

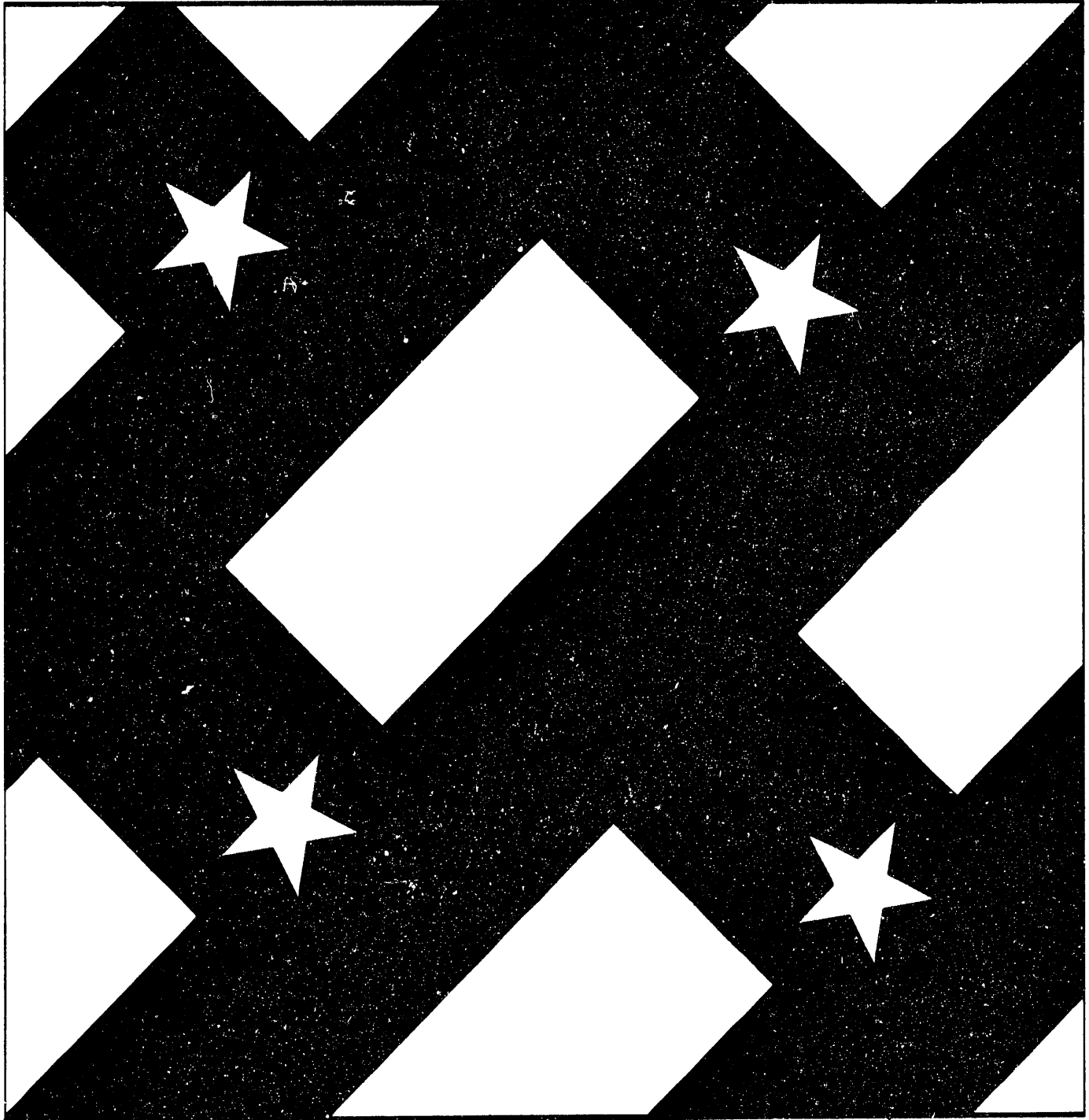
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Texas Register

Volume 9, Number 77, October 12, 1984

Pages 5255 - 5286



Highlights

The State Board of Insurance adopts on an emergency basis new sections concerning standard valuation law.

Effective date - October 3 page 5259

The Coordinating Board, Texas College and University System proposes amendments

concerning coverage for dependents

Earliest possible date of adoption - November 12

page 5264

The Comptroller of Public Accounts proposes amendments concerning state sales and use tax. Earliest possible date of adoption - November 12. . . .page 5265

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

Texas Administrative Code

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*,

TAC stands for the *Texas Administrative Code*;

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



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Contents

The Governor

Appointment Made October 2

5258 Advisory Hospital Council

Appointments Made October 3

5258 Joint Interim Committee on Industrial Development Bonds

5258 Governor's State Executive Development Advisory Council

Proclamation

5258 41-1971

Emergency Rules

State Board of Insurance

5259 Life, Health, and Accident Insurance

Proposed Rules

Coordinating Board, Texas College and University System

5264 Administrative Council

Comptroller of Public Accounts

5265 Tax Administration

Texas Department of Human Resources

5267 Medicaid Eligibility

Adopted Rules

Office of the Secretary of State

5269 Notary Public

Texas Department of Human Resources

5270 Purchased Health Services

5271 Utilization Control

5272 Medical Assistance Programs

Open Meetings

5273 Texas Department of Agriculture

5273 Texas Coastal and Marine Council

5273 Texas Department of Corrections

5273 Texas School for the Deaf

5274 Employees Retirement System of Texas

5274 Texas Employment Commission

5274 Commission on Fire Protection Personnel Standards and Education

5274 Office of the Governor

5274 Texas Department of Health

5274 State Board of Insurance

5275 Texas Department of Labor and Standards

5275 Lamar University

5275 Long-Term Care Coordinating Council for the Elderly

5275 Board of Pardons and Paroles

5275 Public Utility Commission of Texas

5276 Railroad Commission of Texas

5277 Texas Real Estate Commission

5277 Texas Rehabilitation Commission

5277 Texas Savings and Loan Department

5277 School Land Board

5278 Texas State Soil and Water Conservation Board

5278 The University of Texas System

5278 Texas Water Commission

5279 Regional Agencies

In Addition

Texas Air Control Board

5281 Applications for Construction Permits

Banking Department of Texas

5281 Applications to Acquire Control of State Banks

5282 Public Hearings

Texas Health Facilities Commission

5282 Application Accepted for Amendment, Declaratory Ruling, and Notice of Intent

Texas Department of Human Resources

5283 Consultant Contract Awards

5283 Extension of Closing Date for Proposals

5283 Request for Proposal

State Board of Insurance

5284 Public Hearing

Texas State Board of Pharmacy

5285 Public Hearing

Office of the Secretary of State

5286 Public Information

The Governor

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

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

Appointment Made October 2

Advisory Hospital Council

For a term to expire July 17, 1987:

Margaret Read
3131 Maple Avenue 5-B
Dallas, Texas 75201

Ms. Read is replacing J. Fred Perry of Brownwood, whose term expired.

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

TRD-8410097 Mark White
Governor of Texas

R. E. Reamer
President
Reamer, Dyer, and Claypool, Inc.
1010 Lamar, Suite 220
Houston, Texas 77002

Governor's State Executive Development Advisory Council

For a term to continue at the pleasure of this governor:

Dennis L. Thomas
Public Utility Commission of Texas
7800 Shoal Creek Boulevard
Suite 400-450N
Austin, Texas 78757

Issued in Austin, Texas, on October 3, 1984.

TRD-8410097 Mark White
Governor of Texas

Appointments Made October 3

Joint Interim Committee on Industrial Development Bonds

Robert W. Lawless
Vice President
Southwest Airlines
P.O. Box 37611
Love Field
Dallas, Texas 75235



Proclamation

41-1971

WHEREAS, Texas Civil Statutes, Article 1932, provides that if a county judge shall be disqualified to act in any probate matters he shall forewith certify his disqualification therein to the governor who shall thereupon appoint a qualified person to act as special judge in said case; and

WHEREAS, pursuant to Article 1932, J. G. Rathmell, county judge of Zapata County, has certified he is disqualified to act in Probate Case 888, *Matters Pertaining to the Estate of Rogelio Uribe, Deceased*, in the county court of Zapata County, and has therefore requested that I appoint some qualified person to act as special judge in said case; and

WHEREAS, Judge Rathmell has recommended the appointment of Ruben Flores, who is a citizen of Zapata County, and well respected as an educator and a member of the community, and who is in all respects qualified to act as a special judge in said case;

NOW THEREFORE BY THE AUTHORITY VESTED IN ME AS GOVERNOR, I hereby appoint the said Ruben Flores to act as special judge for so long as the regular judge is disqualified to act in Probate Case 888 in the county court of Zapata County.

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

TRD-8410098

Mark White
Governor of Texas

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

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

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

Emergency Rules

TITLE 28. INSURANCE Part I. State Board of Insurance

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

Life, Health, and Accident Insurance Standard Valuation Law

059.03.28.101-.105

The State Board of Insurance adopts on an emergency basis new Rules 059.03.28.101-.105. The rules were adopted on an emergency basis and were effective for a period of time expiring on September 20, 1984. This submission readopts the rules for an additional 60 days. These rules permit the same minimum nonforfeiture standards for individual life insurance used in employer pension plans for men and women insureds under the commissioners 1980 standard ordinary (1980 CSO) and the commissioners 1980 extended term (1980 CET) insurance tables. These rules give insurance companies the option of substituting a mortality table which is a blend of the 1980 CSO table (M) and the 1980 CSO table (F), with or without 10-year select mortality factors, for the 1980 CSO table, with or without 10-year select mortality factors, and give insurance companies the option of substituting a mortality table which is a blend of the 1980 CET mortality table (M) and the 1980 CET mortality table (F) for the 1980 CET mortality table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision

included in the policy. Other provisions of the rules define some of the technical terms used, provide that it is not a violation of law for the insureds to issue the same kind of life insurance policy on either a sex distinct or a sex neutral basis under the conditions described herein, state the purpose of the rules, and provide a severability provision. Certain tables for use in applying these rules are attached hereto and adopted into the rules and this order by reference.

The board finds that an imminent peril to the public welfare requires these rules to be adopted on an emergency basis because the United States Supreme Court determined in *Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans v. Norris*, 103 S. Ct. 3492 (1983), that the Civil Rights Act of 1964, Title VII, as amended, 42 United States Code §2000e *et seq.*, prohibits a employer from offering its employees the option of receiving retirement benefits from one of several companies selected by the employer, all of which pay a woman lower monthly retirement benefits than a man who has made the same contributions. The court held the foregoing practice to constitute discrimination on the basis of sex in violation of Title VII, and that all retirement benefits derived from contributions subsequent to the decision and on or after August 1, 1983, must be calculated without regard to the sex of the beneficiary.

These rules deal with nonforfeiture values. Since nonforfeiture values are benefits that arise from contributions under individual life insurance policies, the court's ruling poses a dilemma for those insurers who wish to use the 1980 CSO and 1980 CET mortality tables to calculate nonforfeiture values under individual life insurance policies that are sold in the employer pension market. Those mortality tables generate minimum nonforfeiture values which differ by sex. Since the *Norris* decision, employer pension plans may need

to be funded by life insurance products that have identical nonforfeiture values for men and women. It is very difficult, if not impossible, for insurers to determine actual nonforfeiture values that are identical for men and women and also satisfy a sex-differentiated minimum standard. The adopted rules permit the same minimum nonforfeiture standards for men and women under the 1980 CSO and 1980 CET mortality tables. This makes it possible for insurers to legally offer products under which employers will be able to comply with federal law. The funding of pension plans in a manner that meets all legal requirements is believed to be a matter of emergency concern to the public which presents an imminent peril to the public welfare.

