest possible date of adoption.

October 29, 1984

For further information, please call (512) 475-1913.



34 TAC §3.338

The Comptroller of Public Accounts proposes amendments to §3.338, concerning allowance of credit for tax paid to suppliers. The amendment is necessary to reflect the legislative change in regard to tax on taxable services as described in §151.010 of the Statute.

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 providing the public new information regarding its tax responsibilities under

changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

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

§3.338. Allowance of Credit for Tax Paid to Suppliers.

(a) Credit for tax paid to suppliers by persons other than contractors or repairmen.

(1) Texas sales and use tax paid to a supplier (which the supplier is required to pay the state) on taxable items may be claimed as a credit by the purchaser on his return against other sales and use tax the purchaser may be required to report when the taxable item on which the tax was paid was resold prior to making any use of such item.

(A) As used in this section, "resale" includes sale in the same form or condition in which it is purchased, or as an attachment to or integral part of other tangible personal property which is resold, or as an integral part of a taxable service.

(B) Tax paid to a supplier on items on which tax is not due or at rates in excess of the rate that [which] the supplier is [not] required to pay [to the state] may not be claimed as a credit on the purchaser's return. The [Such] tax must be recovered from the seller. [For example:

(i) Fertilizer. Exempted by virtue of Texas Tax Code, §151.316(7). A supplier would not be required to remit tax to the state upon the sale of fertilizer; therefore, credit may not be taken on the purchaser's return for tax paid to a supplier for fertilizer.

(ii) Tax paid at excessive rates. A supplier would not be required to pay to the state taxes in excess of the rate set by statute. Therefore, taxes paid at excess rates may not be claimed as a credit on the purchaser's return.]

(C) Tax paid to a supplier on taxable items [tangible personal property] which the purchaser does not resell may not be claimed as a credit on the purchaser's return. Such tax must be recovered from the seller. For example:

(i) (No change.)

(ii) Wrapping, packing, or packaging materials used for the purpose of expediting or furthering in any way the sale of tangible personal property is not resold when the subject tangible property is itself sold. Therefore, tax paid on the [said] wrapping, packing, or packaging materials may not be claimed as a credit on the purchaser's return.

(2)-(5) (No change.)

(b) Credit for tax paid to suppliers by certain contractors and repairmen.

(1) Texas sales and use tax paid to a supplier on taxable items by a purchaser (contractor or repairman) may be claimed as a credit on the purchaser's return against any sales or use tax liability incurred as a result of a subsequent incorporation of the taxable items into

real estate upon which an improvement is performed or into taxable items [tangible personal property] upon which a repair service is performed, pursuant to the terms of a segregated contract.

(A) (No change.)

(B) No credit may be taken on the purchaser's return for tax paid to supplier on taxable items [tangible personal property] when no sales or use tax liability is incurred in the subsequent incorporation of the taxable items [tangible personal property] into real estate upon which an improvement is performed or into other taxable items [tangible personal property] upon which a repair service is performed. For example, no sales or use tax liability is incurred in the incorporation of taxable items [tangible personal property] in real estate during the performance of a segregated contract with an exempt organization for improvements to real estate. Therefore, tax paid to a supplier for the preceding taxable items [above tangible personal property] may not be claimed as a credit on the purchaser's (contractor's) return.

(2) Responsibilities of repairmen. For details on the tax responsibilities of repairmen, see §3.292 of this title (relating to Repairmen).

(3)[(2)] Local sales and use tax credit may also be claimed, but only when the tax paid to the supplier was for the same city to which the taxpayer (purchaser) is required to remit tax. Local sales or use tax paid to a supplier in a city other than the one in which the taxable items are subsequently resold must be recovered from the supplier. Local tax due the same city may be reduced by the amount of previously paid tax.

(4)[(3)] Credit for tax paid to supplier will be limited to the amount of tax otherwise due to be reported by the taxpayer (contractor or repairman) on the subsequent incorporation of the same tangible personal property on which tax was paid to the supplier into real estate upon which an improvement is performed or into tangible personal property upon which a repair service is performed.

(5)[(4)] Prior to taking credit on his return, the taxpayer must have receipts from a Texas retailer or other seller licensed to collect the Texas sales or use tax. The receipt must reflect the tax paid and the selling price of the taxable items.

(6)[(5)] Credit may be claimed on a return for a later period or by filing an amended return for tax accrued and paid in error by the taxpayer.

(7)[(6)] Adjustments to tax payable on sales should be made by including the purchase price on which the tax was paid in "deductions." Use tax purchases may be reduced by the purchase price on which tax was erroneously accrued.

(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 19, 1984.

TRD-849626

Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:

October 29, 1984

For further information, please call (512) 475-1913.

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

**Part II. Texas Rehabilitation
Commission**

**Chapter 109. Developmental
Disabilities Program**

40 TAC §109.6

The Texas Rehabilitation Commission proposes new §109.6, concerning the Developmental Disabilities Program with regard to the appeal of grant awards. The new section outlines the appeal procedures for grant awards.

Robert L. Young, controller, 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.

Doyle Wheeler, deputy commissioner for programs, 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 applicants for grants who did not receive funding shall have a prescribed appeal process to be resolved with fairness and promptness. 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 Vernon H. Newman, General Counsel, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704.

The new section is proposed under the Human Resources Code, Title 7, Texas Civil Statutes, §112.018(c), which provides the Texas Rehabilitation Commission with the authority to make the final decision regarding the award of grants. The Texas Re-

habilitation Commission and the Texas Planning Council for Developmental Disabilities have entered into a management agreement as required by §112.018(e).

§109.6. Appeal of Grant Awards.

(a) Appeals from applicants for grants who did not receive funding shall be received, processed, and resolved with fairness and promptness.

(b) The applicant shall file an appeal in writing addressed to the executive director of the Developmental Disabilities Program. The written appeal must be postmarked within 15 days of the date of the written notice of denial. The executive director will acknowledge receipt of the letter with a copy to the commissioner, Texas Rehabilitation Commission.

(c) The executive director will investigate, compile, and study all relevant information about the application and, within 30 days of the receipt of the applicant's letter, submit a written report to the commissioner. The report will contain recommended action and the evidence supporting the recommended action.

(d) The commissioner reviews the report of the executive director and approves the recommendations of the executive director, makes such modifications as he finds appropriate, orders further investigation, or takes other appropriate action. The commissioner notifies the applicant of his decision. The decision of the commissioner is final.

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 19, 1984.

TRD-849556

Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Earliest possible date of adoption

October 29, 1984

For further information, please call (512) 445-8126.

Withdrawn Rules

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

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

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 343. Hazardous Substances Release Prevention and Response Subchapter A. General Provisions

31 TAC §343.1, §343.2

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed repeal of §343.1 and §343.2 submitted by the Texas Water Development Board has been automatically withdrawn, effective September 21, 1984. The notice of the proposed repeal appeared in the March 20, 1984, issue of the *Texas Register* (9 TexReg 1624).

TRD-849633
Filed: September 21, 1984

31 TAC §§343.1-343.6

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), proposed new §§343.1-343.6 submitted by the Texas Water Development Board have been automatically withdrawn,

effective September 21, 1984. The proposed new sections appeared in the March 20, 1984, issue of the *Texas Register* (9 TexReg 1625).

TRD-849632
Filed: September 21, 1984

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part II. Texas Rehabilitation Commission

Chapter 109. Developmental Disabilities Program

40 TAC §109.6

The Texas Rehabilitation Commission has withdrawn from consideration for permanent adoption proposed new §109.6, concerning the Developmental Disabilities Program. The proposed new section appeared in the August 14, 1984, issue of the *Texas Register* (9 TexReg 4409).

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

TRD-849558 Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Filed: September 20, 1984
For further information, please call (512) 445-8126.

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

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

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

Adopted Rules

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

1 TAC §113.16

The State Purchasing and General Services Commission adopts amendments to §113.16, without changes to the proposed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4106).

The Federal Communications Commission's (FCC) ruling in Docket 81-893 (the second computer inquiry) on December 15, 1983, announced its intention to continue to approve prices for customer premises equipment (CPE) through December 31, 1985. Moreover, the commission wishes to affirm that agencies will be able to continue two-tier and variable term payment plans in effect even though relocation costs are incurred.

The amendments extend the exception for retention of CPE from the purchasing authority of this commission through the end of FCC pricing approval on December 31, 1985. The amendments also except two-tier and variable term payment plans from the rule requiring competitive bidding even though new installation charges are incurred in agency relocations.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 601b, §3, through which the commission is authorized to acquire telecommunications services and equipment for use by state agencies from vendors where such services and equipment are de-tariffed.

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

Issued in Austin, Texas, on September 21, 1984.

TRD-849677

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: October 12, 1984

Proposal publication date: July 31, 1984

For further information, please call (512) 475-5966 or STS 822-5966.

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 23. Family Farm and Ranch Security Program

The Texas Department of Agriculture adopts the repeal of §§23.1-23.6, 23.21, 23.22, 23.31-23.38,

23.51-23.54, 23.61, 23.62, 23.71, 23.72, 23.81, 23.82, 23.91, and 23.92, without changes to the proposal published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955).

The existing sections are being replaced to update the sections, conform them to recent amendments to the Family Farm and Ranch Security Act, and streamline the application process.

With the adoption of new sections, the department is able to begin guaranteeing loans for the purchase of farmland or rangeland by qualified individuals. The sections cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the repeal.

General Provisions

4 TAC §§23.1-23.6

The repeal is adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on September 20, 1984

TRD-849603 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Official Documents

4 TAC §§23.21, §23.22

The repeal is adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

TRD-849606 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Application Procedures

4 TAC §§23.31-23.38

The repeal is adopted under the Texas Agriculture Code, §252.011, which provides the commissioner

of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

TRD-849608 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Eligibility Standards

4 TAC §§23.51-23.54

The repeal is adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

TRD-849610 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Program Limitations

4 TAC §§23.61, §23.62

The repeal is adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

TRD-849611 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Defaults of Eligible Loans

4 TAC §§23.71, §23.72

The repeal is adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

TRD-849614 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Consequences of Default

4 TAC §23.81, §23.82

The repeal is adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

TRD-849616 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Miscellaneous Provision

4 TAC §23.91, §23.92

The repeal is adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

TRD-849618 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Subchapter A. General Provisions

4 TAC §§23.1-23.5

The Texas Department of Agriculture adopts new §§23.1-23.5, without changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955).

With the new sections, the department will be able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. The new sections cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

TRD-849604 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Subchapter B. Eligibility

4 TAC §§23.11-23.13

The Texas Department of Agriculture adopts new §23.11 and §23.13, with changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955). Section 23.12 is adopted without changes and will not be republished.

With the adoption of the new sections, the department is able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. Language changes have been made in these sections, as determined by department staff for clarification. The new sections cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

§23.11. Eligible Applicant. To be eligible for a guaranty, an applicant must meet all of the following criteria at the time of application:

- (1) be a citizen of the United States;
- (2) be a resident of the State of Texas;
- (3) have education, training, or experience in the type of farming or ranching for which the applicant proposes to utilize the farmland or ranchland being acquired;
- (4) have a total net worth (computed in accordance with generally accepted accounting practices) together with the applicant's spouse and their dependents of less than \$100,000, excluding the value of any residential homestead owned by the applicant on the date of the application;

(5) intend to purchase the farmland or ranchland for use by the applicant and family for active agricultural production as the applicant's primary occupation;

(6) be worthy of personal credit, based upon an analysis by the administrator, after giving due regard to the security value of the farmland and ranchland being acquired;

(7) demonstrate the existence of or provision for financing for necessary equipment, operating costs, and normal improvements, together with the ability to repay the loan and provide a reasonable standard of living for the applicant and family;

(8) not have defaulted on any family farm and ranch security loan;

(9) not be a person related within the second degree by affinity or the third degree by consanguinity to any member of the advisory council or to the commissioner, the deputy commissioner, or any assistant commissioner of the Texas Department of Agriculture or the administrator;

(10) not hold a guaranty that was executed less than 36 months before the date of the current application, unless otherwise authorized by the administrator; and

(11) agree to provide the commissioner or his representative quarterly reports of actual income and expense for the first two years of the loan and for any additional periods of time that the commissioner or his representative may require

§23.13. Eligible Financial Arrangements. The financial terms and conditions of the transaction shall conform to the following requirements:

(1) The purchase price shall not exceed the appraised value of the land as indicated in the appraisal report under either the market data approach or the income approach, whichever is higher.

(2) The total acquisition cost may include the purchase price plus all costs and expenses which are to be paid by the applicant, including abstracts, title opinions, title insurance policies, surveys, attorney's fees, points or discounts paid to lenders, or other costs related to the acquisition of the property. The loan amount shall be determined by deducting from the total acquisition cost the required down payment and the unpaid principal balance of any loan assumed by the applicant.

(3) The interest rate to be paid by the applicant shall not exceed the lower of:

(A) the usury or interest rate limit for individuals established by the laws of this state in effect at the time,

(B) the rate in effect at the time of application for the United States Veterans Administration Single Family Housing Mortgage Guaranty Program, in the case of a fixed interest rate, or

(C) the rate in effect during the term of the loan for real estate loans of the Federal Land Bank of Texas, in the case of a variable interest rate.

(4) Loan discounts or discount points charged to the applicant may not exceed 2½ points.

(5) The term of the loan may be negotiated by the applicant and the lender, and the loan must be fully amortized.

(6) The loan must be subject to prepayment in whole or in part without penalty but may not be assignable by the participant.

(7) A minimum of 3.0% of the total acquisition cost must be paid in cash at closing by the applicant in all loans except seller-sponsored loans in which the seller is a parent or grandparent of the applicant.

(8) The repayment schedule must call for repayments of principal and interest at least annually.

(9) In the case of a loan in which the lender is not the seller, the lender shall evaluate the participant's performance at least quarterly based on information supplied to the lender by the participant. If the participant's performance is unsatisfactory, the lender shall provide the commissioner with a written report specifying the reasons why performance is unsatisfactory. In the case of a seller-sponsored loan, the commissioner shall evaluate the participant's performance at least quarterly.