These rules are adopted on an emergency basis under authority of the Insurance Code, Article 3.44a, §8(e)(6), which provides that all adjusted premiums and present values shall, for all policies of ordinary insurance covered by these rules, be calculated on the basis of the 1980 CSO mortality table or, at the election of the company for any one or more specified plans of life insurance, the 1980 mortality table with 10-year select mortality factors, except that any ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the State Board of Insurance for use in determining the minimum nonforfeiture standard, may be substituted for the 1980 CSO mortality table, with or without 10-year select mortality factors or the 1980 CET mortality table. The rules adopted by this order are based on a National Association of Insurance Commissioners model and are a substitute for the 1980 CSO or 1980 CET mortality tables. These rules are also adopted on an emergency basis under the Insurance Code, Article 21.21, §4(7)(a) and §13, pursuant to which the board may enact rules respecting unfair discrimination in life insurance, including rules to affect uniformity with the adopted procedures of the National Association of Insurance Commissioners.

.101. Purpose. The purpose of these rules is to permit individual life insurance policies to provide the same cash values and paid-up nonforfeiture benefits to both men and women. (No change in minimum valuation standards is implied by these rules. For example, the reserve held for any policy must be at least as large as the corresponding cash value for that particular policy, calculated on an individual policy basis.)

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

1980 CET table—That mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 National Association of Insurance Commissioners (NAIC) amendments to the model standard valuation law and standard nonforfeiture law for life insurance, and referred to in those models as the commissioners 1980 extended term insurance table.

1980 CET table (F)—That mortality table consisting of the rates of mortality for female lives from the 1980 CET table.

1980 CET table (M)—That mortality table consisting of the rates of mortality for male lives from the 1980 CET table.

1980 CSO table, with or without 10-year select mortality factors—That mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC amendments to the model standard valuation law and standard nonforfeiture law for life insurance, and referred to in those models as the commissioners 1980 standard ordinary mortality table, with or without 10-year select mortality factors.

1980 CSO Table (F), with or without 10-year select mortality factors—That mortality table consisting of the rates of mortality for female lives from the 1980 CSO table, with or without 10-year-select mortality factors.

1980 CSO table (M), with or without 10-year select mortality factors—That mortality table consisting of the rates of mortality for male lives from the 1980 CSO table, with or without 10-year select mortality factors.

.103. Standard.

(a) For any policy of insurance on the life of either a male or female insured delivered or issued for delivery in this state before January 1, 1989, and after the operative date of the Insurance Code, Article 3.44a, §8(e)(6), for that policy form, the following tables may be used as specified in subsection (b) of this rule in determining minimum cash surrender values, amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision included in the policy:

(1) a mortality table which is a blend of the 1980 CSO table (M) and the 1980 CSO table (F), with or without 10-year select mortality factors, may at the option of the company be substituted for the 1980 CSO table, with or without 10-year select mortality factors, and

(2) a mortality table which is of the same blend as used in paragraph (1) of this subsection but applied to form a blend of the 1980 CET table (M) and the 1980 CET table (F) may at the option of the company be substituted for the 1980 CET table.

(b) The following tables shall be considered as the basis for acceptable tables:

(1) 100% male, 0% female, for tables to be designated as the 1980 CSO-A and 1980 CET-A tables;

(2) 80% male, 20% female, for tables to be designated as the 1980 CSO-B and 1980 CET-B tables;

(3) 60% male, 40% female, for tables to be designated as the 1980 CSO-C and 1980 CET-C tables;

(4) 50% male, 50% female, for tables to be designated as the 1980 CSO-D and 1980 CET-D tables;

(5) 40% male, 60% female, for tables to be designated as the 1980 CSO-E and 1980 CET-E tables;

(6) 20% male, 80% female, for tables to be designated as the 1980 CSO-F and 1980 CET-F tables;

(7) 0% male, 100% female, for tables to be designated as the 1980 CSO-G and 1980 CET-G tables.

(c) Values of 1,000 qx for the blended tables as specified in subsection (b)(2)-(6) of this rule can be found in *Proceedings of the NAIC, Volume I, 1984, pages 396-400. Proceedings of the NAIC, Volume I, 1984, page 457*, shows the method by which 10-year select mortality factors may be obtained. The tables specified in subsection (b)(1) of this rule are the same as the 1980 CSO table (M), or the 1980 CET table (M), as applicable. The tables specified in subsection (b)(7) of this rule are the same as the 1980 CSO Table (F), or the 1980 CET table (F), as applicable. The tables specified in subsection (b)(2)-(6) of this rule are adopted herein by reference. Copies of those tables may be obtained by contacting the Staff Actuary Life, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. The tables in subsection (b)(1) and (7) are already adopted by statutory law under alternate names.

(d) The tables specified in subsections (b)(1) and (7) of this rule may not be used with respect to policies issued on or after January 1, 1985, except where the proportion of persons insured is anticipated to be 90% or more of one sex or the other or except for certain policies converted from group insurance. Such group conversions issued on or after January 1, 1986, must use mortality tables based on the blend of lives by sex expected for such policies if such group conversions are considered as extensions of the decision in *Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans v. Norris*, 103 S. Ct. 3492 (1983). This consideration has not been clearly defined by court or legislative action in all jurisdictions, as of the date of promulgation of these rules.

(e) Notwithstanding any other provision of these rules, an insurer shall not use these blended tables unless the *Norris* decision is known to apply to the policies involved, or unless there exists a bona fide concern on the part of the insurer that the *Norris* decision might reasonably be construed to apply by a court having jurisdiction.

.104. *Unfair Discrimination.* It is not a violation of the Insurance Code, Article 21.21, §4(7), for an insurer to issue the same kind of policy of life insurance on both a sex distinct and sex neutral basis, as permitted by these rules.

.105. *Severability.* If any provision of these rules or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rules and the application of such rules to other persons or circumstances shall not be affected thereby.

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

TRD-8410081 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 3, 1984

Expiration date: December 2, 1984

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

059.03.28.201-.205

The State Board of Insurance adopts on an emergency basis new Rules 059.03.28.201-.205. These rules were adopted on an emergency basis and were effec-

tive for a period of time expiring on September 20, 1984. This emergency action readopts the rules for an additional 60 days.

The new rules permit smoker or nonsmoker or composite mortality tables for use in determining minimum reserve liabilities and nonforfeiture benefits in individual life insurance policies. The new rules permit insurers to substitute the commissioners 1958 standard ordinary (1958 CSO) smoker and nonsmoker mortality tables for the commissioners 1980 standard ordinary (1980 CSO) mortality table, and permit insurers to substitute the commissioners 1958 extended term (1958 CET) smoker and nonsmoker mortality tables for the commissioners 1980 extended term (1980 CET) mortality table for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision.

Certain additional procedures and conditions are specified in the rules for the use of the 1958 CSO and 1958 CET smoker and nonsmoker mortality tables. The new rules also permit the substitution of the 1980 CSO smoker and nonsmoker mortality tables, with or without 10-year select mortality factors, for the 1980 CSO table, with or without 10-year select mortality factors, and permit insurers to substitute the 1980 CET smoker and nonsmoker mortality tables for the 1980 CET mortality tables for use in calculating benefits under any extended term insurance provision.

In addition, the new rules specifically permit, for each plan of insurance with separate rates for smokers and nonsmokers, the use of composite mortality tables to determine minimum reserve liabilities, cash surrender values, and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision; the use of smoker and nonsmoker mortality tables to determine the valuation net premiums and any additional minimum reserves required by the standard valuation law and composite mortality tables to determine basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision; the use of smoker and nonsmoker mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision.

The new rules also define certain technical terms, state their purposes, and set forth a severability provision. Certain tables setting forth smoker and nonsmoker mortality rates based on the various tables specified in the rules are adopted into the rules by reference.

The board finds that an imminent peril to the public welfare requires these rules to be adopted on an emergency basis, because of recent statistics which indicate a great divergence in mortality rates between smokers and nonsmokers. These new rules will permit insurance companies to define appropriate minimum net premiums, reserves, and nonforfeiture values based on a group having either smoker or nonsmoker characteristics. This makes it possible for those com-

panies to charge an appropriately low gross premium for nonsmokers without being required to set up redundant reserves for those gross premiums. Insurance companies will be able to more accurately determine nonforfeiture values. The adoption of the rules on an emergency basis will permit companies to immediately file policy forms for approval with the State Board of Insurance and also market approved policies taking advantage of better mortality factors for nonsmokers.

In addition, the State Board of Insurance will have a duly adopted standard of review for such policy forms. It is believed the adoption of appropriate standards to permit the purchase of nonsmoker products is very important to the public, and their immediate adoption is a matter of imminent peril to the public welfare.

The new rules are adopted on an emergency basis under the Insurance Code, Article 3.44a, §8(e)(6), which provides that all adjusted premiums and present values shall, for all policies of ordinary insurance covered by these new rules, be calculated on the basis of the 1980 CSO mortality table or, at the election of the company for any one or more specified plans of life insurance, the 1980 CSO mortality table with 10-year select mortality factors, except that any ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the State Board of Insurance for use in determining the minimum nonforfeiture standard may be substituted for the 1980 CSO mortality table, with or without 10-year select mortality factors, or the 1980 CET mortality table. The rules are also adopted under authority of the Insurance Code, Article 3.28, §3(a), which permits, for certain policies issued on and after the operative date of the Insurance Code, Article 3.44a, §8, the use of any appropriate ordinary mortality table adopted after 1980 by the National Association of Insurance Commissioners that is approved by regulation adopted by the State Board of Insurance for use in determining the minimum standard of valuation for such policies. The new rules adopted by this order are based on a National Association of Insurance Commissioners model adopted after 1980 and are a substitute for the 1980 CSO or 1980 CET mortality tables.

.201. Purpose. The purpose of these rules is to permit the use of mortality tables that reflect differences in mortality between smokers and nonsmokers in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision for plans of insurance with separate premium rates for smokers and nonsmokers.

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

1980 CET table—That mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the National Association of Insurance Commissioners (NAIC) model standard nonforfeiture law for life insurance, and referred to in

that model as the commissioners 1958 extended term insurance table.

1980 CET table—That mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC amendments to the model standard nonforfeiture law for life insurance, and referred to in those models as the commissioners 1980 extended term insurance table.

1958 CSO table—That mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the NAIC model standard nonforfeiture law for life insurance, and referred to in that model as the commissioners 1958 standard ordinary mortality table.

1980 CSO table, with or without 10-year select mortality factor—That mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC amendments to the model standard valuation law and standard nonforfeiture law for life insurance, and referred to in those models as the commissioners 1980 standard ordinary mortality table, with or without 10-year select mortality factors. The same select factors will be used for both smokers and nonsmokers tables.

Composite mortality tables—The mortality tables previously defined in this rule as they were originally published with rates of mortality that do not distinguish between smokers and nonsmokers.

Smoker and nonsmoker mortality tables—The mortality tables with separate rates of mortality for smokers and nonsmokers derived from the tables defined elsewhere in this rule, which were developed by the Society of Actuaries Task Force on Smoker/Nonsmoker Mortality and the California Insurance Department staff and recommended by the NAIC Technical Staff Actuarial Group.

.203. Alternate Tables.

(a) For any policy of insurance delivered or issued for delivery in this state after the operative date of the Insurance Code, Article 3.44a, §8(e)(6), for that policy form and before January 1, 1989, at the option of the company and subject to the conditions stated in Rule 059 .03.28.204 of this title (relating to Conditions),

(1) the 1958 CSO smoker and nonsmoker mortality tables may be substituted for the 1980 CSO table, with or without 10-year select mortality factors; and

(2) the 1958 CET smoker and nonsmoker mortality table may be substituted for the 1980 CET table.

(b) The tables specified in subsection (a) of this rule shall be used as described in subsection (a) of this rule to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision. Provided, however, that for any category of insurance issued on female lives with minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits un-

der any extended term insurance provision determined using the 1958 CSO or 1958 CET smoker and nonsmoker mortality tables, such minimum values may be calculated according to an age not more than six years younger than the actual age of the insured. Provided further that the substitution of the 1958 CSO or 1958 CET smoker and nonsmoker mortality tables is available only if made for each policy of insurance on a policy form delivered or issued for delivery on or after the operative date for that policy form and before a date not later than January 1, 1989.

(c) For any policy of insurance delivered or issued for delivery in this state after the operative date of the Insurance Code, Article 3.44a, §8(e)(6), for that policy form, at the option of the company and subject to the conditions stated in Rule 059.03.28.204 of this title (relating to Conditions),

(1) the 1980 CSO smoker and nonsmoker mortality tables, with or without 10-year select mortality factors, may be substituted for the 1980 CSO table, with or without 10-year select mortality factors, and

(2) the 1980 CET smoker and nonsmoker mortality tables may be substituted for the 1980 CET table.

(d) The tables specified in subsection (c) of this rule shall be used as provided in subsection (c) of this rule to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision.

(e) Values of 1000 qx for the tables specified in this rule can be found in *Proceedings of the NAIC*, Volume I, 1984, pages 402-413. These tables are adopted herein by reference for use in an appropriate manner as described in these rules. Copies may be obtained by contacting the Staff Actuary Life, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. These tables are more particularly identified as follows:

- (1) 1958 CSO nonsmokers and smokers mortality table;
- (2) 1958 CET nonsmokers and smokers mortality table;

(3) 1980 CSO female nonsmokers and smoker mortality table;

(4) 1980 CSO male nonsmokers and smokers mortality table;

(5) 1980 CET female nonsmokers and smokers mortality table; and

(6) 1980 CET male nonsmokers and smokers mortality table.

.204. *Conditions.* For each plan of insurance with separate rates for smokers and nonsmokers, an insurer may:

(1) use composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision;

(2) use smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by the Insurance Code, Article 3.28, §10, and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values, and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision; or

(3) use smoker and nonsmoker mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision.

.205. *Severability.* If any provision of these rules or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rules and the application of such provision to other persons or circumstances shall not be affected thereby.

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

TRD-8410082 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 3, 1984

Expiration date: December 2, 1984

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

Proposed Rules

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

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

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

TITLE 19. EDUCATION Part I. Coordinating Board, Texas College and University System Chapter 25. Administrative Council Subchapter B. Administration of the Texas State College and University Employees Uniform Insurance Benefits Program

19 TAC §25.50

The Administrative Council of the Coordinating Board, Texas College and University System proposes amendments to §25.50, concerning coverage for dependents. The amendments provide access to insurance benefits to surviving spouses of career employees in higher education similar to insurance benefits provided to surviving spouses of career employees in state government.

James McWhorter, executive secretary to the Administrative Council, 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. McWhorter 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 insurance that surviving spouses of career employees in higher education will

have access to group insurance coverage for an indefinite period of time. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James McWhorter, Executive Secretary to the Administrative Council, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Insurance Code, Article 3.50-3, §4(b)(4)(G), which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provisions of the Act to carry out its statutory responsibilities.

§25.50. Coverage for Dependents.

- (a) (No change.)
- (b) As a minimum standard, a surviving spouse and/or dependents who are covered by the group at the time of death of an [the] employee [or retired employee] with less than 20 years of state service creditable under either ORP, TRS, or ERS (including public junior/community college service), except as provided in subsection (c) of this section, may, at their option, continue such coverage up to one year, subject to continued payment of group premiums for the surviving spouse and/or dependents. Upon leaving the group, the spouse and/or dependents have the right to convert to an individual policy without evidence of insurability, if applied for within 31 days of termination of group status.
- (c) As a minimum standard, a surviving spouse and/or dependents who are covered by the group at the

time of death of a retiree, an employee who is at least age 55 with at least 10 years of state service creditable under either ORP, TRS, or ERS (including public junior/community college service), or an employee at any age with 20 or more years of state service creditable under either ORP, TRS, or ERS (including public junior/community college service) may, at their option, continue such coverage indefinitely, subject to continued payment of group premiums for the surviving spouse and/or dependents. Upon leaving the group, the spouse and/or dependents have the right to convert to an individual policy without evidence of insurability, if applied for within 31 days of termination of group status.

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 28, 1984.

TRD-8410088 James McWhorter
Executive Secretary
Administrative Council
Coordinating Board, Texas
College and University System

Proposed date of adoption:

November 12, 1984

For further information, please call (512) 475-2033.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter K. Hotel Occupancy Tax
34 TAC §3.165**

The Comptroller of Public Accounts proposes amendments to §3.165, concerning the hotel occupancy tax base. A new subsection has been added concerning package deals offered by hotels. If the customer pays one charge for a package including lodging, meals, drinks, and/or other benefits, the entire charge is subject to hotel occupancy tax. In addition, existing portions of the section are 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 section 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 simplification of tax reporting and payment by eliminating confusion over what charges should be included in the hotel occupancy tax base. This will benefit both taxpayers and tax administrators. 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.

§3.165. Hotel Occupancy Tax Base.

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

(1) Charges for personal services—Charges which are unrelated to the cost of the actual occupancy of the room or rooms. Charges for personal services do not include charges which are related to the cleaning and readying of a [such] room for occupancy.

(2) (No change.)

(b) Charges subject to tax. All charges for items or services, other than personal services or charges for the use of a telephone, which are furnished in connection with the actual occupancy of the room are subject to the hotel occupancy tax. The taxable [Such] charges [shall] include charges for the use of a television and charges for the furnishing of additional beds or cots. These charges are includable within the tax base whether or not separately stated.

Examples:

Charge for room occupancy	\$37.50
Television rental	<u>2.50</u>
Total	\$40.00 (amount subject to tax)
Charge for room occupancy (includes use of a television)	\$40.00
Total	\$40.00 (amount subject to tax)

(c) Charges not subject to tax. Charges for personal services are not subject to the hotel occupancy tax if they [such charges] are separately stated. This includes [Such charges include] charges for room service, messenger service, and valet service.

(d) Package deals. If a hotel includes meals, drinks, admission to tourist attractions, or any other unrelated benefit in the charge for lodging, hotel occupancy tax must be paid on the entire amount. Only if these charges are separately stated on the bill to the customer may they be deducted from the amount subject to tax.

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 27, 1984.

TRD-8410099 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:

November 12, 1984

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

**Subchapter O. State Sales and Use Tax
34 TAC §3.282**

The Comptroller of Public Accounts proposes an amendment to §3.282, concerning auditing taxpayer

records. The amendment reflects a legislative change in the Sales Tax Act, effective October 2, 1984. To establish that sales are exempt from sales or use tax, the seller must obtain a valid resale or exemption certificate from the purchaser. No other type of proof of exemption is acceptable. Sellers should obtain certificates at the time of the sale. If certificates are not available at the beginning of an audit, the comptroller will give the taxpayer written notice that it will be allowed 60 days to obtain additional certificates. Those certificates presented during the 60 days are subject to independent verification before they will be accepted to establish an exemption. Certificates presented after the expiration of the 60-day limit will not be accepted. This policy will be followed for all audits that begin on or after October 2, 1984.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This section 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 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 amendment is 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.

§3.282. Auditing Taxpayer Records.

(a)-(e) (No change.)

(f) Resale and exemption certificates [should be available at the time of the audit. Certificates acquired after the audit begins do not relieve the seller of liability for the tax but may be considered as evidence presented to prove that the sales were exempt. Certificates and other records which were not available at the time the audit began, but which thereafter become available, are subject to independent confirmation before acceptance].

(1) Resale and exemption certificates should be available at the time of the audit. Certificates acquired by the seller after the audit begins are subject to independent confirmation before the deductions will be allowed in an audit.

(2) If the seller is not in possession of the certificates within 60 days from the date written notice is given by the comptroller that certificates pertaining to periods or transactions specified in the notice are required, any deductions claimed which require resale or exemption certificates will be disallowed. Exemptions claimed by those certificates acquired during this 60-day period will be subject to independent verification before the deduc-

tions will be allowed. Certificates presented after the 60-day period will not be accepted. See §3.285 of this title (relating to Sales for Resale; Resale Certificate); §3.287 of this title (relating to Exemption Certificates); and §3.288 of this title (relating to Direct Payment Procedures and Qualifications).

(g)-(h) (No change.)

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

Issued in Austin, Texas, on October 1, 1984.

TRD-8410100 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:

November 12, 1984

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

34 TAC §3.310

The Comptroller of Public Accounts proposes new §3.310, concerning laundry, cleaning, and garment services. The section defines laundry, cleaning, and garment services now taxed due to legislative changes. The legislative change taxes personal services under the *Standard Industrial Classification Manual*, 1972, Group 721.

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 section 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 there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 new section is 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.

§3.310. Laundry, Cleaning, and Garment Services.

(a) Personal services means all services listed under the *Standard Industrial Classification Manual*, 1972, Group 721, Major Group 72. Personal services listed in Group 721 are laundry, cleaning, and garment services.

(b) Sales tax is due on laundry, cleaning, and garment services. Examples include, but are not limited to:

- (1) carpet cleaning and repairing;
- (2) diaper cleaning service;
- (3) drapery cleaning services;
- (4) dry cleaning services for garments or rugs;
- (5) fur garment cleaning, repairing, and storage;

- (6) garment alterations and repairs;
- (7) ironing or pressing garment services;
- (8) mending services;
- (9) power and hand laundry services;
- (10) rug cleaning, dying, and repairing services;
- (11) tailoring garments;
- (12) treating or applying protective chemicals to carpet, upholstery, rugs, or drapery;
- (13) upholstery cleaning and repairs;
- (14) uniform or linen cleaning services that provide only the services to clean or launder the customer's uniforms or linens; and
- (15) valet services.

(c) Sales tax is due on cleaning supplies (chemicals, soaps, etc.) machinery, tools, utilities, and equipment used to perform laundry, cleaning, and garment services.

(d) Sales tax is not due on items that are transferred to the customers as an integral part of the laundry, cleaning, and garment personal services. Examples include clothes hanger, plastic bags or paper used to wrap cleaned garments, and thread used in mending or tailoring. See §3.285 of this title (relating to Sales for Resale; Resale Certificate).