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

Issued in Austin, Texas, on September 20, 1984

TRD-849605 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Effective date: October 11, 1984

Proposal publication date: June 1, 1984

For further information, please call (512) 475-6688.

Subchapter C. Application Procedures **4 TAC §§23.21-23.29**

The Texas Department of Agriculture adopts new §§23.22, 23.24, and 23.27, with changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955). Sections 23.21, 23.23, 23.25, 23.26, 23.28, and 23.29 are adopted without changes and will not be republished.

With the adoption of the new sections, the department is able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. Language changes have been made in these sections, as determined by department staff for clarification. The new sections cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

§23.22 Farm or Ranch Land Appraisal.

(a) An appraisal of the market value and income potential of the farmland or ranchland must be performed by a person who meets one of the following criteria:

(1) membership in the Texas chapter of the American Society of Farm Managers and Rural Appraisers and designation as an accredited rural appraiser (ARA);

(2) membership in the American Society of Real Estate Appraisers and designation as master of the Appraisal Institute (MAI);

(3) membership in the Texas Society of Professional Land Managers and Appraisers and active involvement in performing farm or ranchland appraisals for at least three years preceding the date of the appraisal; or

(4) active involvement in performing farm or ranchland appraisals for at least five years preceding the date of the appraisal.

(b) A letter stating the appraiser's qualifications and experience must be submitted with the appraisal.

(c) The commissioner may require the applicant to obtain an additional appraisal from another appraiser when comparable sales do not reasonably reflect the value of the farmland or ranchland stated in the original appraisal.

§23.24. Letters of Intent. The application shall contain the following information:

(1) a letter of intent for the financing of any portion of the purchase price that is to be financed through a lender other than the seller, if such financing is used; containing all the terms and provisions of the loan and signed by the lender;

(2) a letter of intent from the source of necessary operating credit for the first year of operation;

(3) a letter of intent from the source of financing for the purchase of livestock and equipment, if such financing is necessary; and

(4) written equipment use agreements signed by both the applicant and the equipment owner, if equipment will be shared.

§23.27. Criteria for Approval. The following criteria shall be considered by the administrator, the advisory council, and the commissioner in reviewing an application for a guaranty:

(1) the eligibility criteria set forth in §§23.11-23.13 of this chapter (relating to Eligibility);

(2) submission of a complete application;

(3) the degree to which farming or ranching will be the applicant's primary occupation;

(4) the extent to which the applicant demonstrates financial need for the guaranty to acquire farmland or ranchland,

(5) the existence of or provisions for financing farm or ranch expenses other than real estate;

(6) the economic feasibility of the loan as evidenced by the applicant's present and projected financial situation;

(7) the applicant's credit history; and

(8) the likelihood of success of the applicant's proposed farming or ranching operation, based on the criteria in paragraphs (3)-(6) of this subsection.

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

Issued in Austin, Texas, on September 20, 1984

TRD-849607 Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Effective date October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.



Subchapter D. Closing Procedures

4 TAC §§23.41-23.47

The Texas Department of Agriculture adopts new §23.44 and §23.45, with changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955). Sections 23.41-23.43, 23.46, and 23.47 are adopted without changes and will not be republished.

With the new sections, the department will be able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. The rules cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

§23.44. Closing Documents, Releases. The seller shall provide a copy of the mortgage or note and deed of trust to be assumed by the applicant as part of the purchase price, together with proof of right of assignability by seller if not contained in the appropriate document. The seller shall also provide copies of releases or satisfactions of any underlying liens or encumbrances affecting the farmland or ranchland or any fixtures or improvements to the land.

§23.45. Guaranty

(a) When the closing documents are properly executed, the commissioner shall enter into an agreement with the participant and the lender, providing that in the event of default by the participant, the state shall pay the lender up to 90% of the sums due and payable under the first real estate mortgage or deed of trust, or, if the applicant makes a down payment of 10% or more of the purchase price, all of the sums due and payable under the first real estate mortgage or deed of trust. Sums due and payable include the principal balance outstanding, accrued interest up to the date on which the state performs under the guaranty, and any other expenses incurred by the lender for maintenance and protection of the property during the default period which are determined by the commissioner to be reasonable and prudent.

(b) The proposed purchase of farmland or ranchland may be financed through more than one lender. Multiple loans may receive separate guarantees under the program if all parties accept the guaranty and agree that default under one guaranty is default under all guarantees.

(c) The applicant may assume one underlying note and deed of trust or mortgage as part of the purchase price of the farmland or ranchland, provided that the amount of the note and deed of trust or mortgage to be assumed does not exceed 80% of the purchase price. The holder of an assumed note and deed of trust or mortgage may receive a separate guaranty under the program if the

holder accepts the guaranty and agrees that default under one guaranty is default under all guarantees.

(d) The term of the guaranty may not be longer than 20 years.

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

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

TRD-849609 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Effective date October 11, 1984

Proposal publication date June 1, 1984

For further information, please call (512) 475-6686.

Subchapter E. Default by Participant

4 TAC §§23.61-23.63

The Texas Department of Agriculture adopts new §§23.61-23.63, with changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955).

With the adoption of the new sections, the department will be able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. Language changes have been made in these rules for clarification. The new sections cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agricultural Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

§23.61. Conditions of Default by Participant. A participant is in default if one or more of the following conditions exist:

(1) the participant does not pay a principal or interest payment within 30 days of the date due;

(2) the participant breaches a material obligation in the note, loan agreement, or any instrument securing the loan, and the lender determines, with the concurrence of the commissioner, that this breach constitutes an adverse change in the participant's ability to repay the guaranteed loan;

(3) the participant fails personally to maintain the farmland or ranchland in active agricultural production for longer than one year;

(4) the participant leases any interest in the farmland or ranchland without prior written consent of the commissioner or his representative;

(5) the participant sells or conveys outright any minerals or mineral interest associated with the farmland or ranchland; or

(6) the participant fails to provide the commissioner or his representative quarterly reports of actual income and expense as required by §23.11(a)(11) of this chapter (relating to Eligible Applicant)

§23.62. Consequences of Default by Participant.

(a) Except in the case of default under §23.61(a)(6) of this chapter (relating to Conditions of Default by Participant), lender shall notify the commissioner in writing within 15 days of default by a participant. Default by the participant will be deemed to have occurred on the date of the lender's first knowledge of default. A lender shall be deemed to have first knowledge of a default in the payment of money by a participant on the 31st day after such payment is due. The lender shall be deemed to have first knowledge of a default, other than default in the payment of money, on the date of the lender's actual knowledge of such default.

(b) The lender, the participant, and the commissioner may take any reasonable steps to ensure fulfillment of the loan obligation. The lender and applicant may not agree to an extension of any time or any amount of payment of money, or agree to extend the period during which any other default may be cured beyond the 180th day following the date of the default (as such date is determined by subsection (a) of this section) without the written consent of the commissioner or his representative. The commissioner or his representative may not approve any extension of time or amount of payment of money without the consent of the lender; however, the commissioner or his representative may agree to arrangements to cure other defaults without the consent of the lender.

(c) Except in the case of default under §23.61(a)(6) of this chapter (relating to Conditions of Default by Participant), within 90 days after the date of a default by a participant, the lender shall notify the participant that the lender must notify the commissioner if the default continues for an additional 90 days. The lender shall also inform the participant of the consequences of such default.

(d) If multiple loans have been guaranteed in a single transaction, all loans are considered to be in default if one is in default. The lenders shall exercise their options in concert with each other and with the commissioner.

§23.63. Exercise of Guaranty

(a) If the participant has not made arrangements to cure a default within 180 days of the date of default, or if the commissioner or his representative and the lender have not approved an extension of time, the lender shall file a claim with the commissioner within 15 days by registered or certified mail

(b) The commissioner shall conduct a hearing on the alleged default not later than 30 days after receipt of lender's claim. The hearing shall be conducted as a contested case proceeding under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. The commissioner may waive default in the event of extenuating circumstances, including the participant's physical disability

(c) If the commissioner determines that the participant has defaulted and that the lender has met his or her obligations regarding the loan guaranty, the commissioner shall pay to the lender the total amount due under the guaranty upon receipt by the commissioner of assignment of all of the lender's security and interest in the loan. The state shall then become holder and owner of the loan

and all notes, security, and other rights associated with the loan. The commissioner shall notify the participant of the payment of the guaranty and assignment of the loan to the state

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

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

TRD-849613 Patrick D Redman
 Agency Liaison
 Texas Department of Agriculture

Effective date October 11, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 475-6686.

Subchapter F. Foreclosure Procedures

4 TAC §§23.71-23.73

The Texas Department of Agriculture adopts new §§23.71-23.73, without changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955)

With the adoption of the new sections, the department will be able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. The sections cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on September 20, 1984

TRD-849615 Patrick D Redman
 Agency Liaison
 Texas Department of Agriculture

Effective date October 11, 1984
Proposal publication date June 1, 1984
For further information, please call (512) 475-6686.

Subchapter G. Default by Lender

4 TAC §23.81, §23.82

The Texas Department of Agriculture adopts new §23.81 and §23.82, without changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955)

With the adoption of the new sections, the department will be able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. The sections cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on September 20, 1984

TRD-849617 Patrick D Redman
 Agency Liaison
 Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

Subchapter H. Miscellaneous Provisions

4 TAC §§23.91-23.100

The Texas Department of Agriculture adopts new §§23.92 and §23.100, with changes to the proposed text published in the June 1, 1984, issue of the *Texas Register* (9 TexReg 2955). Sections 23.91 and 23.93-23.99 are adopted without changes and will not be republished.

With the adoption of the new sections, the department will be able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. Language changes have been made in these sections for clarification. The sections cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

§23.92. Leasing. The participant shall not lease any portion of farmland or ranchland acquired under this program without the prior written consent of the commissioner or his representative.

§23.100. Statements and Opinions. Statements and opinions of the staff, advisory council, and commissioner, other than formal orders and rules, are not binding in any way on the staff, advisory council, or commissioner.

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

Issued in Austin, Texas, on September 20, 1984

TRD-849619 Patrick D Redman
 Agency Liaison
 Texas Department of Agriculture

Effective date: October 11, 1984
Proposal publication date: June 1, 1984
For further information, please call (512) 475-6686.

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

7 TAC §63.2

The Texas Savings and Loan Department adopts amendments to §63.2, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3638).

Applicants for an administrative office shall include a fee of \$500 with their application. The \$500 fee is necessary to recover the costs associated with staff time required for the processing of such applications.

One letter was received, which contained comments taking no exception to the proposed amendments. Earl Garrison, chief executive officer, Meridian Savings Association, commented in favor of the amendments.

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

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

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

TRD-849681 L. L. Bowman III
Commissioner
Texas Savings and Loan
Department

Effective date: October 12, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-7991.

7 TAC §63.12

The Texas Savings and Loan Department adopts amendments to §63.12, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3638)

The amendments are necessary to recover the increased costs associated with staff time required for the processing of certain applications. Applicants who desire a name or location change for a subsidiary will include a fee of \$100 for such an application.

One comment letter was received which took no exception to the proposed amendments. Earl Garrison, chief executive officer, Meridian Savings Association, commented in favor of the amendments.

The amendments are adopted pursuant to Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and

regulations not inconsistent with the constitution and statutes of this state and, from time to time, to amend the same.

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

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

TRD-849682 L. L. Bowman III
Commissioner
Texas Savings and Loan
Department

Effective date: October 12, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-7991.

Chapter 73. Subsidiary Corporations

7 TAC §§73.1-73.5

The Texas Savings and Loan Department adopts amendments to §§73.1-73.5, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3640).

The sections increase the clarity of the applicability and parameters of the sections, and require the commissioner's permission for a savings and loan association to invest in and to divest itself of subsidiary corporations under circumstances which are in the best interest of the association.

The sections provide for application to the commissioner for approval to invest in a subsidiary corporation or to divest a subsidiary corporation and the setting forth of required information in the application process

Earl Garrison, chief executive officer, Meridian Savings Association, commented in favor of adopting the amendments. Curtis Beard, president, Savings of Texas, commented against the sections. Mr. Beard's comments did not address the changes being made. Mr. Garrison's comments were a general endorsement of the section changes

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

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

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

TRD-849683 L. L. Bowman III
Commissioner
Texas Savings and Loan
Department

Effective date: October 12, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-7991.

**TITLE 22. EXAMINING BOARDS
Part XX. Texas Board of Private
Investigators and Private
Security Agencies
Chapter 445. Employee Records**

22 TAC §445.2

The Texas Board of Private Investigators and Private Security Agencies adopts the repeal of §445.2, without changes to the proposal published in the April 20, 1984, issue of the *Texas Register* (9 TexReg 2191).

The repeal is being adopted because another section has already been adopted which more clearly covers the necessary requirements, and compliance with the existing section would be an unnecessary task.

The company employee records are to be kept at branch offices. In the event there are no branch offices, the employee records are to be kept at the company's principal place of business

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4413(29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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

Issued in Austin, Texas, on September 20, 1984

TRD-849620 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: October 12, 1984
Proposal publication date: April 20, 1984
For further information, please call (512) 475-3944.

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION
Part II. Texas Parks and Wildlife
Department
Chapter 65. Wildlife
Subchapter O. Late Season Migratory
Game Bird Proclamation**

31 TAC §§65.333-65.335

The Texas Parks and Wildlife Commission adopts amendments to §65.335, with changes to the proposed text published in the July 17, 1984, issue of the *Texas Register* (9 TexReg 3863). Section 65.335 is amended to comply with the federal mandate issued by the U.S. Fish and Wildlife Service on July 19, 1984,

which limits the total number of days in any combination of duck seasons to a maximum of 107 days. Since the falconry season for waterfowl in conjunction with the special teal season was 116 days, the amendment to comply with the federal mandate of 107 days is necessary. Section 65.333 and §65.334 are adopted without changes and will not be republished.