(e) Sales tax is not due on personal services provided through coin-operated machines that are operated by the consumer.

(f) Sales tax is not due on personal services if performed by an employee for his employer as part of employee's regular duties for which he is paid. Sales tax is due on personal services that are performed on a contractual basis between two or more parties.

(g) Sales tax is not due on charges by custodial or janitorial services that perform general cleaning services. Sales tax is due if a separate charge is made for personal services performed by a custodial or janitorial service. For example, if a custodial or janitorial service makes a lump sum charge to clean an office, no tax is due even if the charge included personal services and other general cleaning duties. Sales tax would be due if a separate charge was made for cleaning the carpet, cleaning furniture, or other personal services.

(h) Records must be kept on all personal services performed. Sales tax is due on the total receipts if adequate records are not maintained. See §3.281 of this title (relating to Records Required; Information Required).

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

Issued in Austin, Texas, on October 1, 1984.

TRD-8410101 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
November 12, 1984

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 15. Medicaid Eligibility Subchapter HH. Income for Individuals Related to the SSI Program

40 TAC §15.33101

The Texas Department of Human Resources proposes amendments to §15.3310, concerning Medicaid eligibility. Section 15.3310 is amended to reflect that programs under the Job Training Partnership Act replaced programs under the Comprehensive Employment and Training Act on October 1, 1983. All income received under the Job Training Partnership Act is countable income. Section 15.3310 is also amended to clarify that child support payments made in behalf of a child receiving supplemental security income or medical assistance only benefits are reduced by one-third in determining countable income.

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

Mr. Hawes has also determined that for each year of the first five years the rule is in effect the anticipated public benefit is that the department's rules are consistent with changes in law. There is no economic cost to individuals required to comply with the rule.

Comments may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—649, Texas Department of Human Resources 153-E, P.O. Box 2980, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

§15.3310. Special Income Exemptions. Special income exemptions apply to income received from certain sources. The caseworker applies these exemptions before he applies the general exclusions. He applies the exemptions to any income, including deemed income, that he considers in determining the individual's eligibility.

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

(6) Child support payments made in behalf of a child receiving SSI or MAO benefits are reduced by one-third before being considered in determining countable income.

(7)-(12) (No change.)

(13) **Before October 1, 1983**, training incentive payments made to an individual [or to any other person] under [Title II (Comprehensive Employment and Training Services) of] the Comprehensive Employment and Training Act (CETA) were [Amendment of 1978 (Public Law 95-524), are] totally excluded from both eligibility and applied income calculations. [Incentive payments

can be excluded only if the client is in a CETA training program.] The caseworker excluded the \$30 a [per] week incentive allowance and reimbursement for, or allowance directed to, exceptional expenses [(]related to training[]), may be excluded from both eligibility and applied income calculations]. Any other CETA earnings were [are] treated as earned income to the applicant/recipient. On October 1, 1983, the Job Training Partnership Act replaced CETA. All earned and unearned income, in cash or in kind, received under the Job Training Partnership Act is countable income. Participants may also receive supportive services in cash or in kind. These supportive services are social services and are not income.

(14)-(26) (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 October 5, 1984.

TRD-8410124

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

November 12, 1984

For further information, please call (512) 450-3766.

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 III. Office of the Secretary of State Chapter 87. Notary Public Notary Public Appointments 1 TAC §§87.1, 87.3, 87.4

The Office of the Secretary of State adopts amendments to §§87.1, 87.3, and 87.4, without changes to the proposed text published in the August 21, 1984, issue of the *Texas Register* (9 TexReg 4494).

The amendments were proposed because the citizenship requirement for notaries public in Texas Civil Statutes, Article 5949(2), was held to be unconstitutional by the United States Supreme Court in *Bernal v. Fainter*, Secretary of State, 104 Sup. Ct. 2312 (1984). This decision rendered the prior rules governing appointment and qualification unconstitutional and ineffective and necessitated revision of the application form and application procedure, and the deletion of the word "citizen" in the language of the section. The application card revisions were adopted to provide the secretary of state with further information necessary to maintain the accuracy of the notary public records.

Those persons making application for a notary public commission no longer need to be citizens of the United States to qualify. Legal residents of Texas and the United States who are otherwise disqualified by law or any other reason from holding the office of notary public may seek appointment as a Texas notary public.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5949, which provides the Office of the Secretary of State with the authority to adopt rules necessary for the administration and enforcement of the Notary Public 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 27, 1984.

TRD-8410102 C. Ed Davis
Assistant Secretary of State

Effective date: October 25, 1984
Proposal publication date: August 21, 1984
For further information, please call (512) 475-2015.

Notary Public Qualifications

1 TAC §§87.21, 87.23

The Office of the Secretary of State adopts amendments to §§87.21 and 87.23, without changes to the proposed text published in the August 21, 1984, issue of the *Texas Register* (9 TexReg 4495).

The amendment to §87.21 sets forth the requirement of an authorization code for those who seek to duplicate the form prescribed by the secretary of state. The amendment to §87.23 increases the commission fee from \$4.00 to \$10. The fee increase reflects the fee authorized by Senate Bill 989, 68th Legislature, 1983, relating to certain fees charged by the secretary of state and effective September 1, 1984.

Issuance of an authorization code will serve as confirmation of the identified company's prior written ap-

proval from the secretary of state to duplicate the prescribed form. The increase in the commission fee from \$4.00 to \$10 will increase the total cost of the commission and filing from \$8.00 to \$14.

No comments were received concerning adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5949, which provide the Office of the Secretary of State with the authority to adopt rules necessary for the administration and enforcement of the Notary Public 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 27, 1984.

TRD-8410103 C. Ed Davis
Assistant Secretary of State

Effective date: October 25, 1984
Proposal publication date: August 21, 1984
For further information, please call (512) 475-2015.

Notary Public Rejection and Revocation 1 TAC §87.42

The Office of the Secretary of State adopts an amendment to §87.42, without changes to the proposed text published in the August 21, 1984, issue of the *Texas Register* (9 TexReg 4496).

The amendment deleting the word "citizen" from the language of the section was proposed because the citizenship requirement in Texas Civil Statutes, Article 5949(2), was held to be unconstitutional by the United States Supreme Court in *Bernal v. Fainter, Secretary of State*, 104 Sup. Ct. 2312 (1984).

An application will no longer be rejected or commission revoked based on the fact that the applicant is a legal resident of Texas and the United States but not a U.S. citizen.

No comments were received concerning adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 5949, which provide the Office of the Secretary of State with the authority to adopt rules necessary for the administration and enforcement of the Notary Public 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 27, 1984.

TRD-8410104 C. Ed Davis
Assistant Secretary of State

Effective date: October 25, 1984
Proposal publication date: August 21, 1984
For further information, please call (512) 475-2015.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 29. Purchased Health Services

The Texas Department of Human Resources adopts amendments to §29.1101, with changes to the proposed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4110). Section 29.5 is adopted without changes and will not be republished.

The amendments to §29.5 and §29.1101 ensure that eligible recipients are not billed for medical services because of denied claims attributed to the provider's error. The amendment to §29.5 prohibits providers from billing recipients in such cases.

No comments were received regarding adoption of the amendment to §29.5.

The amendments to §29.1101, concerning payments to eligible providers, establish conditions under which Medicaid providers are prohibited from billing recipients for medical care or services.

The department received one comment on the proposed amendments to §29.1101 from a representative of the North Central Texas Legal Services Foundation, Inc., Dallas. The commenter requested that the department add a statement that it is a violation of a provider's contract to participate in the Medicaid Program if he attempts to recover money from the recipient for care or services that should be paid by the department or its health insuring agent. The department agrees with the comment and has added a new subsection (e) to address the request.

Subchapter A. Medicaid Procedures for Providers

40 TAC §29.5

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

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

Issued in Austin, Texas, on October 5, 1984.

TRD-8410125 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Effective date: October 26, 1984
Proposal publication date: July 31, 1984
For further information, please call (512) 450-3766.

**Subchapter L. General Administration
40 TAC §29.1101**

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

§29.1101. Payments to Eligible Providers.

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

(c) Providers may not bill eligible recipients or take other recourse against eligible recipients for denied or reduced claims for medical care and services within the amount, duration, or scope of benefits of the Texas Medical Assistance (Medicaid) Program if the denial or payment reductions result from any of the following, as determined by the department or its health insuring agent:

(1) the provider's failure to submit a claim, including claims that are not received by the department or its health insuring agent;

(2) the provider's failure to submit a claim within the claims filing period established by the department or its health insuring agent;

(3) the filing of an unsigned or otherwise incomplete claim, including but not limited to, failure to submit a valid hysterectomy acknowledgment statement or sterilization consent form when these forms are required for the applicable procedures;

(4) the filing of an incorrect claim;

(5) the provider's failure to resubmit a claim within the resubmittal period established by the department or its health insuring agent;

(6) the provider's failure to appeal a claim within the appeal filing period(s) established by the department or its health insuring agent;

(7) errors made in the claims preparation, submission, or appeal processes that are attributable to the provider as discerned by the department or its health insuring agent.

(d) The department does not pay claims for services that are not reasonable and medically necessary according to the criteria established by the department and its health insuring agent, as cited at §29.1112(a)(12) of this chapter (relating to limitations and exclusions). The provider may bill the recipient only if:

(1) a specific service is provided at the request of the recipient, and

(2) the provider has obtained and kept a written acknowledgment, signed by the recipient, stating that the provider has informed him of the following:

(A) in the provider's opinion, the service(s) or item(s) to be furnished are not considered reasonable and medically necessary and/or are not covered under the Texas Medicaid Program;

(B) the recipient is responsible for the payment of the service(s) or item(s) he requested and received; and

(C) the department or its health insuring agent determines the medical necessity of the service(s) or item(s) the recipient received.

(e) An attempt by the provider to bill or recover money from recipients beyond the conditions stated in subsection (c) and subsection (d) of this section is in non-compliance with these rules and constitutes a violation of the agreement between the department and the provider

for participation in the Texas Medical Assistance (Medicaid) Program.

(f) Providers who do not file Medicaid claims should inform eligible recipients before providing any service(s) or treatment(s). Recipients receiving service(s) or treatment(s) from providers who do not participate in the Texas Medicaid Program are directly responsible for the payment of those services or treatment. The department and its health insuring agent have no liability for reimbursement for services or treatment to eligible recipients by providers not participating in the Texas Medicaid Program.

(g) Recipients are responsible for any medical care or services they receive that are beyond the amount, duration, and scope of the Texas Medicaid Program, as determined by the department or its health insuring agent.

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

Issued in Austin, Texas, on October 5, 1984.

TRD-8410126

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 26, 1984

Proposal publication date: July 31, 1984

For further information, please call (512) 450-3766.



**Chapter 43. Utilization Control
Program Review**

40 TAC §43.23

The Texas Department of Human Resources adopts amendments to §43.23, without changes to the proposed text published in the June 22, 1984, issue of the *Texas Register* (9 TexReg 3516).

The amendments specify who may serve as a lock-in physician and under what conditions. Lock-in refers to a situation in which the department restricts a Medicaid recipient to a primary provider of services as a method of utilization control.

Implementation of the amendments allows the department to make lock-in arrangements with only those physicians who have a specialty of internal medicine, family practice, or general practice. The physicians must comply with Medicaid rules in delivering services to Medicaid recipients. The amendments also clarify that lock-in physicians must identify lock-in patients to inquiring providers.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

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

Issued in Austin, Texas, on October 5, 1984.

TRD-8410128 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 26, 1984
Proposal publication date: June 22, 1984
For further information, please call (512) 450-3766.

**Chapter 45. Medical Assistance
Programs
Subchapter F. General Policies
40 TAC §45.502**

The Texas Department of Human Resources adopts amendment to §45.502, without changes to the pro-

posed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4112).

The amendment clarifies the reimbursement practices concerning payment for Medicaid services by a third-party resource (TPR). The amendment also establishes the extent of the recipient's liability.

The amendment prohibits providers from billing recipients for any difference in amounts paid by a third-party resource and the allowable amount paid by DHR or its health insuring agent.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on October 5, 1984.

TRD-8410127 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 26, 1984
Proposal publication date: July 31, 1984
For further information, please call (512) 450-3766.

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

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

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

Open Meetings

Texas Department of Agriculture

Friday, October 12, 1984, 1 p.m. The Texas Department of Agriculture will meet at the Hale County Agriculture Center, Highway 87 Business South, Plainview. According to the agenda, the department will conduct an administrative hearing to review a possible violation of the Texas Agriculture Code, §14.015(a), by PLB Grain Storage Corporation, holder of a public grain warehouse license.

Contact: Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: October 4, 1984, 1:52 p.m.
TRD-8410109

Thursday, October 18, 1984, 1 p.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 (4) by W. B. Betts, doing business as W. B. Betts Aerial Spraying, holder of commercial applicator's License 0801.

Contact: Samuel T. Biscoe, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: October 9, 1984, 9:42 a.m.
TRD-8410185

Texas Coastal and Marine Council

Friday, October 19, 1984, 9 a.m. The Texas Coastal and Marine Council will meet in Conference Room A, Marriott Hotel Galvez, 2024 Seawall Boulevard, Galveston. Items on the agenda include approval of the previous meeting minutes; oil spill response concerning the federal role by a representative of the U.S. Coast Guard and the Army Corps of Engineers; the state role by a representative from the Texas Department of Water Resources and the Division of Emergency Management; the status of the council's Sunset Advisory Commission review; staff reports and reports from the Environmental Affairs Committee, the Fisheries Committee, and the Marine Commerce Committee; past and future council projects; public testimony; and the date and location of the December council meeting.

Contact: Charles L. Branton, P.O. Box 13407, Austin, Texas 78711, (512) 475-4578.

Filed: October 5, 1984, 2:04 p.m.
TRD-8410164

Texas Department of Corrections

Tuesday, October 9, 1984, 9 a.m. The Board of the Texas Department of Correc-

tions made an emergency addition to the agenda of a meeting held in Room 103, Administration Building, 815 11th Street, Huntsville. The addition concerned Item II, the presentation of Henningson, Durham, and Richardson, Planning and Program Analysis. The emergency status was necessary because the presentation developed subsequent to the posting date.

Contact: R. K. Proconier, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: October 5, 1984, 2:30 p.m.
TRD-8410167

Texas School for the Deaf

Friday, October 12, 1984, 1 p.m. The Curriculum and Student Life Committee of the Texas School for the Deaf (TSD) will meet in the conference room, Administration Building, 1102 South Congress Avenue, Austin. According to the agenda, the committee will review the TSD curriculum in the light of recent legislation.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821, ext. 303.

Filed: October 4, 1984, 3:28 p.m.
TRD-8410115

Texas Register

Friday, October 12, 1984, 3:30 p.m. The Governing Board of the Texas School for the Deaf will meet in the board room, Administration Building, 1102 South Congress Avenue, Austin. According to the agenda summary, the board will approve the minutes of the August 14, 1984 meeting, consider consultant contracts, facility use by outside agencies, and the service master proposal; review and ratify the biennium budget and update the Policy Manual, Section D (second reading); consider information items including health services, admissions and student population for 1984-1985, and a curriculum update from the Curriculum Committee; reports from individuals in the audience, and board members. The board also will meet in executive session to consider personnel matters, land appraisal, and a legal update.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821, ext. 303.

Filed: October 4, 1984, 3:28 p.m.
TRD-8410116

Employees Retirement System of Texas

Tuesday, October 16, 1984, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System (ERS) of Texas will meet in Room 332, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin. According to the agenda, the committee will consider recommendations to the Board of Trustees and consider other matters relative to the Uniform Group Insurance Program.

Contact: Henry D. Eckert, 18th and Brazos Streets, Austin, Texas 78711, (512) 476-6431.

Filed: October 5, 1984, 8:57 a.m.
TRD-8410122



Texas Employment Commission

Tuesday, October 16, 1984, 9 a.m. The Texas Employment Commission (TEC) will

meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes; consider internal procedures of the Office of Commission Appeals; consider and take action on higher level appeals in unemployment compensation cases on Docket 42; and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78778, (512) 397-4415.

Filed: October 5, 1984, 3:53 p.m.
TRD-8410176

Commission on Fire Protection Personnel Standards and Education

Friday, October 16, 1984. Committees of the Commission on Fire Protection Personnel Standards and Education will meet in the conference room, Suite 406, 510 South Congress, Austin. Times, committees, and agendas follow.

1 p.m. The Fire Suppression Committee will consider proposals received from fire departments for revisions to the basic firefighter standards, to be reported to the commission on October 17.

3 p.m. The Committee for Recruitment and Selection will discuss items associated with developing validated entrance tests for recruit fire fighters. The chairman will present a current status report to the committee. A committee report will be presented to the commission on October 17.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: October 4, 1984, 11:42 a.m.
TRD-8410105, 8410107

Wednesday, October 17, 1984, 11 a.m. The Commission on Fire Protection Personnel Standards and Education will meet in the conference room, Suite 406, 510 South Congress, Austin. Items on the agenda summary include committee reports, old business, new business, and the executive director's report.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: October 4, 1984, 11:41 a.m.
TRD-8410106

Office of the Governor

Friday, October 26, 1984, 10 a.m. The Advisory Panel on Offshore Oil and Chemical Spill Responses of the Office of the Governor will meet on the eighth floor, Shearn Moody Plaza, 25th and The Strand, Galveston. Items on the agenda include presentations by API and Texas A&M University, reports of subcommittees, discussion of the panel's scope of work, and subcommittee meetings.

Contact: Sue Stendebach, P.O. Box 13561, Austin, Texas 78711, (512) 475-2427.

Filed: October 9, 1984, 9:12 a.m.
TRD-8410182

Texas Department of Health

Thursday, October 18, 1984, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room 107, 1100 West 49th Street, Austin. Items on the agenda include approval of the minutes; reports from the Architectural Planning and Construction Manual Subcommittee and the Nurse Aide Permitting Study Subcommittee; presentation of items concerning compliance with the Rehabilitation Act of 1973, §504, by Bill Martin and Tom Morrison and skilled reimbursement for under age 21 eligibles; discussion of enforcement of federal regulations for state operations without state adoption through rules; the Bureau of Long-Term Care field survey staff making determinations concerning severity of health and safety issues without the judgment of a physician; the progress statewide of the medication aide permitting process; legislative issues concerning the Life Safety Code, the trustee fund, and Sunset Advisory Commission recommendations; election of an advisory committee chairman; and setting the next meeting date.

Contact: Howard C. Allen, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: October 9, 1984, 9:48 a.m.
TRD-8410187

State Board of Insurance

Tuesday, October 16, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda include the commissioner's and fire marshal's reports, including personnel matters; a decision in the appeal of

Nicholas A. Tax and wife, Thelma Tax, from action of the Texas Catastrophe Property Insurance Association; and board orders on several different matters.

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

Filed: October 5, 1984, 11:21 a.m.
TRD-8410162

Texas Department of Labor and Standards

Monday, October 22, 1984, 9 a.m. The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider license and registration, revocations, and alleged violations of various rules and regulations regarding a professional boxing contract.

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

Filed: October 5, 1984, 2:33 p.m.
TRD-8410166

Lamar University

Thursday, October 11, 1984, noon. The Finance Committee and the Building and Grounds Committee of the Board of Regents of Lamar University submitted an emergency revised agenda for a meeting held jointly in the Spindletop Room, Gray Library, Lamar University, Beaumont. According to the revised agenda, the committees considered approval of a contract for the purchase of property; reviewed the status report on Montagne Center; considered approval of a monthly financial report for August 1984; considered the purchase of computer equipment; and considered non-recurring expenditures. The committees also met in executive session to consider approval of a litigation settlement. The emergency status was necessary because recommended expenditures required the approval of the board, and the schedule of expenditures could not be delayed until the next scheduled meeting of the board.

Contact: Dr. Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (409) 880-8403.

Filed: October 5, 1984, 9:27 a.m.
TRD-8410130

Thursday, October 11, 1984, 1:30 p.m. The Board of Regents of Lamar University submitted an emergency revised agenda for a meeting held in the Spindletop Room, Gray Library, Lamar University, Beaumont. According to the revised agenda, the board approved the September 13, 1984, minutes; heard the chancellor's reports; and considered approval of proposed revisions of Faculty Senate organization and the personnel handbook, a contract for purchase of property, the status report of Montagne Center, bids received, the monthly financial report for August 1984, the purchase of computer equipment and staffing for the computer program, the litigation settlement, the appointment of administrative officers for the university system, and non-recurring expenditures. The board also met in executive session to consider approval of a litigation settlement. The emergency status was necessary because recommended expenditures requiring the approval of the board, and the schedule of expenditures could not be delayed until the next scheduled meeting of the board.

Contact: Dr. Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (409) 880-8403.

Filed: October 5, 1984, 9:26 a.m.
TRD-8410131

Long-Term Care Coordinating Council for the Elderly

Tuesday, October 23, 1984, 9 a.m. The Long-Term Care Coordinating Council for the Elderly will meet at 210 Barton Springs Road, Austin. According to the agenda summary, the council will approve a summary of the September 17, 1984, meeting; consider an overview of the legislative process; discuss the legislative agenda; appoint a legislative committee; discuss strategies; and plan future meetings.

Contact: Peggy Davidson, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: October 5, 1984, 3:24 p.m.
TRD-8410172

Board of Pardons and Paroles

Monday-Friday, October 15-19, 1984, 1:30 p.m. daily Monday-Thursday, 11 am. 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 and inmates and administrative releasees 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: October 5, 1984, 10:30 a.m.
TRD-8410148

Tuesday, October 16, 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: October 5, 1984, 10:30 a.m.
TRD-8410149

Public Utility Commission of Texas

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

Friday, October 12, 1984, 10 a.m. A pre-hearing conference in Docket 5936—application of Hawley Investments/Clear Creek Water for a rate change within Henderson County.

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

Filed: October 4, 1984, 2:11 p.m.
TRD-8410112

Tuesday, October 16, 1984, 9 a.m. The division will consider the following Dockets: 5717, 5767, 5777, 5791, 5755, 5757, 5051, 5560, 5732, 5823, 5824, 5843, 5657, 5698, 5872, 5712, 5033, 5059, 5208, 5836, 5386, 5812, 5847, 5637, 5762, 5805, 5864, 4789, 5118, 5646, and 5681. The division will also meet in executive session to consider pending litigation and personnel matters.