Fluctuations in migratory game bird populations and the need to provide better hunting opportunities require the Texas Parks and Wildlife Commission to adopt regulation changes for the 1984-1985 hunting seasons. The amendments allow the taking of late season migratory game bird wildlife resources consistent with their population.

The following comments were made in a public hearing held August 29, 1984. V. E. Graves, representing the Texas Waterfowl Conservation Association, stated that, due to the winter freeze and the continuing spring and summer drought, waterfowl habitat has suffered and closure of the season to morning hunting only would allow waterfowl to rest and not be driven away. Mr. Graves opposed hunting waterfowl all day. At the public hearing no one spoke in favor of the proposed amendments.

The Texas Parks and Wildlife Commission disagreed with some recommendations made by individuals because they were judged not to be consistent with recognized wildlife management principles and published federal regulation frameworks. Additionally, the commission agreed not to reduce hunting to mornings only so that the fifth year of a five-year research program, designed to evaluate the impact of hunting regulations upon waterfowl broodstock, could be completed.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.335. *Extended Falconry Season.*

- (a) (No change)
- (b) It is lawful to take migratory game birds during the following prescribed open seasons
 - (1) Ducks, coots, and geese. Third Saturday in October for 93 consecutive days from one-half hour before sunrise to sunset
 - (2) Sandhill cranes.

(A) Zone A. November 1 for 104 consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County, thence northwesterly following U.S. Highway 87 and including all of Howard and Lynn Counties, to its junction with U.S. Highway 287 at Dumas, Moore County, thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(B) Zone B. November 1 for 104 consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo

along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County; and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of Highway 87 and Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(C) Zone C: November 1 for 104 consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with Farm Road 616 at Placedo, thence north and east along Farm Road 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. 290, thence westward along U.S. 290 to its junction with U.S. Highway 277 at Sonora,

thence south along U.S. 277 to its junction with the U.S.-Mexico International Boundary at Del Rio, thence south and east along the U.S.-Mexico International Boundary to its junction with the international toll bridge at Brownsville.

(3) Common snipe or Wilson's snipe or jack-snipe. November 1 for 107 consecutive days from one-half hour before sunrise to sunset

(4) Woodcock. November 1 for 107 consecutive days from one-half hour before sunrise to sunset.

(c)-(d) (No change.)

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

Issued in Austin, Texas, on September 21, 1984

TRD-849669 Maurine Ray
 Administrative Assistant
 Texas Parks and Wildlife
 Department

Effective date. October 12, 1984

Proposal publication date July 17, 1984

For further information, please call (512) 479-4973
or (800) 792-1112

State Board of Insurance Exempt Filings

**State Board of Insurance
Notifications Pursuant to the
Insurance Code, Chapter 5,
Subchapter L**

(Editor's note As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has approved a filing by Old Republic Insurance Company of a rate schedule to be used with its credit insurance policy Form ICS-IC-Rev. 8/59

The rate schedule divides the insureds into two classes. those whose loss experience during the preceding three years indicates that their loss ratio at the present minimum premium rate (\$1.00 per \$100 of net proceeds per year) has been or would have been over 35%, and those whose loss experience during the preceding three years indicates that their loss ratio at the present minimum rate has been or would have been 35% or less.

As to the first class of insureds (those with loss ratios in excess of 35%), the rate would be \$1.00 per \$100 of net proceeds per year. As to the second class of insureds (those with loss ratios of 35% or less), the premium rate would be the rate specified in the following premium rate schedule in terms of dollars of premium per \$100 of net loan proceeds per year and would vary with the average maturity of the insured's loan portfolio:

Average Maturity of Loan Portfolio	Premium Rate
Up to 48 mos.	1.00
49-54 mos.	.90
55-60 mos.	.85
61-66 mos.	.80
67-72 mos.	.75
73-78 mos.	.70
79-84 mos.	.65
85-90 mos.	.60
91-96 mos.	.55
97-over	.50

This filing is effective 15 days after it is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act

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

TRD-849559 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date October 14, 1984

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

The State Board of Insurance has approved a filing by the Surety Association of America of an endorsement form for use with blanket bonds standard Forms 5, 14, 22, 24, 25, and 25-L.

The central handling of securities rider SR 5967d is a verbatim copy of an earlier edition with a change in paragraph 1, eliminating New England Securities Depository Trust Company from the listing of "systems" and replacing it with Philadelphia Depository Trust Company

This rider has been made available for use with savings bank blanket bond Form 5 and savings and loan blanket bond Form 22

There is no premium consideration involved with this rider.

This filing is effective 15 days after it is published in the *Texas Register*

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

TRD-849560 James W Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 14, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has approved a filing by the Surety Association of America of revised fidelity and surety statistical plan pages. The fidelity and surety statistical plan, full level—page 63, and minimum level—page 54, are revised.

These pages reflect the implementation of two new surety classification codes which pertain to commercial investment and loan financial guarantees. This new type of surety undertaking has become a significant part of the overall surety experience during recent years. Rather than let the experience accumulate in an "all other miscellaneous" code, these two new codes have been adopted to give individual identification to such experience.

This filing is effective 15 days after it is published in the *Texas Register*

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act

Issued in Austin, Texas, on September 18, 1984

TRD-849561 James W Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 14, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has considered and approved a correction of a filing by United States Fidelity and Guaranty Company approved under board Order 43744.

Board Order 43744 approved a currency exchange blanket bond. Included in the filing were Rules 10 and 11, which are not acceptable in Texas. Page 1 of the coverage, rules, and rates was not included in the original filing. This order eliminates Rule 10 and 11 and adds page 1 of the coverage, rules, and rates for the currency exchange blanket bond.

This filing is effective 15 days after it is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

TRD-849562 James W Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 14, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has approved a filing by Old Republic Insurance Company of a revised minimum premium endorsement for use with its credit insurance policy ICS-IC-Rev. 8/59

The endorsement reduces the minimum rate available under the retroactive rating plan from \$.65 per \$100 of net proceeds to \$.40 per \$100 of net proceeds. At the time of the last annual retroactive rating adjustment, approximately 75% of the Texas insured experienced loss ratios low enough to qualify for the currently approved minimum. This favorable loss experience is generally the result of careful supervision of lenders of their loan portfolios. In view of the fact that such a large percentage of insured lenders is able to qualify for the presently approved minimum premium, then a reduction of that minimum premium is clearly justified. Those lenders who supervise their loan portfolios carefully would be able to benefit from that careful supervision while at the same time have the security of the credit insurance policy.

This filing is effective 15 days after it is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act

Issued in Austin, Texas, on September 18, 1984

TRD-849563 James W Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 14, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has approved various agenda items presented at the August 30, 1984, annual workers' compensation hearing amending the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers Liability Insurance*, known as the basic manual. The agenda items as approved are as follows

Agenda Item 84.1. The board adopted an amendment to Rule II -G, concerning waiver of subrogation of the basic manual. The purpose of this amendment is to provide for both a specific and blanket waiver of subrogation, as opposed to the present specific waiver only, as there is more and more demand for blanket waivers

Agenda Item 84.2. The board adopted an amendment to the miscellaneous values section of the rate pages of the basic manual which refers to Code 7382—Taxicab Company and Limousine Company. The purpose of this item is to adjust the stated salary amounts upward in an effort to eliminate the premium loss suffered as a result of the rate offsets which accompanied the weekly payroll limitation rule change.

Agenda Item 84.3. The board adopted a revised waiver of subrogation endorsement, the Texas waiver of our right to recover from others endorsement. The purpose of the revised endorsement is to accommodate the rule change requested in Agenda Item 84.1

Agenda Item 84.4. The board adopted amendments to the classifications section of the basic manual which involved removing clerical employees or outside salespersons from certain classifications and changes within other classifications to assure that subclassifications contain the same inclusions as the principal classification

Agenda Item 84.5. The board adopted amendments to the classification section of the basic manual to update phraseology or in certain instances to clarify application of classifications

Agenda Item 84.6. The board adopted amendments to the classification underwriting guide of the basic manual to update the guide with several new assignments

Agenda Item 84.7. The board adopted an expanded schedule of classifications applicable to farm and ranch workers. This action was in response to a request by the board-appointed Advisory Committee on Agricultural Workers' Compensation Classifications

Agenda Item 84.8. The board adopted the interpretation section-classifications as part of the classification underwriting guide of the basic manual. The

interpretation section is designed to further define the application of class codes whose definition may not be so explicitly stated elsewhere in the basic manual. Its purpose is to assist the underwriter and others in properly classifying and rating a risk. This proposal was in response to a request by the board-appointed Advisory Committee on Agricultural Workers' Compensation Classifications for a further definition of classifications applicable to agricultural workers.

Agenda Item 84.9. The board adopted an amendment to Rule XV—domestic and agricultural workers of the basic manual. The purpose of this item is to revise the rule to coincide with the expanded schedule of classifications applicable to farm and ranch workers and the deletion of several existing agricultural classifications.

Agenda Item 84.10. The board adopted various amendments to the rule section of the basic manual. The purpose of this item is purely editorial so that the rules and references of the manual will coincide with those stated in the new policy effective July 1, 1984.

Agenda Item 84.11. The board adopted removal of all but the retro endorsements from the endorsement supplement of the basic manual. These endorsements have been replaced by endorsements which are more compatible with the new policy and adopted effective July 1, 1984.

Agenda Item 84.12. The board adopted the West Gulf Maritime Association proposal and reinstated the average weekly payroll limitation of \$300 for stevedores. Rule V—premium basis F. payroll limitation of the basic manual has been amended to reflect this change.

Agenda Item 84.13. The board adopted the United Employers Insurance Company proposal to withdraw the rate offsets applicable to temporary labor contractors as identified by class Codes 4022, 5608, 7371, 8019, and 8294, and the offsets for those classes be promulgated as a factor of unity (1.00) to be effective with the next experience rate change.

All agenda items take effect 15 days after publication in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

TRD-849737 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 14, 1984
For further information, please call (512) 475-2950.

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

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

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

Open Meetings

Texas Aeronautics Commission

Tuesday, October 2, 1984, 1:30 p.m. The Texas Aeronautics Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda summary, the commission will consider the air carrier administration report, aviation facilities development report, the director's report, and election of officers.

Contact: Thomas L. Butler, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Filed: September 21, 1984, 2:33 p.m.
TRD-849678

Texas Department of Agriculture

Thursday, October 4, 1984, 11 a.m. The Texas Department of Agriculture will meet in Suite C, 5501 IH 40 West, Amarillo. According to the agenda, the department will conduct an administrative hearing to review possible violations of the Texas Agriculture Code, §76.116(a)(1) and §76.116(a)(4) by W. B. Betts, doing business as W. B. Betts Aerial Spraying, holder of commercial applicator's License 0801.

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

Filed: September 24, 1984, 2:22 p.m.
TRD-849700

Texas Air Control Board

Friday, October 5, 1984. A committee of the Texas Air Control Board and the full board will meet in the community room, Arlington Public Library, 101 East Abram, Arlington. Times and agendas follow.

8:30 a.m. The Monitoring and Research Committee will consider research priorities for fiscal year 1985 and a proposed contract.

9:30 a.m. The board will approve the minutes of the August 17, 1984, meeting; consider reports, a report on the sunset review, public meetings on state implementation plan revisions for Dallas, Tarrant, and El Paso Counties, and a report on research activities; consider and act on a proposed agency contract; and consider new business.

Contact: Paul M. Shinkawa, 6330 U.S. Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: September 21, 1984, 2:19 p.m.
TRD-849672, 849673

Texas Diabetes Council

Friday, October 5, 1984, 10 a.m. The Texas Diabetes Council will meet in Room G-107, Texas Department of Health, 1100 West

49th Street, Austin. According to the agenda summary, the council will approve the previous meeting minutes; discuss problems related to diabetic prisoners and criteria for issuing driver's licenses to diabetics; hear reports from Dexter Anderson, Government Relations Committee, American Diabetes Association, Texas affiliate, as well as the State Board of Insurance, the Patient Education Workgroup, and the Professional Education Workgroup; hear a report of state agencies represented on the council; consider the council's report to the legislature; approve legislation; and discuss the next meeting.

Contact: Wendell Mayes Jr., P.O. Box 50030, Austin, Texas 78763, (512) 477-6866.

Filed: September 24, 1984, 2:24 p.m.
TRD-849704

Texas State Board of Examiners of Dietitians

Friday, September 21, 1984, 10 a.m. The Texas State Board of Examiners of Dietitians met in emergency session in Room T-803, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board approved the June 8, 1984, minutes; heard reports of the executive secretary, the chairman, and com-

mittees; considered public comments and adopted rules pertaining to procedures for board-approved preplanned professional experience programs; ratified applications approved by committees on July 20, 1984, and August 17, 1984, and reviewed license applications; discussed other matters relating to the licensure and regulation of dietitians which did not require board action; and set the date of the next meeting. The board also met in executive session. The emergency status was necessary to make decisions regarding the rules and license applications to meet requirements in existing board rules which became effective September 1, 1984.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: September 20, 1984, 4:24 p.m.
TRD-849591

Council on Disabilities

Monday, October 1, 1984, 10 a.m. The Task Force for State Plan of the Council on Disabilities will meet at 118 East Riverside, Austin. According to the agenda, the task force will consider written testimony and material received.

Contact: Terry Reed Goodman, Sam Houston Building 3, 201 East 14th Street, Room 207-C, Austin, Texas 78711, (512) 475-3021.

Filed: September 21, 1984, 10:22 a.m.
TRD-849624

East Texas State University

Wednesday, October 17, 1984, 6 p.m. The Academic Programs Committee of the Board of Regents of East Texas State University (ETSU) will meet in the captain's lounge, Chandler's Landing, 501 Yacht Club Drive South, Rockwall. According to the agenda, the committee will consider curriculum changes at ETSU-Commerce and ETSU-Texarkana, small class reports at ETSU-Commerce and ETSU-Texarkana and the faculty workload report at ETSU-Commerce and ETSU-Texarkana.