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

Filed: October 5, 1984, 3:31 p.m.
TRD-8410175

Texas Register

Tuesday, October 16, 1984, 9 a.m. A rescheduled hearing in Docket 5820—application of Gulf States Utilities Company for authority to change rates—step two. The hearing originally was scheduled for October 9, 1984, as published at 9 TexReg 4748.

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

Filed: October 5, 1984, 9:39 a.m.
TRD-8410133

Wednesday, October 17, 1984, 10 a.m. A prehearing conference in Docket 5926—application of Southwestern Bell Telephone Company to establish feature group "E" (FGE) access service for radio and cellular common carriers.

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

Filed: October 4, 1984, 2:10 p.m.
TRD-8410113

Thursday, October 18, 1984, 10 a.m. A prehearing conference in Docket 5862—application of Hunter Hill Water Supply Company for water and sewer certificates of convenience and necessity within Smith County.

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

Filed: October 9, 1984, 9:42 a.m.
TRD-8410184

Monday, October 22, 1984, 10 a.m. A rescheduled hearing on the merits in Docket 5885—appeal of Sam Houston Electric Cooperative, Inc., of denial of an application for a rate increase in the City of Seven Oaks, *et al.* The hearing originally was scheduled for October 17, 1984, as published at 9 TexReg 4884.

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

Filed: October 5, 1984, 9:39 a.m.
TRD-8410134

Thursday, October 25, 1984, 10 a.m. A hearing on the merits in Docket 5953—complaint of Don Cornett against Axtell Water Supply Corporation regarding refusal to serve.

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

Filed: October 4, 1984, 4:07 p.m.
TRD-8410118

Monday, November 12, 1984, 10 a.m. A hearing on the merits in Docket 5948—application of the Guadalupe-Blanco River Authority for authority to implement a new contract rate.

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

Filed: October 9, 1984, 9:38 a.m.
TRD-8410189

Tuesday, November 27, 1984, 10 a.m. A rescheduled hearing in Docket 5235—application of Ladshaw Miller Development Co., Inc., to amend a certificate of convenience and necessity; and Docket 5655—application of Green Valley Water Supply Corporation for a cease and desist order against the City of Schertz.

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

Filed: October 5, 1984, 9:39 a.m.
TRD-8410135

Thursday, November 29, 1984, 10 a.m. A hearing in Docket 5897—application of Cade Lake Water System for approval of a surcharge and tariff revision.

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

Filed: October 5, 1984, 2:31 p.m.
TRD-8410165

Tuesday, December 4, 1984, 10 a.m. A hearing on the merits in Docket 5912—application of General Telephone Company of the Southwest for a tariff revision regarding the Conroe special rate area in the Willis exchange.

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

Filed: October 9, 1984, 9:39 a.m.
TRD-8410190



Railroad Commission of Texas

Monday, October 15, 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: October 5, 1984, 10:37 a.m.
TRD-8410159

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: October 5, 1984, 10:40 a.m.
TRD-8410151

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: October 5, 1984, 10:38 a.m.
TRD-8410156

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: October 5, 1984, 2:57 p.m.
TRD-8410168

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: October 5, 1984, 10:39 a.m.
TRD-8410153

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: October 5, 1984, 10:39 a.m.
TRD-8410155

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: October 5, 1984, 10:36 a.m.
TRD-8410161

Addition 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: October 5, 1984, 10:37 a.m.
TRD-8410160

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: October 5, 1984, 10:40 a.m.
TRD-8410150

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: October 5, 1984, 10:40 a.m.
TRD-8410152

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: October 5, 1984, 10:38 a.m.
TRD-8410157

The Surface Mining and Reclamation Division will consider the promulgation of regulations regarding the surface mining of iron ore and iron ore gravel; the approval of self-bonding of Texas Utilities Mining Company at its Big Brown Mine operating under Permit 3 in Freestone County; the issuance of a revision to Permit 16 for the Lower Colorado River Authority's Powell Bend Mine; and the 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: October 5, 1984, 10:39 a.m.
TRD-8410154

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: October 5, 1984, 10:37 a.m.
TRD-8410158

Texas Real Estate Commission

Monday, October 15, 1984, 9:30 a.m. The Texas Real Estate Commission (TREC) will

meet in the conference room, 1101 Camina La Costa, Austin. According to the agenda summary, the commission will approve the September 10, 1984, minutes; hear staff reports for the month of August 1984; consider motions for rehearing and/or probation; consider education matters; consider the proposed revision of the Texas Administrative Code (TAC), Chapter 537, relating to standard contract forms; and consider complaint information concerning James L. Files and John Joseph Gorman III. The committee also will meet in executive session to discuss pending litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(c).

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123.

Filed: October 5, 1984, 9:38 a.m.
TRD-8410136

Texas Rehabilitation Commission

Friday, October 19, 1984, 9:30 a.m. The Monitoring and Evaluation Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 302, 118 East Riverside Drive, Austin. Items on the agenda include perfection of the agenda; a goal and objective worksheet report, including review and revision of the draft report form and delineation of remaining activities for each committee; review of the fiscal year 1985 grants kit, including a response to unsuccessful applicants and other revisions recommended by the council and committees; discussion of a process to review the fiscal year 1984 grants conference; discussion of a process to disseminate products of grant projects; and other unfinished or new business.

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: October 9, 1984, 9:47 a.m.
TRD-8410186

Texas Savings and Loan Department

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

Tuesday, October 16, 1984, 9 a.m. According to the agenda summary, the department will accumulate a record of evidence in

regard to the application of Central Texas Savings and Loan Association (Marlin) to establish a branch office at 405 Tarrow, College Station, Brazos County, from which record the commissioner shall determine whether to grant or deny this application.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: October 5, 1984, 4:12 p.m.
TRD-8410181

Thursday, October 18, 1984, 9 a.m. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of Olney Savings Association to relocate a branch office from 5440 Bridge Street, Fort Worth, Tarrant County, to the northeast corner of Hubbard and Third Streets, Mineral Wells, Palo Pinto County, from which record the commissioner shall determine whether to grant or deny the application.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: October 5, 1984, 4:12 p.m.
TRD-8410178

Friday, October 19, 1984, 9 a.m. According to the agenda summary, the department will accumulate a record of evidence in regard to the applications of Summit Savings Association (Plainview), from which record the commissioner shall determine whether to grant or deny the applications.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: October 5, 1984, 4:13 p.m.
TRD-8410179

Monday, November 5, 1984, 10 a.m. According to the agenda summary, the department will call all applications on the agenda and, if no protest is registered and existing when called, further hearing will be dispensed. If a protest is registered and existing when called, the hearing on the application will be continued to a later date.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: October 5, 1984, 4:12 p.m.
TRD-8410180

School Land Board

Tuesday, October 16, 1984, 10 a.m. The School Land Board will meet in Room 831, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previ-

Texas Register

ous meeting minutes and consider pooling applications; pooling agreement amendments; the San Antonio gas sale contract; terms, conditions, and procedures for a land sale; coastal public lands easement applications; cabin permit assignment requests; and excess acreage applications.

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

Filed: October 5, 1984, 3:07 p.m.
TRD-8410169

Texas State Soil and Water Conservation Board

Monday-Wednesday, October 22-24, 1984, 10 a.m. daily. The Texas State Soil and Water Conservation Board will meet in the Bayfront Plaza Convention Center, Corpus Christi. Items on the agenda for Monday include consideration of district director appointments, review of a sunset legislative proposal, review of the 1986-1987 budget recommendations, and finalization of a program for the annual state meeting of soil and water conservation district directors. On Monday-Wednesday, the board will conduct the annual statewide meeting of soil and water conservation district managers.

Contact: Harvey Davis, 1102 First National Building, Temple, Texas, (817) 773-2250.

Filed: October 9, 1984, 9:44 a.m.
TRD-8410188

The University of Texas System

Thursday, October 11, 1984, 1 p.m. Standing committees and the Board of Regents of the University of Texas System met in Room 1.206, Conference Center, University of Texas at Dallas, 2601 North Floyd, Richardson. According to the agenda, the board and committees considered a resolution endorsing the passage of Proposition 2 (House Joint Resolution 19); an increase in the amount and placement of University of Texas Health Science Center at San Antonio imaging scanner facility revenue bonds; budget amendments; buildings and grounds matters, including authorizations for projects, approval of preliminary and final plans, and award of contracts; oil and gas leases; issuance and the sale of University of Texas at Arlington combined fee revenue bonds; appointments to endowed positions; appointments to development boards and advisory councils; affiliation agreements; land and investment matters,

acceptance of gifts, bequests, and estates; establishment of endowed positions and funds; pending litigation; personnel matters; land acquisitions; and negotiated contracts.

Friday, October 12, 1984, 9 a.m. Standing Committees and the Board of Regents of the University of Texas System will meet in Room 1.206, Conference Center, University of Texas at Dallas, 2601 North Floyd, Richardson. According to the agenda, the board and committees will consider a resolution endorsing the passage of Proposition 2 (House Joint Resolution 19); an increase in the amount and placement of University of Texas Health Science Center at San Antonio imaging scanner facility revenue bonds; budget amendments; buildings and grounds matters, including authorizations for projects, approval of preliminary and final plans, and award of contracts; oil and gas leases; issuance and the sale of University of Texas at Arlington combined fee revenue bonds; appointments to endowed positions; appointments to development boards and advisory councils; affiliation agreements; land and investment matters; acceptance of gifts, bequests, and estates; establishment of endowed positions and funds; pending litigation; personnel matters; land acquisitions; and negotiated contracts.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 471-1265.

Filed: October 5, 1984, 1:22 p.m.
TRD-8410163

Texas Water Commission

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

Tuesday, October 16, 1984, 10 a.m. In Room 118, the commission will consider water district bond issues, district conversion, water quality proposed permits, amendments and renewals, extension of a time application, an adjudication matter, and the filing and setting of hearing dates.

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

Filed: October 5, 1984, 10:08 a.m.
TRD-8410139

Thursday, October 18, 1984, 10 a.m. In Room 124A, the commission will consider the application of the United States Department of the Navy, P.O. Box 548, McGregor, Texas 76657, to the Texas Department

of Water Resources for a temporary order to authorize an increase in its wastewater discharge from a volume not to exceed an average flow of 10,000 gallons per day to 15,000 gallons per day (from 20,000 gallons per day to 30,000 gallons daily maximum flow) from Outfall 002 from the Naval Weapons Industrial Reserve Plant located southwest of the City of McGregor, just west of Highway 317, bounded on the south by FM Road 2671 and on the north by the St. Louis Southwestern Railway in Coryell and McLennan Counties. The applicant has proposed that the increase is necessary to conduct operations at an accelerated rate and thereby meet the demands of the Navy. The applicant has submitted an application to amend Permit 02335 to reflect the changes requested.

Contact: Scott Peterson, P.O. Box 13087, Austin, Texas 78711, (512) 475-6843.

Filed: October 5, 1984, 10:09 a.m.
TRD-8410140

Thursday, October 25, 1984, 10 a.m. In Room 118, the commission will consider the application of G. Karbalai for proposed Permit 12869-01, Harris County; proposed Permit 12894-01 of F & S Hamilton Builders, Inc., doing business as Hunter Hill Water Supply Company, Smith County; and Application 4449 of Garrett Ranch, Inc., and John Travis (Jacko) Garrett, Jr., and wife, Nancy D. Garrett, for diversion and use of 2,977 acre-feet of water from Austin Bayou, tributary of Bastrop Bayou, San Jacinto-Brazos Coastal Basin, in Brazoria County for irrigation purposes.

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

Filed: October 5, 1984, 10:10 a.m.
TRD-8410141

Tuesday, October 30, 1984, 2 p.m. In Room 118, the commission will consider the City of Canyon's amendment to Permit 11073-01 to authorize a relocation of the effluent land application, Red River Basin, Randall County.

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

Filed: October 5, 1984, 10:10 a.m.
TRD-8410142

Thursday, November 1, 1984, 11 a.m. In Room 118, the commission will consider the application of the Texas Water Development Board and the Lavaca-Navidad River Authority to amend Certificate of Adjudication 16-2095B, which authorizes the board and authority to build and maintain Lake Texana Dam and Reservoir in Jack-

son County on the Navidad River, tributary of the Lavaca River, Lavaca River Basin. The applicants seek to amend the certificate for a three-year period to convert 8,000 acre-feet of water per annum from industrial to municipal purposes from the board's share, and the transbasin diversion of 18,231 acre-feet of the municipal water from the Lavaca River Basin to the service area of the City of Corpus Christi, in the Nueces River Basin and the San Antonio-Nueces and Nueces-Rio Grande Coastal Basin.

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

Filed: October 5, 1984, 10:11 a.m.
TRD-8410143

Thursday, November 15, 1984, 10 a.m. In Room 152, the commission will consider Application 4493 of Fred D. Hooper, Jr., and wife, Mary E. Hooper, seeking a permit to divert and use 100 acre-feet of water per annum from an unnamed tributary of the Little Sandy Creek, tributary of Big Sandy Creek, tributary of the Colorado River, Colorado River Basin, for irrigation purposes in Bastrop County.

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

Filed: October 5, 1984, 10:11 a.m.
TRD-8410144

Addition to the previous agenda:

The commission will consider Application 4492 of Hydraco Power, Inc., for a permit to authorize the diversion and use of 88,308.17 acre-feet of water per annum through an existing 50 acre-foot capacity reservoir on the San Marcos River, tributary of the Guadalupe River, Guadalupe River Basin, for hydroelectric power generation at the dam site in Caldwell and Guadalupe Counties. Water diverted for hydropower generation purposes will be returned to the San Marcos River.

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

Filed: October 5, 1984, 10:10 a.m.
TRD-8410145

Friday, November 16, 1984, 10 a.m. In Room 152, the commission will consider Application 2642A of John Russell Isaacs and J. W. Isaacs for an amendment to Permit 2410 which authorizes the construction of a dam and 40 acre-foot off-channel reservoir on Chocolate Bayou, San Jacinto-Brazos Coastal Basin, and the diversion and use of not to exceed 1,200 acre-feet of water per annum for irrigation purposes in Brazoria County. The applicant seeks to

amend the permit to authorize an increase in the annual appropriation to 2,000 acre-feet and an increase in the amount of acreage authorized to be irrigated to 578.46 acres.

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

Filed: October 5, 1984, 10:11 a.m.
TRD-8410146

Addition to the previous agenda:

The commission will consider Application 4494 of Wayne Allen Guess and wife, Theresa Ann Guess, and L. E. Guess and wife, Mary Jane Guess, for a permit to divert and use 164 acre-feet of water per annum directly from the San Bernard River, Brazos-Colorado Coastal Basin, for irrigation purposes in Wharton County.

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

Filed: October 5, 1984, 10:10 a.m.
TRD-8410147

Tuesday, November 20, 1984, 2 p.m. In Room 118, the commission will consider the petition for creation of Harris County Municipal Utility District 261, containing 94.9591 acres of land.

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

Filed: October 4, 1984, 1:45 p.m.
TRD-8410108

Regional Agencies Meetings Filed October 4

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on October 12, 1984, at 9 a.m. The Board of Directors will meet at the same location on October 15, 1984, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Blanco County Central Appraisal District, Board of Directors, met at the Blanco County courthouse annex, Johnson City, on October 8, 1984, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Middle Rio Grande Development Council, Regional Alcoholism Advisory Committee, met in the city council chambers, Uvalde, on October 10, 1984, at 10 a.m. Information may be obtained from

Ramon S. Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Scurry County Cotton Producers Board will meet at the chamber of commerce, 2302 Avenue R, Snyder, on October 23, 1984, at 7 p.m. Information may be obtained from Fred Cross, P.O. Drawer CC, Snyder, Texas 79549, (915) 573-7003.
TRD-8410114

Meetings Filed October 5

The Dallas Area Rapid Transit, Legal Committee, met at 601 Pacific Avenue, Dallas, on October 9, 1984, at 8 a.m. The Special Needs Committee met at the same location on the same day at 4:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202.

The Region VII Education Service Center will meet at the Holiday Inn, Highway 259 South, Henderson, on October 18, 1984, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (214) 984-3071.

The Ellis County Tax Appraisal District met at 406 Sycamore Street, Waxahachie, on October 11, 1984, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Fannin County Appraisal District, Board of Directors, met in the Peeler Building, 401 North Main, Bonham, on October 9, 1984, at 7 p.m. Information may be obtained from Joe Hart, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

The South Plains Association of Governments, Executive Committee, met at 3424 Avenue H, Lubbock, on October 9, 1984, at 9 a.m. The Board of Directors met at the same location on the same day at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721.

The Trinity River Authority of Texas will meet via conference call originating at 5300 South Collins, Arlington, on October 12, 1984, at 10 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

The Wells-Kieberg Soil and Water Conservation District, Board of Directors, will meet in Suite 2, 2287 North Texas Boulevard, Alice, on October 16, 1984, at 2 p.m. Information may be obtained from Wilbur

Texas Register

F. Erck, Rt. 2, Box 325, Alice, Texas 78332, (512) 664-1325.

The Wise County Appraisal District, Board of Directors, met at 206 South State, Decatur, on October 11, 1984, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-8410129

Meetings Filed October 9

The Archer County Appraisal District, Board of Directors, will meet at 106 West Main Street, Archer City, on October 17, 1984, at 5 p.m. Information may be obtained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Bosque County Appraisal Board will meet at the Bosque County Courthouse, Meridian, on October 18, 1984, at 7 p.m. Information may be obtained from David G. Cooper, P.O. 393, Meridian, Texas 76665, (817) 435-2019.

The Capital Area Planning Council, Executive Committee, will meet at the Villa Capri Hotel, 2400 IH 35, Austin, on October 16, 1984, at 11 a.m. The General Assembly will meet at the same location on the same day at 11:30 a.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Austin, Texas 78704, (512) 443-7653.

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd, Temple, on October 16, 1984, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The Dallas Area Rapid Transit Authority, Service Plan/Work Program Committee, met in emergency session at 601 Pacific Avenue, Dallas, on October 9, 1984, at 4 p.m. The Special Needs Committee made an emergency addition to the agenda of a meeting held at the same location on the same day at 5 p.m. The Board met in emergency session at the same location on the same day at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pa-

cific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Dewitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on October 16, 1984, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, RPA, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Region III Education Service Center, Board of Directors, will meet at 1905 Leary Lane, Victoria, on October 15, 1984, at 1 p.m. Information may be obtained from Dr. Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 575-1471.

The Region XVI Education Service Center, Board of Directors, will meet in the board room, 1601 South Cleveland, Amarillo, on October 18, 1984, at 1 p.m. Information may be obtained from Dr. Kenneth M. Laycock, 1601 South Cleveland, Amarillo, Texas 79120, (806) 376-5521.

The Gray County Appraisal District, Board of Directors, met in emergency session in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on October 11, 1984, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Hamilton County Appraisal District will meet at the Hamilton County Courthouse, Hamilton, on October 18, 1984, at 7 p.m. Information may be obtained from Doyle Roberts, P.O. Box 446, Hamilton, Texas 76531, (817) 386-8418.

The Heart of Texas Council of Governments, Private Industry Council, will meet at 320 Franklin, Waco, on October 18, 1984, at 6 p.m. Information may be obtained from Anita Tharpe, 320 Franklin, Waco, Texas 76701, (817) 756-6631.

The Hickory Underground Water Conservation District 1, Board of Directors, met in emergency session at 1708 South Bridge Street, Brady, on October 11, 1984, at 7 p.m. Information may be obtained from Rick Illgner, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

The Lone Star Municipal Power Agency will meet in the Flag Room, First National Bank, 1300 11th Street, Huntsville, on Oc-

tober 15, 1984, at 5:30 p.m. Information may be obtained from R. Michael Simons, 8240 Mopac Expressway, Austin, Texas 78759, (512) 346-4011.

The Mental Health and Mental Retardation Center of East Texas Executive Committee Board of Trustees, met in the board room, 2323 West Front Street, Tyler, on October 11, 1984, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Nolan County Central Appraisal District Board of Directors, met in Suite 305B, Nolan County Courthouse, Sweetwater, on October 10, 1984, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on October 16, 1984, at 4 p.m. Information may be obtained from Carl W. Riehn, Drawer C, Wylie, Texas 75098, (214) 442-5405, ext. 200.

The Trinity River Industrial Development Authority, Board of Directors, will meet at 5300 South Collins, Arlington, on October 16, 1984, at 10:30 a.m. Information may be obtained from Ramona A. Winer, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Tyler County Tax Appraisal District Board of Directors, met in emergency session at 103 Pecan, Woodville, on October 9, 1984, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upshur County Appraisal District, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on October 15, 1984, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

The Wheeler County Appraisal District, Board of Directors, rescheduled a meeting to be held in the district office, Courthouse Square, Wheeler, on October 15, 1984, at 2 p.m. The meeting was originally scheduled for October 1, 1984. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8410183

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

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

In Addition



Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of September 24-28, 1984.

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

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

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

Bethlehem Steel Corporation—Sabine Yard, Port Arthur; dry dock blast cleaning and painting of vessels on dock; Port Arthur, Jefferson County; 9522; new source

Alumax Aluminum Corporation, Rockwall; aluminum extrusion spray painting; 1200 East Washington Street, Rockwall County; 9523; new source

Vista Refining, Inc., Houston; crude oil refinery; 2501 Choate Road, Harris County; 6067B; modification

Vista Refining, Inc., Webster; petroleum liquid storage tank; Webster, Harris County; 7830A; modification

Issued in Austin, Texas, on October 1, 1984.

TRD-8410090 Paul M. Shinkawa
Director of Hearings
Legal Division
Texas Air Control Board

Filed: October 3, 1984
For further information, please call (512) 451-5711, ext. 354.

Banking Department of Texas Applications to Acquire Control of State Banks

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

On September 20 1984, the banking commissioner received an application to acquire control of the First City Bank-Central Park, San Antonio, by Tom E. Turner of San Antonio.

On October 3, 1984, notice was given that the application would not be denied.

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

Issued in Austin, Texas, on October 3, 1984.

TRD-8410120 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: October 4, 1984
For further information, please call (512) 475-4451.

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

On October 3, 1984, notice was given that the application would not be denied.

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

Issued in Austin, Texas, on October 3, 1984.

TRD-8410119 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: October 4, 1984
For further information, please call (512) 475-4451.