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5012.

Filed: September 24, 1984, 2:25 p.m.
TRD-849705

Texas Education Agency

Friday, September 28, 1984, 9 a.m. The Price Differential Index (PDI) Advisory Committee of the Texas Education Agency will meet in the Senate Reception Room, State Capitol, Austin. Items on the agenda include a report of the Subcommittee on the Econometric Model for a Price Differential Index and discussion concerning the development of a PDI.

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: September 20, 1984, 1:55 p.m.
TRD-849575

Employees Retirement System of Texas

Thursday, October 4, 1984, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in Room 332, Texas Air Control Board, 6330 Highway 290 East, Austin. Items on the agenda include approval of the minutes, election of new officers, discussion of recommendations from the Governor's Task Force on State Employee Health Insurance Quality and Cost Containment, and other matters relative to the Uniform Group Insurance Program.

Contact: Henry D. Eckert, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: September 20, 1984, 2:03 p.m.
TRD-849576



Texas Employment Commission

Tuesday, September 25, 1984, 9 a.m. The Texas Employment Commission (TEC) made an emergency addition to the agenda of a meeting held in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. The addition concerned Docket 39A. The emergency status was necessary to comply with federal time lapse requirements.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78711, (512) 397-4415.

Filed: September 24, 1984, 4:01 p.m.
TRD-849720

Friday, September 28, 1984, 9 a.m. The Advisory Council of the Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the council will hear the administrator's and committee reports and consider a new planning unit, the November 17, 1983, and July 27, 1984, meeting notes, and the tentative date and agenda items for the next meeting.

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

Filed: September 20, 1984, 4:23 p.m.
TRD-849590

The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Dates, times, and agendas follow.

Tuesday, October 2, 1984, 9 a.m. The commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 40, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78711, (512) 397-4415

Filed: September 24, 1984, 4:01 p.m.
TRD-849719

Wednesday, October 3, 1984, 8:30 a.m. The commission will meet in executive session to discuss policy regarding benefits for temporary employees, the Tullis v Grisham case, the Tullis merit system appeal, the Joiner merit system appeal and related matters, and other matters permitted by Texas Civil Statutes, Article 6252-17, §2(e)-(g) or (j). The commission will also meet in open session to take any actions resulting from the executive session.

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas 78711, (512) 397-4400.

Filed: September 24, 1984, 4:01 p.m.
TRD-849718

Wednesday, October 3, 1984, 7 p.m. The Texas Employment Commission will meet in the Valley and Grande Rooms, Harlingen Holiday Inn, 1901 West Tyler, Harlingen. Items on the agenda include the Com-

prehensive Language Services Program and a public comment period.

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas 78711, (512) 397-4400.

Filed: September 24, 1984, 4:02 p.m.
TRD-849717

Thursday, October 4, 1984, 7 p.m. The Texas Employment Commission will meet at the I.B.E.W. Union Hall, 1018 North Water Street, Corpus Christi. Items on the agenda include the Comprehensive Language Services Program and a public comment period.

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas 78711, (512) 397-4400.

Filed: September 24, 1984, 4:02 p.m.
TRD-849716

Thursday, October 11, 1984, 7 p.m. The Texas Employment Commission will meet at the San Antonio Travelodge on the River, 100 Villita, adjacent to the courthouse, San Antonio. Items on the agenda include the Comprehensive Language Services Program and a public comment period.

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas 78711, (512) 397-4400.

Filed: September 24, 1984, 4:02 p.m.
TRD-849715

Office of the Governor

Friday, September 28, 1984, 10 a.m. The Policy Development Committee of the State Job Training Coordinating Council of the Office of the Governor will meet in the conference room, seventh floor, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda summary, the committee will conduct a working meeting to discuss public service employment legislation.

Contact: Nina Rivkin, Sam Houston Building, 201 East 14th Street, Austin, Texas, (512) 475-6156.

Filed: September 20, 1984, 4:29 p.m.
TRD-849612

Monday, October 1, 1984, 10 a.m. The JTPA Legislative Oversight Committee of the Office of the Governor will meet in the conference room, Texas Department of Community Affairs, 2015 IH 35 South, Austin. According to the agenda summary,

the committee will consider federal and state responsibilities in job training and employment, the legislative and policy framework for job training and employment in Texas, the role of the governor in the state's job training and employment system, the role of the operating agencies, funding under the Job Training Partnership Program for 1983 and 1984, a brief synopsis of program results for program year 1983, and the role of the oversight committee.

Contact: Wilhelmina Delco, P.O. Box 2910, Austin, Texas 78769, (512) 475-5973.

Filed: September 21, 1984, 2:36 p.m.
TRD-849679

Texas Department of Health

Friday, October 5, 1984, 10 a.m. The Texas Emergency Medical Services Advisory Council of the Texas Department of Health will meet in Room T-610, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve the July minutes and amendments to the April minutes; hear reports from the Medical Director Ad Hoc Committee, the Emergency Medical Services Provider Ad Hoc Committee, the Education Ad Hoc Committee, the Poison Ad Hoc Committee, the Texas Medical Association Committee on Trauma and Emergency Medical Service (EMS), and the public health regions; discuss rules for specialized vehicles, continuing education requirements, EMS training, and final adoption of rules for the October Board of Health meeting; discuss bureau EMS certification testing capabilities, EMS frequency coordination, statewide inventory of EMS, and the telephone book project; and consider announcements and comments for which no council action is required.

Contact: Charles H. Gregory, M.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-1393.

Filed: September 24, 1984, 2:24 p.m.
TRD-849706

Texas Statewide Health Coordinating Council

Friday, September 28, 1984, 10:30 a.m. The Application, Budget, and Project Review Committee of the Texas Statewide Health Coordinating Council will meet in the Lone Star 3 Room, Marriott Hotel, 6121 IH 35 North at U.S. Highway 290, Austin. According to the agenda summary, the com-

mittee will review and make recommendations on the continuation applications of the Texas Department of Health Venereal Disease Control Program, the San Antonio immunization project, and the Texas Department of Health communicable disease services/immunization project, and select the next meeting date.

Contact: Mike Ezzell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: September 20, 1984, 4:22 p.m.
TRD-849592

Friday, September 28, 1984, 1 p.m. The Texas Statewide Health Coordinating Council will meet in the Lone Star 1, 2, and 3 Rooms, Marriott Hotel, 6121 IH 35 North at U.S. Highway 290, Austin. Items on the agenda summary include the June 29, 1984, minutes; reports by the bureau chief; the State Health Plan Development Committee, the Resource Development and Implementation Committee, the Monitoring and Assessment Committee, and the Application, Budget, and Project Review Committee on the Texas Department of Health venereal disease control project, the San Antonio childhood immunization maintenance project, and the Texas Department of Health communicable disease service/immunization project; proposed changes of the council's rules of procedure and bylaws; and selection of the next meeting date.

Contact: Mike Ezzell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: September 20, 1984, 4:24 p.m.
TRD-849593

Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Friday and Saturday, October 5 and 6, 1984, 8 a.m. Friday and 9 a.m. Saturday. The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at the Wyndham Southpark, 4140 Governor's Row, Austin. The board will conduct state exams on Friday and a board meeting on Saturday. Items on the agenda include approval of the June 9, 1984, minutes; action on the examination, a report of the Nominating Committee, discussion of reexamination between scheduled examinations; discussion of the binaural amplified listener marketed by Radio Shack; committee reports; the executive director's

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report; the president's report; and a report on future meeting dates.

Contact: Wanda F. Stewart, 510 South Congress, Suite 104, Austin, Texas 78704, (512) 475-3429.

Filed: September 25, 1984, 8:22 a.m.
TRD-849725

University of Houston System

Tuesday, October 2, 1984, 11 a.m. The Board of Regents of the University of Houston (UH) System will meet in the boardroom, Ezekiel Cullen Hall, UH-University Park, Houston. Items on the agenda include the Executive Committee report; the Academic Affairs and Campus Relations Committee report, the Regental Policy Committee report; the Finance Committee report; the Facilities, Planning, and Building Committee report, the president's report; and the computerized registration process of UH-University Park

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

Filed: September 25, 1984, 9 a.m.
TRD-849726

State Board of Insurance

Wednesday, September 26, 1984, 3:30 p.m. The State Board of Insurance made an emergency addition to the agenda of a meeting held in Room 414, 1110 San Jacinto Street, Austin. The addition concerned personnel matters. The emergency status was necessary because of the urgency in resolving personnel matters

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

Filed: September 24, 1984, 2:36 p.m.
TRD-849701

Tuesday, October 2, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7791—the application of University National Bancshares of San Antonio, Inc., San Antonio, to acquire control of U B I Life Insurance Company, San Antonio

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353

Filed: September 24, 1984, 10:40 a.m.
TRD-849694

Tuesday, October 2, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a decision on the appeal of Lewis Rosen and Linda Rosen from action of the Texas Catastrophe Property Insurance Association; hear the commissioner's report and the fire marshal's report, both including personnel matters; and consider board orders.

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

Filed: September 24, 1984, 2:36 p.m.
TRD-849702

Thursday, October 4, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will reopen a public hearing in Docket 7726—the approval of the articles of agreement of Essex Lloyd's Insurance Underwriters, Houston.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: September 24, 1984, 10:40 a.m.
TRD-849695

Wednesday, October 17, 1984, 9 a.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the board's designate will conduct a public hearing to consider the Texas Catastrophe Property Insurance Association's plea to the jurisdiction in the appeal of Daryl DeVietti and wife, Barbara DeVietti, from action of the Texas Catastrophe Property Insurance Association.

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

Filed: September 24, 1984, 2:37 p.m.
TRD-849703

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 revised the agenda of a meeting to be held in Room 503G, Sam Houston Building, 201 East 14th Street, Austin. Items on the revised agenda include license and registration revocations and suspensions and alleged viola-

tions of various rules and regulations of the department.

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

Filed: September 21, 1984, 9:37 a.m.
TRD-849621

Legislative Council

Thursday and Friday, October 4 and 5, 1984, 9 a.m. daily. The Legislative Oversight Committee on Mental Health and Mental Retardation of the Legislative Council will meet in Room 255, Coordinating Board, Texas College and University System, 200 East Riverside Drive, Austin. According to the agenda, the committee will hear a report on research activities, continue a discussion of issues to be included in a final report, and hear a briefing on the *Lelsz v. Miller* lawsuit.

Contact: Karen F. Hale, 4600 Burnet Road, Austin, Texas 78756, (512) 459-6584.

Filed: September 24, 1984, 11:42 a.m.
TRD-849696

Texas Merit System Council

Thursday, October 4, 1984, 9 a.m. The Texas Merit System Council will meet in Room 507, Brown Building, Austin. Items on the agenda include an appeal hearing, an update on council activities, planned conversion of the council's computer programs to run on new hardware purchased by the State Purchasing and General Services Commission, and per diem for council members.

Contact: F. Kemp Dixon, P.O. Box 13566, Austin, Texas 78711, (512) 477-9665.

Filed: September 24, 1984, 4:25 p.m.
TRD-849724

Board of Pardons and Paroles

Monday-Friday, October 1-5, 1984, 1:30 p.m. daily Monday-Thursday and 11 a.m. on Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releaseses subject

to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: September 21, 1984, 10:28 a.m.
TRD-849630

Tuesday, October 2, 1984, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves, remissions, and executive clemency actions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704.

Filed: September 21, 1984, 10:29 a.m.
TRD-849629

Texas Parks and Wildlife Department

Tuesday, October 9, 1984, 10 a.m. The Operation Game Thief Committee of the Texas Parks and Wildlife Department rescheduled a meeting to be held at 4200 Smith School Road, Austin. According to the agenda, the committee will consider the April 20, 1984 public hearing minutes; the financial report; payment of rewards, a three-year overview, and the date of the next meeting. The meeting was originally scheduled for October 3, 1984.

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

Filed: September 21, 1984, 2:13 p.m.
TRD-849670

Texas Pork Producers Board

Thursday, October 11, 1984, 1:15 p.m. The Texas Pork Producers Board of the Texas Department of Agriculture will meet at the Texas Electric Cooperatives Building, 8140 Burnet Road, Austin. According to the agenda, the board will recognize and hear the oaths of new board members and hear reports from the Finance and Check-Off Committee and the Research, Education, and Promotion Committee.

Contact: Ken Horton, P O. Box 10168, Austin, Texas 78766, (512) 453-0615

Filed: September 21, 1984, 10:25 a.m.
TRD-849631

Public Utility Commission of Texas

Friday, September 28, 1984, 9 a.m. The Hearings Division of the Public Utility Commission of Texas made an addition to the agenda of a meeting to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerns consideration of Docket 5686.

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

Filed: September 20, 1984, 2:58 p.m.
TRD-849589

Emergency additions to the previous agenda: Consideration of Dockets 5595, 5279, and 5561. The emergency status was necessary because of a statutory deadline.

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

Filed: September 21, 1984, 2:44 p.m.
TRD-849680

Consideration of Docket 5774. The emergency status was necessary because of a statutory deadline.

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

Filed: September 24, 1984, 3:22 p.m.
TRD-849712

Monday, October 1, 1984, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas rescheduled a meeting to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 5871—application of the City of Cedar Park to amend a water and sewer certificate of convenience and necessity within Travis County and Williamson County. The meeting originally was scheduled for September 21, 1984, as published at 9 TexReg 4884.

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

Filed: September 20, 1984, 2:05 p.m.
TRD-849580

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

Friday, October 5, 1984, 10 a.m. The division will conduct a prehearing conference in Docket 5917—application of Crest Utility

Company for a water rate increase, and Docket 5918—application of Crest Sanitary Corporation for a rate increase.

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

Filed: September 20, 1984, 2:05 p.m.
TRD-849579

Tuesday, October 9, 1984, 10 a.m. The division will conduct a prehearing conference in Docket 5916—application of Tex-La Electric Cooperative of Texas for purchased power cost recovery factor.

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

Filed: September 24, 1984, 2:24 p.m.
TRD-849707

Monday, November 12, 1984, 10 a.m. The division will conduct a rescheduled hearing on the merits in Docket 5129—application of Military Highway Water Supply Corporation to amend a certificate of convenience and necessity within Hidalgo County, and Docket 5758—application of the City of Weslaco to amend its certificate of convenience and necessity within Hidalgo County. The hearing originally was scheduled for October 10, 1984.

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

Filed: September 24, 1984, 2:23 p.m.
TRD-849708

Wednesday, November 14, 1984, 10 a.m. The division will conduct a hearing in Docket 5890—application of JAC Electric Cooperative, Inc., for a rate increase.

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

Filed: September 24, 1984, 2:24 p.m.
TRD-849709

Railroad Commission of Texas

Monday, September 24, 1984, 9 a.m. The Railroad Commission of Texas submitted emergency revised agendas for meetings held in Room 309, 1124 IH 35 South, Austin. The commission considered and acted on revised division agendas as follows:

The Oil and Gas Division's Docket 9-82, 636—Precision Operating, Inc., temporary field rules, Southmayd, North (Baker-Viola) Field, Grayson County. The emergency status was necessary because this item

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was properly noticed for the meeting of September 17, 1984, and was passed.

Contact: Doug Johnson, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286

Filed: September 21, 1984, 10:56 a.m.
TRD-849644

The Transportation Division's consideration of the matter of Southwest Truck Service, Docket 013026AIN, for a new contract carrier permit. The emergency status was necessary because this matter was properly posted for conference on September 17, 1984, and was passed.

Contact: Mike James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: September 21, 1984, 10:57 a.m.
TRD-849647

Monday, September 24, 1984, 9 a.m. The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211

Filed: September 21, 1984, 10:52 a.m.
TRD-849638

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: September 21, 1984, 10:57 a.m.
TRD-849648

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: September 21, 1984, 10:58 a.m.
TRD-849652

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: September 21, 1984, 10:53 a.m.
TRD-849640

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: September 21, 1984, 10:58 a.m.
TRD-849650

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: September 21, 1984, 10:52 a.m.
TRD-849637

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: September 21, 1984, 10:53 a.m.
TRD-849642

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: September 21, 1984, 10:56 a.m.
TRD-849645

Consideration of oil and gas Docket 1-10, 82,057—Forsee Enterprises, Inc., statewide authority for a portable reclamation plant; and consideration of oil and gas Docket 10-83,087—Oneok Exploration Company, Rule 38, Schneider Well 8, Darren (Middle Morrow) and Wildcat Fields, Lipscomb County

Contact: Norm Bonner, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292

Filed: September 21, 1984, 10:52 a.m.
TRD-849639

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Pete Edgar, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120

Filed: September 21, 1984, 10:58 a.m.
TRD-849651

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711

Filed: September 21, 1984, 10:58 a.m.
TRD-849649

The Office of the Special Counsel director's report relating to pending litigation, state

and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: September 21, 1984, 10:59 a.m.
TRD-849653

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: September 21, 1984, 10:51 a.m.
TRD-849636

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: September 21, 1984, 10:57 a.m.
TRD-849646

Monday, October 1, 1984, 3 p.m. The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in Room 309, 1124 IH 35 South, Austin. The addition concerns an oral argument in oil and gas Docket 95,237—application of TXO Production Corporation, Rule 37, Knight "C" lease, Well 1, Greasewood (Siluro Devonian) Field, Reeves County

Contact: Pat Patterson, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1180.

Filed: September 21, 1984, 10:56 a.m.
TRD-849643

Tuesday, October 2, 1984, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. According to the agenda, the commission will hear an oral argument for consideration of gas utilities Docket 4529—complaint of Palo Duro Pipeline Company, Inc.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: September 21, 1984, 10:53 a.m.
TRD-849641

Texas Savings and Loan Department

The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. Days, times, and agenda summaries follow.

Monday, October 1, 1984, 10 a.m. The department will call all applications and, if no

protest is registered and existing when called, further hearing will be dispensed with. If a protest is registered and existing when called, hearing on the application will be continued to a later date.

Thursday, October 4, 1984, 9 a.m. The department will accumulate a record of evidence in regard to the application of Brier-croft Savings Association, Lubbock, to establish a branch office at 8616 MoPac Expressway North (Loop 1), Austin, Travis County, from which record the commissioner shall determine whether to grant or deny the application.

Contact: Angela M. Demerle, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991

Filed: September 20, 1984, 2:06 p.m.
TRD-849578, 849577

School Land Board

Tuesday, October 2, 1984, 10 a.m. The School Land Board will meet in Room 118 and Room 831, General Land Board, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include: approval of the previous meeting minutes, opening of bids received for the oil, gas, and other minerals lease sale; lease suspension applications, pooling applications; pooling agreement amendments; coastal public lands easement applications, and cabin permit assignment requests.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-0353

Filed: September 24, 1984, 4:08 p.m.
TRD-849723



Boards for Lease of State-Owned Lands

Tuesday, October 2, 1984, 1:15 p.m. The Board for Lease of the Texas Department of Corrections of the Boards for Lease of State-Owned Lands will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous meeting minutes and

consideration and approval of bids received of the oil, gas, and other minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307

Filed: September 24, 1984, 4:04 p.m.
TRD-849721

Tuesday, October 2, 1984, 1:45 p.m. The Board for Lease of the Texas Parks and Wildlife Department of the Boards for Lease of State-Owned Lands will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous meeting minutes and consideration and approval of the bids received at the oil, gas, and other minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307

Filed: September 24, 1984, 4:03 p.m.
TRD-849722

Sunset Advisory Commission

Wednesday and Thursday, October 3 and 4, 1984, 9 a.m. daily. The Sunset Advisory Commission revised the agenda for a meeting to be held in Room E, John H. Reagan Building, 105 West 15th Street, Austin. According to the revised agenda, the Texas Advisory Board of Occupational Therapy is being deleted from the agenda under "Discussion of Legislation."

Contact: Cindy Unsell, John H. Reagan Building, Room 305, 105 West 15th Street, Austin, Texas 78701, (512) 475-1718.

Filed: September 20, 1984, 11:53 a.m.
TRD-849571

Teachers' Professional Practices Commission of Texas

Friday, October 5, 1984, 9 a.m. A five-member committee of the Teachers' Professional Practices Commission of Texas will meet in Room 101-E, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will carefully reexamine the Code of Ethics to identify areas where it needs to be clarified, strengthened, or have additions made. The committee will report its findings and recommendation to the full commission after January 1985.

Contact: James Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

Filed: September 20, 1984, 1:55 p.m.
TRD-849574

Commission on Standards for the Teaching Profession

Friday, September 21, 1984, 8:15 a.m. The Executive Committee of the Commission on Standards for the Teaching Profession made an emergency addition to agenda of a meeting held in Room 105, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. The addition concerned consideration of the recommendation to the State Board of Education for expansion of the commission that would result in more representation for higher education on the commission, especially in academic areas. The emergency status was necessary so that action could be taken in response to recent action on this issue by the State Board of Education.

Friday, September 21, 1984, 9 a.m. The Commission on Standards for the Teaching Profession made an emergency addition to the agenda of a meeting held in Room 101, Texas Education Agency Building North, 1200 East Anderson Lane, Austin. The addition concerned consideration of the recommendation to the State Board of Education for the expansion of the commission that would result in more representation for higher education on the commission, especially in academic areas. The emergency status was necessary so that action could be taken in response to recent action on this issue by the State Board of Education.

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

Filed: September 20, 1984, 1:56 p.m.
TRD-849573, 849572

Texas A&M University System

Friday, September 28, 1984. Committees of the Texas A&M University System will meet at Texas A&M University, College Station. Times, committees, and agendas follow:

4 p.m. The Committee to Develop Budget Policy Guidelines will consider the relationship of the status of budgets of the various parts of the system to their needs and consider techniques for improving efficiency and reducing costs.

4:30 p.m. The Committee to Relocate the Railroad will develop a program of action.

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for eliminating or reducing the risks of railroad related accidents at Texas A&M University

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

Filed: September 25, 1984, 9.43 a m
TRD-849727, 849728

Texas Tech University

Friday, September 28, 1984. Committees of the Texas Tech University Board of Regents and the Texas Tech University Health Sciences Center Board of Regents will meet jointly in the board suite, Administration Building, Texas Tech University campus, Lubbock. Times, committees, and agendas follow

8 a.m. The Finance and Administration Committees will jointly consider authority to contract with additional investment depository banks, an intermediate term investment plan, the acceptance of property, and reports. The committees also will meet in executive session

The Finance and Administration Committee of the Texas Tech University Board of Regents will also consider budget adjustments for June and July, obtaining malpractice liability insurance for Dietetic Internship Program students, the contract with the Law School Foundation, policy pertaining to aircraft piloted by University personnel, acceptance of real property with value in excess of \$10,000, a lease agreement with the U S Department of Energy, the ratification of the specification of officers and/or employees to sign financial aid cashier's checks, Devro mineral rights; Textile Research Center financing, and building use fee allocation

The Finance and Administration Committee of the Texas Tech University Health Sciences Center Board of Regents will also consider awarding contracts for candy, chips, and pastries and soft drinks concessions at the Regional Academic Health Center at El Paso, the agreement with the Amarillo Hospital District, policy pertaining to aircraft piloted by Health Sciences Center personnel, approval of a contract with Texas Tech Medical Foundation, and acceptance of gift-in-kind with value in excess of \$10,000

9:30 a.m. The Development Committees will jointly hear reports and meet in executive session

10:30 a.m. The Public Affairs and University Relations Committees will jointly hear reports and meet in executive session

11 a.m. The Academic and Student Affairs Committees will meet jointly in executive session

The Academic and Student Affairs Committee of the Texas Tech University Board of Regents also will consider revision of tenure policy; the proposed degree program for the bachelor of arts with a major in public relations; ratification of leaves of absence, and reports on the Junction Center and Museum

The Academic and Student Affairs Committee of the Texas Tech University Health Sciences Center also will consider the granting of academic tenure with appointment, granting of emeritus status, reactivation of the Department of Health organization management in the school of medicine; granting of authority to the president to confer the M D degree to those who complete the degree requirements out of sequence; and reports on the school of medicine and other reports

1 p.m. The Athletic Affairs Committee of the Texas Tech University Board of Regents will hear a report on the multipurpose athletic facility. The committee also will meet in executive session

1:30 p.m. The Campus and Building Committees will meet jointly in executive session

The Campus and Building Committee of the Texas Tech University Board of Regents also will consider the award of construction contracts for improvements to sewage and site drainage at Agricultural Field Laboratories-Lubbock County, renovation of the Industrial Engineering Building, remodeling and completion of the sub-basement of the Art Building, authority to reestablish the project budget for an addition to the Central Food Facilities Building, acceptance dates for the stairwell at the Business Administration Building, the addition to the David M DeVitt and Mallet Ranch Building, renovation of the Office of Development, modifications of heating, ventilation, and air conditioning systems in the Mathematics Building, reconstruction of the livestock arena, installation of a fire and smoke alarm system in Stangel/Murdough Hall and the renovation of bathrooms in Murdough Hall, replacement of air washer units in the kitchen of Bledsoe/Gordon Halls, the replacement of doors in Weymouth Hall, and reports on the research park and the brick on the architecture building

The Campus and Building Committee of the Texas Tech University Health Sciences Center Board of Regents will consider naming the regional academic health center at Amarillo, adding the name "Student Health Services" to the north face of the Thompson Hall Building, award construction contracts for the prepurchase of 10 air handler units for the Phase IIA project, School of Nursing and Allied Health, renovation of out-patient clinics in lease space owned by the R E Thomason Hospital at El Paso, completion of repairs for the roof structure on the Health Sciences Center Building; planning and the appointment of a project architect, the establishment of a project budget and the receiving of bids for the expansion of the Department of Internal Medicine on the fourth level, Pod C, of the Health Sciences Center Building, and reports, including a report on the master plan for the Health Sciences Center

Contact: Freda Pierce, P O Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: September 21, 1984, 11 34 a m.

TRD-849660, 849661, 849658,
849659, 849657, 849656,
849665, 849664, 849655,
849663, 849662

Friday, September 28, 1984. The Board of Regents of Texas Tech University and the Texas Tech University Health Sciences Center will meet in Administrative Conference Room 2B152, Health Sciences Center, Texas Tech University campus, Lubbock. Times and agendas follow

3 p.m. The Texas Tech University board will hear reports and take action on minutes, academic and student affairs, finance and administration, and campus and building development. The board also will meet in executive session

4:20 p.m. The Texas Tech University Health Sciences Center board will hear reports and take action on the minutes, academic and student affairs, finance and administration, and campus and building development. The board will also meet in executive session

Contact: Freda Pierce, P O Box 4039, Lubbock, Texas 79409, (806) 742-2161

Filed: September 21, 1984, 11 33 a m
TRD-849666, 849667

Addition to the previous agenda

The board will also consider other business.

Contact: Freda Pierce, P O Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: September 21, 1984, 2 20 p.m.
TRD-849671

Texas Turnpike Authority

Tuesday, October 9, 1984, 9 a.m. The Board of Directors of the Texas Turnpike Authority will meet in Ballroom C, Hobby Airport Hilton, 8181 Airport Boulevard, Houston. Items on the agenda summary include approval of the July 20, 1984, minutes, approval of preliminary budgets of the Dallas North Tollway, Mountain Creek Lake bridge, and Houston Ship Channel bridge for calendar year 1985, ratification of interagency cooperation contracts with the Texas Department of Public Safety, a construction progress report, ratification of actions of the chairman of the board pursuant to Resolution 858, purchase of right of way parcels concerning the Dallas North Tollway extension project, and a request for expenditures from the feasibility study fund. The board also will meet in executive session to consider pending or contemplated litigation, personnel matters, and the purchase or value of real property.

Contact: Harry Kabler, P O Box 190369, Dallas, Texas 75219, (214) 522-6200

Filed: September 24, 1984, 2:11 p m
TRD-849698



Texas Water Commission

The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Tuesday, September 25, 1984, 9 a.m. The commission considered a motion for a rehearing filed on behalf of the Citizens for Sailfish Park, regarding Lakeway Municipal Utility District concerning \$3,980,000 combination unlimited tax and revenue bonds. The emergency status was necessary because the district had scheduled the bond sale for September 25, 1984, and it was necessary that the commission consider the motion for rehearing as soon as possible.

Wednesday, September 26, 1984, 9 a.m. The commission considered an application by Gifford-Hill & Company, Inc., regarding a permit for emergency water use of 40 acre-feet of water from the Trinity River, Trinity River Basin, for mining purposes in Ellis County. The emergency status was necessary because the applicant indicated that this permit was necessary to maintain

operation of its plant through October 3, 1984, thus preventing the lay-off of 47 employees, and also to assure the undiminished supply of building materials to the Dallas-Fort Worth area.

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

Filed: September 21, 1984, 3 25 p m
TRD-849687, 849686

Monday, October 1, 1984 The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times and agendas follow.

1:30 p.m. The commission will consider water district bond issues, release from escrow, use of surplus funds, change orders, water quality proposed permits, amendments and renewals, certificate of adjudication, and the filing and setting of hearing dates.

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

Filed: September 21, 1984, 3 26 p m
TRD-849685

3:30 p.m. The commission will consider an application of the City of Austin, P O Box 1088, Austin, Texas 78767, to the Texas Department of Water Resources for a temporary order to authorize the construction of 2.4 million gallons per day (MGD) of additional treatment capacity at the Williamson Creek Wastewater Treatment Plant located at 6701 Nuckols Crossing Road in Travis County. The purpose of the application is to be prepared to immediately put the additional capacity into service, if the commission grants the amendment to Permit 10543-10, because the applicant believes it will need the additional capacity as early as the spring of 1985.

Contact: Jim Haley, P O Box 13087, Austin, Texas 78701, (512) 475-7851

Filed: September 21, 1984, 3 26 p m
TRD-849684

Wednesday, October 3, 1984, 9.30 a m The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct hearings on the following applications.

Application TA-5065 of James H. Mills for a permit to divert and use 200 acre-feet of water for a one-year period from the San Gabriel River, tributary of Little River, Brazos River Basin, for irrigation purposes in Williamson County.

Application TA-5066 of Georgetown Crushed Stone for a permit to divert and use 120 acre-feet of water for a one-year period from South Fork San Gabriel River, tributary of the San Gabriel River, tributary of Little River, tributary of the Brazos River, Brazos River Basin, for mining purposes in Williamson County.

Application TA-5067 of Richardson County Club Corporation, doing business as Canyon Creek Country Club, for a permit to divert and use 70 acre-feet of water for one year from Canyon Creek, tributary of Spring Creek, tributary of Rowlett Creek, tributary of the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for irrigation purposes in Collin/Dallas Counties.

Application TA-5053 of Kokosing Construction Company, Inc., for a permit to divert and use five acre-feet of water for a one-year period from the San Antonio River Basin for industrial purposes in Victoria County.

Application TA-5051 of Weldon C. Cooper for a permit to divert and use one acre-foot of water for a three-year period from Copperas Creek, tributary of Sabine Creek, tributary of the Neches River, Neches River Basin, for industrial purposes in Smith County.

Application TA-5063 of Elcon Trucking Company, Inc., for a permit to divert and use 10 acre-feet of water for a one-year period from the Pecos River, Rio Grande, Rio Grande Basin, for mining purposes in Pecos County.

Application TA-5055 of Tenneco Oil Company for a permit to divert and use two acre-feet of water for a six-month period from the Pecos River, tributary of the Rio Grande, Rio Grande Basin, for mining purposes in Val Verde County.

Application TA-5052 of Coastal Oil and Gas Corporation for a permit to divert and use 10 acre-feet of water for a one-year period from the Rio Grande, Rio Grande Basin, for mining purposes in Zapata County.

Application TA-5060 of William J. Mumme, doing business as Sunbelt Gravel, for a permit to divert and use 45 acre-feet of water for a three-year period from the Medina River, tributary of the San Antonio River, San Antonio River Basin, for mining purposes in Medina County.

Application TA-5054 of Gifford-Hill & Company, Inc., for a permit to divert and use 500 acre-feet of water for a one year

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period from the Trinity River, Trinity River Basin, for mining purposes in Ellis County

Application TA-5064 of James M Bailey, M D , for a permit to divert and use 50 acre-feet of water for a one-year period from the San Antonio River, San Antonio River Basin, for irrigation purposes in Karnes County

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

Filed: September 20, 1984, 3 10 p m
TRD-849581-849588, 849594-849596

Wednesday, October 3, 1984, 10:30 a.m.

The Texas Water Commission made an addition to the agenda of a meeting to be held in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin The addition concerns the adjudication of claims of water rights in the Middle Trinity River segment of the Trinity River Basin

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

Filed: September 24, 1984, 3 33 p m
TRD-849713

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

Wednesday, October 24, 1984, 10 a.m.

In Room 118, a hearing on the application of White River Municipal Water District seeking to extend the time for commencement of construction of a dam and 57,420 acre-foot reservoir (Post Dam and Reservoir) on the North Fork Double Mountain Fork Brazos, tributary of Double Mountain Fork Brazos River, tributary of the Brazos River, Brazos River Basin in Garza County, for municipal, industrial, and mining purposes under Permit 2590

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

Filed: September 20, 1984, 3:07 p m
TRD-849597

Thursday, November 1, 1984, 9 a.m.

In Room 618, application of Saratoga Investments, Inc., 2499 Capitol of Texas Highway, Austin, Texas 78746, to the Texas Department of Water Resources for proposed Permit 12963-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day from a proposed wastewater treatment plant which is to serve a proposed 250-acre development of single-family residences

Contact: Gwendolyn H Webb, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: September 20, 1984, 3:09 p.m.
TRD-849599

Thursday, November 1, 1984, 10 a.m.

In Room 118, a hearing on the petition for creation of Harris County Municipal Utility District 276, containing 422 026 acres of land

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

Filed: September 20, 1984, 3:09 p.m.
TRD-849598

Wednesday, November 7, 1984, 10 a.m.

In Room 152, Application 4489 of Amarillo Citadel Development, Inc., seeking a permit to construct and maintain three on-channel dams and reservoirs on an unnamed tributary of West Amarillo Creek, tributary of Canadian River, Canadian River Basin, for in-place recreational use in Potter County

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

Filed: September 20, 1984, 3:08 p.m.
TRD-849600

Friday, November 9, 1984, 10 a.m.

In Room 618, Application 4490 of Daniel R Anderson and Joyce Ann Anderson, seeking a permit to divert and use 90 acre-feet of water per annum directly from the San Antonio River, San Antonio River Basin, for irrigation use in Karnes County

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

Filed: September 20, 1984, 3 08 p m
TRD-849601

Friday, November 9, 1984, 10 a.m.

In Room 618, Application 4491 of Cypress Lake Gardens Property Owners Association, Inc., seeking a permit to authorize the maintenance and impoundment of water in three existing dams and reservoirs on Rebecca Creek, tributary of the Guadalupe River, Guadalupe River Basin, for recreational and municipal use in Comal County The applicant also seeks to divert and use five acre-feet of water per annum from the underflow of Rebecca Creek for municipal purposes

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

Filed: September 20, 1984, 3 08 p m.
TRD-849602

Regional Agencies

Meetings Filed September 20

The Atascosa County Appraisal District, Appraisal Review Board, met at 1010 Zanderson, Jourdanton, on September 27, 1984, at 9 a m Information may be obtained from Vernon A Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730

The Austin-Travis County Mental Health and Mental Retardation Center, Personnel Committee of the Board of Trustees, met in the boardroom, 1430 Collier Street, Austin, on September 25, 1984, at 7 a m. The Operations and Planning Committee met in the conference room at the same location on September 26, 1984 at 7 30 a.m. The Board of Trustees met in the boardroom at the same location on September 27, 1984, at 7 a m Information may be obtained from Glenda Boyle or Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Central Plains Mental Health and Mental Retardation Center, Board of Trustees, met at 2601 Dimmitt Road, Plainview, on September 27, 1984, at 7 p.m Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 296-2726

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on September 25, 1984, at 1 30 p m Information may be obtained from Robert A Chandler, 1701 West Business Highway 83, Suite 707, McAllen, Texas 78501, (512) 682-3481

The West Central Texas Council of Governments, Private Industry Council, met at the Royal Inn, West Highway 80, Abilene, on September 25, 1984, at 10 a m Information may be obtained from Tom K Smith, P O Box 3195, Abilene, Texas 79604, (915) 672-8544

TRD-849569

Meetings Filed September 21

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, met in the boardroom, 1430 Collier Street, Austin, on September 26, 1984, at noon Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Brown County Appraisal District will meet at 403 Fisk Avenue, Brownwood, on October 1, 1984, at 7 p m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on September 24, 1984, at 4 p m. The Special Needs Committee and the Bylaws Committee met at the same location on September 25, 1984, at 2 p m. The Service Plan/Work Program Committee-of-the-Whole met at the same location on the same day at 4:30 p m. The Board met at the same location on the same day at 6:30 p m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The North Texas Municipal Water District, Board of Directors, will meet at the Mandalay Four Seasons Hotel, Irving, on September 29 and 30, 1984, at 8:30 a m daily. Information may be obtained from Carl W. Riehn, Drawer C, Wylie, Texas 75098, (214) 442-5404.

The South Texas Development Council, Regional Review Advisory Committee, will meet at the Zapata County Public Library, Zapata, on October 3, 1984, at 3 p m. Information may be obtained from Juan Vargas, P O Box 2187, Iaredo, Texas 78044-2187, (512) 722-3995.

TRD-849622

Meetings Filed September 24

The Alamo Area Council of Governments, Executive Committee, met in emergency session in Suite 420, 118 Broadway, San Antonio, on September 26, 1984, at noon. Information may be obtained from Al I. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on September 28, 1984, at 9 a m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Blanco County Central Appraisal District, Appraisal Review Board, met in emergency session at the Blanco County Courthouse Annex, Johnson City, on September 26, 1984, at 3 p m. Information may be obtained from Hollis Petri, P O Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Central Texas Council of Governments will meet at 302 East Central, Belton, on November 13, 1984, at 9 a m. Information may be obtained from Jennifer L. Jacob, P O Box 729, Belton, Texas 76513, (817) 939-1801.

The Region VIII Education Service Center, Board of Directors, met in Room 107, 100 North Riddle Street, Mount Pleasant, on September 27, 1984, at 7 p m. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455, (214) 572-6676.

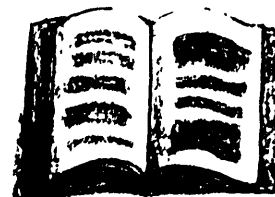
The Heart of Texas Region Mental Health and Mental Retardation Center, Board of Trustees, met in emergency session at 110 South 12th Street, Waco, on September 25, 1984, at 11:30 a m. Information may be obtained from Jan Baty, P O Box 890, Waco, Texas 76703, (817) 752-3451.

The Middle Rio Grande Development Council, Private Industry Council, will meet at the Holiday Inn Bar Room, Del Rio, on September 28, 1984, at 9 a m. Information may be obtained from Christian Javier Puente, P O Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Parmer County Tax Appraisal Office, Board of Directors, will meet at 305 Third Street, Bovina, on October 9, 1984, at 8 p m. Information may be obtained from Ronald E. Procter, RPA, P O Box 56, Bovina, Texas 79009, (806) 238-1405.

The West Central Texas Council of Governments, Law Enforcement Training Committee, will meet at 1025 East North 10th Street, Abilene, on October 5, 1984, at 1 p m. Information may be obtained from Les Wilkerson, P O Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-849699



In Addition

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

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

Texas Department of Agriculture Consultant Contract Award

The Texas Department of Agriculture has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the August 17, 1984, issue of the *Texas Register* (9 Tex-Reg 4476).

Description. A consultant has been selected by the department to provide technical assistance and expertise in the installation of microcomputers in the department. Specifically, the consultant shall

- (1) assist and advise the department in the installation of microcomputers,
- (2) assist in resolving microcomputer hardware or software problems,
- (3) coordinate with the Data Processing Department in establishing communications between microcomputers in the field offices and computers in the central office;
- (4) design applications for department microcomputers,
- (5) answer questions posed by department staff about microcomputers, and
- (6) provide general consulting services to the department on microcomputer matters.

Consultant Name. The name and address of the private consultant is Warren D. Lincoln, Route 1, Box 276A, Clifton, Texas 76634. It is noted that Mr. Lincoln was employed by the Texas Department of Agriculture as a programmer from May 21-September 15, 1982. Mr. Lincoln was compensated at a rate of \$10 per hour from May 21-August 31, 1982, at which time the rate increased to \$10.87 per hour and remained so until his employment with the department was terminated. Additionally, Mr. Lincoln has been employed by the department as a private consultant for the periods of March 1, 1981-May 14, 1982, September 16, 1982-August 31, 1983, and September 23, 1983-August 31, 1984. Total fees paid for these periods of employment as a private consultant were \$9,923.10; \$19,050, and \$25,000, respectively.

Terms. The maximum value of this contract is \$24,500, beginning on September 10, 1984, and ending August 31, 1985.

Report Dates. Detailed time sheets are to be submitted monthly.

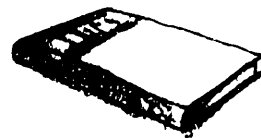
Issued in Austin, Texas, on September 19, 1984

TRD-849736

Patrick D. Redman
Agency Liaison
Texas Department of Agriculture

Filed September 19, 1984

For further information, please call (512) 475-6686.



Banking Department of Texas Public Hearing

The hearing officer of the State Banking Board has rescheduled a hearing to be held at 9 a.m. on October 11, 1984, at 2601 North Lamar Boulevard, Austin, on the charter application for United Bank Horseshoe Bay, Landmark Building, Ranch Road 2147, Horseshoe Bay, Llano County. The hearing originally was scheduled for September 26, 1984.

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-849564

William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed September 20, 1984

For further information, please call (512) 475-4451

Texas Department of Community Affairs Request for Proposals

The Texas Department of Community Affairs (TDCA) is soliciting proposals for employment development funds to develop projects which promote linkages between local economic development and employment and training services. The primary objective of programs supported by these funds is to increase the employment opportunities available to Job Training Partnership Act (JTPA) eligible participants through the expansion of the local economy (industry or business expansion) and the creation of new job openings in high unemployment or economically distressed areas of Texas. A second objective is to enhance the participation of minority- and female-owned businesses in the state's economy.

Funds for these projects will be made available under the JTPA, Public Law 97-300. A portion of these funds, the employment development fund, has been targeted for those counties with high unemployment based on 3,000 or more unemployed or a 10% or higher unemployment rate, as of June 30, 1984, to assist service delivery areas (SDAs) to focus resources on an improved local economy—mainly through the creation, expansion, or relocation of business or industry. The following counties meet the criteria and are therefore eligible for consideration: Bell, Bexar, Brazoria, Cameron, Dallas, Dimmit, Ector, El Paso, Fort Bend, Galveston, Garza, Gregg, Harris, Hidalgo, Jim Hogg, Jefferson, Lubbock, Jasper, Marion, Maverick, McLennan, Montgomery, Morris, Newton, Nueces, Orange, Presidio, Smith, Starr, Tarrant, Travis, Val Verde, Webb, Zapata, and Zavala.

Proposals may be submitted for the following project categories: small business entrepreneurship, customized training, building economic development capability, and program coordination. Bidders may not submit more than one bid within a category but may submit proposals in more than one category. Single proposals submitted must not exceed \$200,000 and may not be for less than \$25,000. The maximum award for any contractor will be \$200,000.

The planned period of performance for programs under this application package is approximately 12 months, beginning on or about October 31, 1984. The TDCA reserves the right to negotiate an extension of any contract funded through this application package for a period not to exceed one additional year.

Proposals will be reviewed on the basis of criteria such as:

- (1) quality of the proposed approach and degree to which application requirements are met,
- (2) demonstrated effectiveness and capability,
- (3) coordination with public/private resources or related economic development or job generating activities,
- (4) utilization of minority- or female-owned organizations, and
- (5) cost effectiveness in achieving specified outcomes.

Applications will be received, rated, and accepted or rejected for funding on a continual basis until all funds are obligated. It is anticipated that all funds will be obligated by October 31, 1984. Local operations of the project may be directly administered by the applicant agencies selected

for funding. Other operating options include partial or total subcontract arrangements.

Interested bidders may obtain an application package by writing the Texas Department of Community Affairs, Training and Employment Division, P.O. Box 13166, Austin, Texas 78711, or visiting the department's offices on the second floor, 2015 IH 35 South, Austin.

All provisions and conditions must conform to relevant federal and state regulations. Technical assistance will not be provided by the TDCA in the preparation of proposals.

The TDCA retains the right to accept or reject any or all proposals. The TDCA is under no legal requirement to execute a resulting contract on the basis of its making this application package and intends the material provided herein only as a means of identifying and considering various contractor alternatives and the general cost of services desired.

This application package does not commit the TDCA to pay for any cost incurred prior to execution of a contract or prior to fund availability from the U.S. Department of Labor for this procurement. The TDCA specifically reserves the right to vary the provisions set forth herein at any time prior to execution of a contract where the TDCA deems such variance to be in the best interest of the State of Texas and to act otherwise as it deems in its sole discretion.

Issued in Austin, Texas, on September 21, 1984

TRD-849689 Douglas C. Brown
General Counsel
Texas Department of Community Affairs

Filed: September 21, 1984

For further information, please call (512) 443-4100.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ /Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate— Article 1.04(a)(1) 10/01/84-10/07/84	20.75%	20.75%
Monthly Rate— Article 1.04(c)(1) 10/01/84-10/31/84	21.00%	21.00%
Standard Quarterly Rate— Article 1.04(a)(2) 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Quarterly Rate— Article 1.11(3) 10/01/84-12/31/84	21.00%	N/A

Type of Rate Ceiling Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ /Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Lender Credit Card Quarterly Rate - Article 15 02(d) ⁽³⁾ 10/01/84-12/31/84	21.19%	N/A
Standard Annual Rate Article 1 04(a)(2) ⁽²⁾ 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Annual Rate— Article 1 11 ⁽³⁾ 10/01/84-12/31/84	21.00%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/84-12/31/84	19.32%	N/A
Judgment Rate— Article 1 05, §2 10/01/84-10/31/84	10.84%	10.84%

- (1) For variable rate commercial transactions only
- (2) Only for open end credit as defined in Texas Civil Statutes, Article 5069 1 01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on September 24, 1984

TRD-849691 Sam Kelley
Consumer Credit Commissioner

Filed September 24, 1984
For further information, please call (512) 475-2111

Texas Commission for the Deaf Consultant Proposal Requests

The 68th Session of the Texas Legislature enacted House Bill 279 authorizing the Texas Commission for the Deaf (TCD) to establish a summer outdoor training program for deaf-blind multihandicapped individuals. In compliance with Texas Civil Statutes, Article 6252-11c, and the Texas Human Resources Code, Chapter 81, §81.012(C), the Texas Commission for the Deaf is requesting proposals for the operation of a summer camp program for deaf-blind multihandicapped individuals.

The commission is seeking a camp program designed to provide a broad range of educational and recreational camping experiences for deaf-blind multihandicapped individuals. The camp program is to provide a varied and well-structured camping experience which will assist the deaf-blind multihandicapped individuals in improving their ability to function more independently.

The camp environment should entail

- (1) an atmosphere that provides for learning, socialization, and interaction,

- (2) a location within a setting and facility that is architecturally accessible as well as being free of communication barriers;

- (3) a promotion of each individual's ability to function at his/her fullest potential, and

- (4) the opportunity to participate and be successful in a variety of endeavors and activities.

Description of Required Services. In its intent to design an outdoor training program for deaf-blind multihandicapped individuals, the Texas Commission for the Deaf requires that respondents' proposals provide assurance that they:

- (1) are licensed by the Texas Department of Health;

- (2) are willing to work cooperatively with the Texas Commission for the Deaf and its designated camp advisor,

- (3) have a camp director with at least four years' experience as director, six years of camping experience, and at least two years' experience in directing a camp for deaf-blind multihandicapped children,

- (4) can provide
 - (a) three nutritious meals daily and at least one in-between-meal or after-dinner snack,

- (b) proper medical care with trained, licensed medical personnel on the grounds,

- (c) a large covered area for activities during inclement weather;

- (d) safe and comfortable cabins, mess hall, showers, and restrooms, free of architectural barriers,

- (e) facilities that are clean and attractive,

- (f) programs which are compatible with the needs and abilities of deaf-blind multihandicapped individuals age seven years and older,

- (g) comprehensive campsite insurance, and
- (h) camp T-shirt for each camper with TCD designated camp logo,

- (5) can provide a variety of activities, including, but not limited to

- (a) water activities (i.e., swimming),

- (b) arts and crafts,

- (c) nature study,

- (d) horseback riding,

- (e) recreational activities (i.e., music); and

- (f) other related camping activities;

- (6) will employ staff and personnel who have an understanding and ability to work compatibly and competently with deaf-blind multihandicapped individuals, and

- (7) can provide payment for or reimbursement of transportation costs, including airfare or car mileage to and from the camp facility for accepted campers and designated attendant(s) who reside more than 50 miles (one-way) from the campsite.

The TCD will consider proposals for a one-week camping session for approximately 55 deaf-blind multihandicapped individuals.

Funding. Respondents should provide a complete estimated budget of expenditures. The budget should specify expected costs and the minimum and maximum number of campers, and shall not exceed a cumulative total of \$17,500.

Deadline for Proposals. Deadline for the receipt of proposals in the offices of the TCD is on or before noon

on Monday, November 5, 1984. Proposals received after this established deadline cannot be considered for selection. Proposals are to be addressed to the Texas Commission for the Deaf, Attention: Juli Painter, Coordinator of Special Services, P. O. Box 12904, Austin, Texas 78711.

Proposal Evaluation Criteria. Proposals will be evaluated by a screening committee on the following basis:

- (1) submission of proposal on or before the established deadline,
- (2) operation of the program within the monetary limits established,
- (3) submission of proposals utilizing provided format;
- (4) minimum and maximum number of campers allowed within specified budget,
- (5) respondents' program plan,
- (6) respondents' ability to provide a sound, high-quality recreational and educational program specifically directed to and suited for deaf-blind multihandicapped individuals; and
- (7) willingness of respondent to employ staff with understanding and ability to work with deaf-blind multihandicapped individuals.

Person to Contact for Further Information. Further information and format guidelines for submitting proposals may be obtained by contacting Juli Painter, Coordinator of Special Services, at (512) 475-2492.

Issued in Austin, Texas, on September 20, 1984

TRD-849627 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Filed September 21, 1984

For further information, please call (512) 475-2492

The 67th Legislature enacted Senate Bill 57 authorizing the Texas Commission for the Deaf (TCD) to establish an outdoor training program for deaf students. As a result of this legislation and in compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf is requesting proposals for the operation of a summer camp program for deaf and hearing-impaired school age children.

The commission is seeking a camp program designed to provide a broad range of recreational and education camping experiences for deaf and hearing impaired campers 8-15 years old. In conjunction, the commission desires to include a counselor-in-training (CIT) program. The CIT program is to focus on the development and preparation of future camp counselors. Such counselors-in-training will be 16 and 17 years old and deaf or hearing impaired.

The underlying concern of the commission is to provide a sound, well-structured camping experience for deaf and hearing-impaired children. The camp environment should be one which promotes an atmosphere for learning and socialization and promotes each youngster's ability to function at his or her fullest potential.

Description of Recommended Services. In its intent to design a unique outdoor training program for deaf students, the TCD recommends that respondents:

- (1) be licensed by the Texas Department of Health,
 - (2) be willing to work cooperatively with the TCD and its designated camp advisor;
 - (3) have a camp director with at least five years' experience as director and 10 years of camping experience in addition to experience in directing a camp for deaf children;
 - (4) provide
 - (a) three nutritious meals daily and at least one in-between-meal or after-dinner snack,
 - (b) proper medical care with trained, licensed medical personnel on the grounds,
 - (c) a large covered area for activities during inclement weather,
 - (d) safe and comfortable cabins, mess hall, showers, and restrooms;
 - (e) hardwood floor area for musical recreation;
 - (f) facilities that are clean and attractive,
 - (g) programs which are established for deaf campers 8-15 years old, and for CITs 16 and 17 years old;
 - (h) an orientation program for counselors and CITs just prior to camp session opening day,
 - (i) comprehensive campsite insurance, and
 - (j) camp T-shirt for each camper and counselor with camp sign logo,
 - (5) provide a broad spectrum of camping activities, including, but not limited to, the following
 - (a) water sports, i.e., swimming, fishing, canoeing, etc., in a natural water setting,
 - (b) horseback riding, with a minimum of 65 horses;
 - (c) archery,
 - (d) riflery on a National Riflery Association or equivalent affiliated rifle range,
 - (e) arts and crafts,
 - (f) nature trail hikes,
 - (g) evening programs, i.e., skits, movies, campfire stories, etc.;
 - (h) life-long sports, i.e., golf, tennis, and
 - (i) other related camping experiences,
 - (6) employ staff who have knowledge of sign-language and experience working with deaf and hearing impaired children.
- The TCD will consider proposals for a one-week camping session for approximately 150 deaf and hearing impaired students.

Funding. Respondents should provide a complete estimated budget of expenditures. The budget should specify expected costs and the minimum and maximum number of campers, and shall not exceed a cumulative total of \$32,500.

Deadline for Proposals. Deadline for the receipt of proposals in the offices of the TCD is on or before noon on Monday, November 5, 1984. Proposals received after this established deadline cannot be considered for selection. Proposals are to be addressed to the Texas Commission for the Deaf, Attention: Juli Painter, Coordinator of Special Services, P. O. Box 12904, Austin, Texas 78711.

Proposal Evaluation Criteria. Proposals will be evaluated by a screening committee according to the following criteria:

- (1) submission of proposal on or before the established deadline,

- (2) operation of the program within the monetary limits established,
- (3) submission of proposals utilizing provided format,
- (4) minimum and maximum number of campers allowed within specified budget,
- (5) respondents' program plan;
- (6) respondents' ability to provide a sound, high-quality recreational and education program specifically directed to and suited for deaf and hearing-impaired youngsters, and
- (7) willingness of respondent to employ staff with knowledge of and experience in working with the deaf.

Person to Contact for Further Information. Further information and format guidelines for submitting proposals may be obtained by contacting Juli Painter, Coordinator of Special Services, at (512) 475-2492

Issued in Austin, Texas, on September 20, 1984

TRD-849628 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Filed, September 21, 1984

For further information, please call (512) 475-2492

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

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

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out

in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

SCA Bryan Development Corporation, a Texas corporation and wholly owned subsidiary of Surgical Care Affiliates, Inc., and Bryan-SC, Inc., a Texas corporation and wholly owned subsidiary of Surgical Care Affiliates, Inc., or any other wholly owned subsidiary of Surgical Care Affiliates, Inc., Fort Worth

AS84-0831-559

NIEH—Request for a declaratory ruling that a certificate of need is not required for SCA-Bryan Development Corporation, a Texas corporation and wholly owned subsidiary of Surgical Care Affiliates, Inc., and Bryan-SC, Inc., a Texas corporation and wholly owned subsidiary of Surgical Care Affiliates, Inc., or any other wholly owned subsidiary of Surgical Care Affiliates, Inc., to acquire by purchase Bryan-College Station Ambulatory Surgical Center, an existing freestanding outpatient surgery center located in Bryan, from Surgi-Center, Inc.

Mercy Hospital of Laredo, doing business as Mercy Regional Medical Center, Laredo

AH81-0626-032A(091084)

CN/AMD—Request for an amendment of Certificate of Need AH81-0626-032, which authorized the certificate holder to implement certain energy conservation measures. The certificate holder requests an amendment to extend the completion deadline from July 1, 1984, to July 1, 1985, to delete the modification of cooling towers and delete automatic shutting down of air-handling units.

Dolly Visant Memorial Hospital, San Benito

AH81-0831-037A(091384)

CN/AMD—Request for an extension of the completion deadline from October 1, 1984, to April 1, 1985, in Certificate of Need AH81-0831-037, as amended by AH81-0831-037A(031984), which authorized the certificate holder to construct a 9,495-square-foot building addition and to renovate 7,290 square feet of the existing main building.

Schick Shadel Hospital of Dallas-Fort Worth, Inc., Fort Worth

AH81-0717-031A(091484)

CN/AMD—Request for an extension of the completion deadline from November 1, 1984, to March 1, 1985, in Certificate of Need AH81-0717-031, as amended by AH81-0717-031A(090283), which authorized the certificate holder to construct 14,699 gross square feet and renovate 6,211 gross square feet for the addition of 30 alcoholism treatment beds and the expansion and relocation of administrative offices, counseling and after care services, dining facilities, and other support areas.

The Valley Urological Clinic, McAllen

AS84-0914-588

DR—Request for a declaratory ruling that a certificate of need is not required for The Valley Urological Clinic to apply for Medicare certification.

as an ambulatory surgical center. The clinic has been in operation as an outpatient surgical facility since November 1971. The total project cost is \$40,000.

Spohn Hospital, Corpus Christi
AH84-0917-589

DR—Request for a declaratory ruling that a certificate of need is not required for Spohn Hospital to purchase and install a turnkey computer system for the clinical laboratory. The system will serve all areas of the laboratory, including the blood bank, microbiology and anatomic pathology, and will provide the ability to enter and process laboratory requests and to handle the reporting function. The total project cost is \$488,033.

Issued in Austin, Texas, on September 24, 1984

TRD-849692 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed September 24, 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 the previously mentioned program, the contractor will conduct in Travis County an elder abuse model program 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:

- (a) conduct a series of facilitator training classes for DHR staff and volunteers;
- (b) provide ongoing consultation and assistance to facilitators;
- (c) 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;
- (d) provide educational and counseling services to those families;
- (e) educate the professional community and the general public on the nature of elder abuse, and

- (f) 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 Texas Department of Human Resources. 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:

- (a) background, experience, and knowledge of the APGO Program and the field of gerontology;
- (b) demonstrated ability to conduct and facilitate training sessions for professional staff and volunteers;
- (c) demonstrated ability to work with families in stressful care-giving situations, and
- (d) 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 \$128,000 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 the DHR no later than 5 p.m. on October 28, 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 20, 1984

TRD-849570 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: September 20, 1984
For further information, please call (512) 450-3766.



Lamar University Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, Lamar University serves notice of invitation for proposals to provide consultative services to secure training contracts with Middle Eastern countries

Description of Services. Under the contract, the consultant will secure training contracts with Saudi Arabia and other Middle Eastern nations. The training, or related services, would be provided in the host country or at Lamar University. The consultant will provide contacts for Lamar University to pursue, as well as assist in, the negotiation of any contract. Remuneration for the service will be based upon a percentage of the payments received by Lamar University for the contracts obtained.

Evaluation Criteria. The consultant selected must demonstrate the ability to secure contracts, as well as offer a low brokerage fee. The consultant must be able to provide an acceptable working agreement to Lamar University.

Closing Date for Offers. The closing date for receipt of offers is October 25, 1984.

Contact Person. Proposals should be submitted to Dr. K. E. Shipper, Dean, College of Technical Arts, Lamar University, P O Box 10043, Beaumont, Texas 77710, (409) 838-8185. Additional information can be obtained from the same address.

Issued in Beaumont, Texas, on September 20, 1984

TRD-849623 Andrew J. Johnson
Executive Associate to the
President
Lamar University

Filed September 21, 1984

For further information, please call (409) 838-8403.

Texas Department of Mental Health and Mental Retardation Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation, through the Austin State Hospital, gives notice of an invitation for bids to provide a continuation of services previously performed by Marsha Baumann, M S W.

Under the contract, the consultant is required to provide adult, child, and family psychotherapy to Austin State Hospital, Fort Bend County Outreach Center patients at Richmond. The consultant also will assist the center director with the development of treatment plans and updates, social histories and updates, and other related professional services as required by the Outreach Center director. Services are to be provided at the Richmond office approximately two days per week, one of which must be Thursday, and between the hours of 8 a.m. - 5 p.m. However, consultant services are to be provided on an "as

needed" basis only, with no guaranteed minimum number of hours per week or month.

All bids should be submitted to Bascom L. Hodges, Director of Community Programs, Austin State Hospital, 4110 Guadalupe, Austin, Texas 78751, (512) 452-0381.

Bids should be submitted so they indicate the hourly wage that is acceptable to the bidder. The consultant shall be paid only for that time on the job in the Richmond office and shall not be paid travel expenses or time spent traveling. Bids will be accepted until October 29, 1984.

The contractor will be selected based upon training and experience, as well as the amount of the bid. The contractor must have a master's degree in social work from a school of social work accredited by the Council of Social Work Education and must be certified by the State Certification Board as a certified social worker—advanced clinical practitioner. The contractor must have a minimum of three years' paid experience in child and family counseling and psychotherapy. Some experience in substance abuse counseling is preferred.

Issued in Austin, Texas, on September 18, 1984

TRD-849553 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Filed September 19, 1984

For further information, please call (512) 465-4591

Railroad Commission of Texas LP-Gas Advisory Committee Meeting

The Advisory Committee of the Liquefied Petroleum Gas Division of the Railroad Commission of Texas will meet at 10 a.m. on Thursday, October 4, 1984, in Room 309, 1124 IH 35 South, Austin.

Issued in Austin, Texas, on September 21, 1984

TRD-849668 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Filed September 21, 1984

For further information, please call (512) 445-1186

Veterans Land Board Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the Veterans Land Board has awarded a consultant contract to the Lomas and Nettleton Company, 2001 Bryan Tower, Dallas, Texas 75265.

The consultant proposal request was published in the November 22, 1983, issue of the *Texas Register* (8 Tex-Reg 4870). Under the terms of the contract, the consultant is to serve as administrator of the Veterans Housing Assistance Program, and will

(a) draft for the board's review and approval the application form, application guidelines, and participation guidelines,

(b) draft for the board's review and approval the contract to be executed by the board and the approved lending institutions,

(c) conduct an annual review of the performance of all participating lending institutions,

(d) solicit participation in the program by Texas mortgage lenders, real estate professionals, and veterans;

(e) draft for the board's review and approval loan application forms for use by potential veteran loan applicants,

(f) review program loan files for the board and recommend purchase or rejection of loans to the board;

(g) monitor and police the servicing activities of the participating lending institutions to assure conformance with all provisions of the Veterans Housing Assistance Act;

(h) accept assignments of all servicing agreements upon request by any participating lending institution if necessary to insure that all loans made by the board shall have a continuing servicer, and

(i) consult with the board on all relevant matters relating to prevalent practices of the residential mortgage lending industry

The total value of this contract is \$9,964,385. The contract began January 1, 1984, and has an ending date of December 31, 2004.

No final report is required.

Issued in Austin, Texas, on September 21, 1984

TRD-849690 Garry Mauro
 Chairman
 Veterans Land Board

Filed: September 21, 1984
For further information, please call (512) 475-5661.

Texas Department of Water Resources Consultant Proposal Request

As required by Texas Civil Statutes, Article 6252-11c, the Texas Department of Water Resources (TDWR) announces that it wishes to extend the services of Engineering Science (E-S) to perform preliminary assessments (PA) and site inspections (SI) of various hazardous waste sites throughout the state, unless a better proposal for such services is submitted. Such services were provided to the department pursuant to Contract 14-40017. This project is being conducted by the TDWR through a cooperative agreement with the Environmental Protection Agency (EPA), pursuant to 1980 amendments to the Resource Conservation and Recovery Act (RCRA), §3012. The RCRA, §3012, provides for state programs to develop inventories of hazardous waste storage and disposal sites.

The 3012 Program is being closely coordinated with the existing implementation strategy for the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980 (CERCLA), commonly referred to as "Superfund." The fund, established by the CERCLA, §211, is the source of funds for financial assistance under the RCRA, §3012. The Texas Water Code, Chapter 26, Subchapter H, specifically directs the department's activities under this program.

To determine the state or federal action appropriate with respect to a site, a progressively more detailed series of site assessments is carried out. The first of these is the PA. A PA characterizes, in preliminary fashion, the hazardous substances present, potential pollutant dispersal pathways, the affected population and resources, facility management practices, and the potential responsible parties.

If shown to be warranted by the PA, an SI will be carried out. The purpose of an SI is to define better the nature and extent of the problem at the site. To accomplish this objective, site specific data on the hazardous substances present, pollutant dispersal pathways, types of receptors, and site management practices are gathered. Unlike a PA, an SI always involves a site visit and usually involves acquisition of a limited number of samples of readily accessible media.

The TDWR has determined that using a consulting firm (E-S), procured to conduct the PAs and SIs to continue performing these tasks without going through the public notice (33.510) and evaluation procedures (33.515) in 40 Code of Federal Regulations Part 33, is consistent with state law. Accordingly, contingent upon the availability of funds, and consistent with the terms and conditions of Cooperative Agreement V006385 and all applicable state and federal laws, the TDWR intends to award a contract for consulting services to E-S unless a better proposal for such services is submitted, for the extension of the services performed under Contract 14-40017.

Objectives. The objectives of this project are to complete PAs on a total of approximately 800 sites in various parts of the State of Texas, complete, if necessary, SIs on these same sites, and to "close out," to the extent possible, these sites by determining and initiating such state and/or federal actions as may be required to protect the health and welfare of the people of the State of Texas.

Budget and Contract Term. The maximum budget allowable for this contract is \$339,759. This sum is allocated for preliminary assessments, however, site inspections may be added to the scope of services later in the project. The total contract period of performance will be six months commencing on the date that the grant is awarded. It is anticipated that the contract will be awarded about 30 days following the date of this publication.

Submittal Information. Five copies of the proposal must be received before 5 p.m. on the 21st calendar day following the date of this publication, or on the first working day thereafter if the 21st calendar day is not a working day, and under no circumstances later than November 1, 1984. Proposals should be submitted to Daniel L. Scheppers, Texas Department of Water Resources, Enforcement and Field Operations Division, P.O. Box 13087, Austin, Texas 78711.

Upon submittal, the proposals shall become the property of the State of Texas. The contents of the proposals shall be considered as part of the public record unless otherwise identified by the consultant. The submittal of confidential or proprietary information should be under separate cover on or before the due date. Confidential submittals should be limited and must include an explanation of the basis for confidentiality.

Contents. The proposal should contain the following information:

- (1) summary of the essential elements of the proposal;
- (2) related experience and qualifications;
- (3) management plan, including identification of personnel and anticipated schedule for the proposed study;
- (4) financial information of the company, and
- (5) an explanation of why the consultant's offer is better, what advantages would accrue to the state in selecting the consultant in lieu of E-S, and how the consultant is to obtain a commensurate degree of familiarity with the preliminary assessment and site inspection process without impacting either the budget or schedule for this project.

Evaluation Criteria. The following evaluation criteria will be used to determine if a consultant submittal would be better than continuing with E-S for this project. Specific points have not been assigned to the evaluation sections:

- (1) demonstrated technical competence of the consultant based on previous related experience, financial stability of the organization, and available facilities and equipment;
- (2) competence, related experience, and availability of personnel assigned to the project;

- (3) management and manpower plan, and
- (4) at the state's option, candidates may be required to submit "best and final" technical approaches, clarification, additional information, and/or a personal presentation.

Cost will be a consideration of award in that, if a reasonable cost, as determined by the State of Texas, cannot be negotiated with the selected candidate, that candidate will be bypassed. The evaluation of proposals and selection of a consultant in lieu of E-S will be made by the executive director of the TDWR, whose decision shall be final. The TDWR reserves the right to reject any and all proposals and to resubmit invitation for proposals with respect to this project, for good cause as determined by the executive director.

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

TRD-849693 Susan Plettman
General Counsel
Texas Department of Water
Resources

Filed: September 24, 1984
For further information, please call (512) 475-7845

Office of the Secretary of State *Texas Register* Publication Schedule

Following are the deadline dates of the October, November, and December 1984 issues of the *Texas Register*. Unless noted by a ★, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

Publication Schedule for the *Texas Register*

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, October 2	Wednesday, September 26	Thursday, September 27
Friday, October 5	Monday, October 1	Tuesday, October 2
Tuesday, October 9	Wednesday, October 3	Thursday, October 4
★ Friday, October 12	Friday, October 5	Tuesday, October 9
Tuesday, October 16	Wednesday, October 10	Thursday, October 11
Friday, October 19	Monday, October 15	Tuesday, October 16
Tuesday, October 23	Wednesday, October 17	Thursday, October 18
Friday, October 26	Monday, October 22	Tuesday, October 23
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Friday, November 2	Wednesday, October 31	Thursday, November 1
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Friday, November 16		

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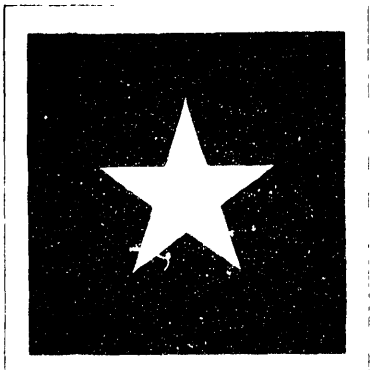
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