Public Hearings

The hearing officer of the Banking Department of Texas will conduct a hearing at 9 a.m. on October 22, 1984, at 2601 North Lamar Boulevard, Austin, on the order authorizing the release of accrued interest to Mount Olivet Cemetery Association, on funds representing earnings in excess of 100% of the amounts paid by purchasers of pre-paid funeral benefits.

The purpose of the hearing is to accumulate evidence to determine whether such order should be amended, reversed, or maintained.

Additional information may be obtained from Archie Clayton, General Council, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

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

TRD-8410137 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: October 5, 1984
For further information, please call (512) 475-4451.

The hearing officer of the Banking Department of Texas will conduct a hearing at 9 a.m. on Wednesday, October 31, 1984, at 2601 North Lamar Boulevard, Austin, on the charter application for Prairie State Bank, to be located at 726 Highway 303 in Grand Prairie, Dallas County. The hearing was originally scheduled for October 23, 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 October 4, 1984.

TRD-8410138 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: October 5, 1984
For further information, please call (512) 475-4451.

Texas Health Facilities Commission Application Accepted for Amendment, Declaratory Ruling, and Notice of Intent

Notice is hereby given by the Texas Health Facilities Commission of an application 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 the application, 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 the application 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.

STH Corporation, a wholly owned Texas subsidiary of American Healthcare Management, Inc., Houston
AH84-0927-608

NIEH—Request for a declaratory ruling that a certificate of need is not required for STH Corporation, a wholly owned subsidiary of American Healthcare Management, Inc., to acquire by purchase Humana Hospital-Sharpstown, an existing 206-bed general acute care hospital located in Houston, from Humana, Inc., doing business as Humana Hospital—Sharpstown, a Delaware corporation.

Issued in Austin, Texas, on October 5, 1984.

TRD-8410132 Judith Monaco
Assistant General Counsel
Texas Health Facilities
Commission

Filed: October 5, 1984
For further information, please call (512) 475-6940.



Texas Department of Human Resources Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) furnishes this notice of consultant contract award. The consultant proposal request was published in the November 8, 1983, issue of the *Texas Register* (8 TexReg 4728).

Description of Services. The DHR is contracting with a consultant to conduct an independent evaluation of the Child Support Enforcement Program during 1983 and 1984, as directed by Senate Concurrent Resolution 58, 68th Legislature, 1983. The findings and recommendations of this evaluation are to be reported to the 69th Legislature when it convenes in January 1985.

Contractor. The contract has been awarded to Coopers and Lybrand, 1300 Interfirst Tower, Austin, Texas 78701.

Total Value. The total value of this contract is not to exceed \$38,000.

Beginning and Ending Dates. The beginning date of the contract was January 1, 1984; the ending date of the contract is December 31, 1984.

Due Dates of Documents. Reports are due on the following dates: Module I—March 28, 1984; Module II—August 30, 1984; and Module III—December 15, 1984.

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

TRD-8410110 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 4, 1984
For further information, please call (512) 450-3766.

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) furnishes this notice of contract award. The request for proposals was published in the July 3, 1984, issue of the *Texas Register* (9 TexReg 3713).

Description of Services. The DHR is contracting with a full-time evaluator for the Nutrition Education and Training (NET) Program to design an evaluation plan and

measurement tools and conduct a formal evaluation of the NET Program.

Contractor. The contract has been awarded to Cynthia Roberts-Gray, 7600 Woodhollow, #1313, Austin, Texas 78731.

Total Value. The total value of this contract is not to exceed \$39,000.

Beginning and Ending Dates. This contract began on October 1, 1984, and ends September 30, 1985.

Due Date of Reports. Reports are due monthly.

Issued in Austin, Texas, on October 3, 1984.

TRD-8410080 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 3, 1984
For further information, please call (512) 450-3766.

Extension of Closing Date for Proposals

The Texas Department of Human Resources (DHR) is extending the closing date for the receipt of offers for services in DHR Region 08 as originally published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4603).

The new closing date for Region 8 only is October 24, 1984. The closing date for all other regions listed in the original request for proposals remains September 28, 1984.

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

TRD-8410111 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 4, 1984
For further information, please call (512) 450-3766.

Request for Proposal

The Texas Department of Human Resources, Office of Inspector General, Investigation Division, is seeking the services of a private collection agency to collect delinquent restitution accounts. These accounts involve persons who have been overpaid welfare benefits and have agreed to repay the overpayment amount. Referrals could come from any area of the state. Interested parties are invited to submit bids.

Additional information may be obtained from Dixie Edmiston, Texas Department of Human Resources, Investigation Division 180-E, P.O. Box 2960, Austin, Texas 78769, (512) 450-4206.

The closing date for receipt of offers is November 12, 1984.

Award of the contract will be based on the lowest cost to the department and the ability to provide services as described in the assurances section of the bid packet.

Issued in Austin, Texas, on October 5, 1984.

TRD-8410123 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 5, 1984
For further information, please call (512) 450-3786.

State Board of Insurance Public Hearing

The State Board of Insurance will hold a hearing at 10 a.m. on October 24, 1984, in the hearing room, DeWitt Greer Building (State Department of Highways and Public Transportation Building), 11th and Brazos Streets, Austin, on the following amendments to the *Texas Automobile Manual*, standard provisions for automobile policies (October 1, 1974 edition) and standard provisions for automobile policies (June 1, 1981, edition).

84-1. Charles Marcus, attorney for and director of Texas Hi-Placed Light, Inc., proposes that the State Board of Insurance prescribe a one-time refund, rebate, or premium reduction of approximately \$20 for the installation of the barrier collision avoidance light on a vehicle.

84-2. The Independent Insurance Agents Association of Texas proposes that Rule 39. Texas Driving Insurance Plan be amended to increase the minimum accident threshold from \$200 to \$500.

84-3. The Texas Automobile Insurance Service Office proposes the following editorial amendments:

(A) *Texas Automobile Manual*—The headings of automobile bodily injury liability increased limits Table I and Table II and property damage liability increased limits Table I and Table III should be amended to read as follows:

Table I—Bodily Injury Liability

Applicable to private passenger automobiles as classified and rated in the Private Passenger Section of this manual.

Table II—Bodily Injury Liability

Applicable to all automobiles and coverages except as shown in Table I and Table III.

Table I—Property Damage Liability

Applicable to all automobiles and coverages except those shown in Table II and Table III.

Table III—Property Damage Liability

Applicable to private passenger automobiles as classified and rated in the Private Passenger Section of this manual.

Explanation. The present headings of the subject increased limits tables have created confusion and the revised headings are intended to clearly specify the application of the tables.

(B) Standard provisions for automobile policies (October 1, 1974, edition).

(1) Deletion of the phrase "or is fleet rated under the Texas Automobile Fleet Rating Plan" as it appears in 3. on page 6.

Explanation. The Texas automobile fleet rating plan was eliminated some years ago and the deletion of this phrase in this particular location was overlooked.

(2) Amendment to the family automobile coverage-amendment of termination provisions endorsement beginning on page 83 to track the wording of Endorsement TX-02-51B—termination provisions amendment appearing in the endorsement supplement of the *Texas Automobile Manual*.

Explanation. The personal auto policy was adopted in June 1981, and although the appropriate editorial changes were made in Endorsement TX-0251B in the endorsement supplement of the *Texas Automobile Manual*, the revision of the text of this same endorsement as it appears in the standard provisions for automobile policies was overlooked.

(C) Standard provisions for automobile policies (June 1, 1981, edition).

(1) Deletion of the phrase "or is fleet rated under the Texas Automobile Fleet Rating Plan" in Special Instruction 5 on page 1.

Explanation. The Texas automobile fleet rating plan was eliminated some years ago, and the deletion of this phrase in this particular location was overlooked.

(2) The word "trailer" in Part B.2-personal injury protection coverage—"covered person" definition should be changed from bold-face type to light-face type.

Explanation. Bold-face type designates a defined term and in context the word "trailer" in this particular location in the policy is intended to include trailers of any type as opposed to the limited definition of "trailer" appearing elsewhere in the policy.

84-4. The Professional Insurance Agents Association of Texas proposes that the State Board of Insurance appoint a study committee to investigate the feasibility of providing consumers with premium and/or benefits incentives for the use of safety belts and infant seats while occupants in private passenger vehicles and light trucks.

84-5. The staff of the State Board of Insurance proposes that the standard provisions for automobile policies (October 1, 1974, edition) and standard provisions for automobile policies (June 1, 1981, edition) be amended to delete the following items with appropriate renumbering of subsequent paragraphs where necessary.

(A) October 1, 1984, edition general instructions.

10. Complaint notice. All new and renewal automobile policies and renewal certificates issued to be effective on and after September 1, 1984, shall contain the following notice.

Complaint notice: Should any question or dispute arise about your premiums or a claim you have previously filed, first contact the agent who issued this policy or write the company. If the problem is not resolved, you may also write the State Board of Insurance, Department C, 1110 San Jacinto Street, Austin, Texas 78786.

Such notice must be prominently displayed either by overprinting, stamping, or by attachment of a gummed label on the face or declarations page of the policy or renewal certificate.

(B) June 1, 1984, edition special instructions.

11. Complaint notice. All new and renewal automobile policies and renewal certificates issued to be effective on and after September 1, 1984, shall contain the following notice.

Complaint notice: Should any question or dispute arise about your premiums or a claim you have previously filed, first contact the agent who issued this policy or write the company. If the problem is not resolved, you may also write the State Board of Insurance, Department C, 1110 San Jacinto Street, Austin, Texas 78786.

Such notice must be prominently displayed either by overprinting, stamping, or by attachment of a gummed label on the face or declarations page of the policy or renewal certificate.

Explanation. Since the adoption of the foregoing instructions applicable to automobile policies, the board has adopted a general rule under the Administrative Procedure and Texas Register Act applicable to all lines of insurance, and the foregoing instructions are in conflict with the subsequently adopted notice and instructions.

The matters will be considered in accordance with the provisions of the Insurance Code, Article 5.96. Proponents' petitions for such rating plan or manual rule change, along with justification data, have been filed with James W. Norman, Chief Clerk, State Board of Insurance. Such petition and data may be reviewed for specificity in the office of the chief clerk or by contacting D. E. O'Brien, Director, Automobile and Miscellaneous Lines Section, Casualty Division, State Insurance Building, 1110 San Jacinto Street, Austin, Texas 78786.

The hearing will be held under authority of the Insurance Code, Articles 1.04, 1.35, 5.01, 5.03, 5.06, 5.10, and 5.96.

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

TRD-8410121 James W. Norman
Chief Clerk
State Board of Insurance

Filed: October 4, 1984
For further information, please call (512) 475-2950.

Texas State Board of Pharmacy Public Hearing

The Texas State Board of Pharmacy will conduct a public hearing at 9 a.m. on October 23, 1984, in Room 2.102, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. The hearing is to receive testimony regarding proposed 22 TAC §291.91, concerning Class D clinic pharmacies, as published in the August 17, 1984, issue of the *Texas Register* (9 TexReg 4440).

The board has determined that this section is necessary to help ensure that the practice of pharmacy in Texas is conducted in a manner which protects the health and safety of the citizens of Texas.

Requests for copies of the proposed rule should be addressed to Roger Hernandez, Texas State Board of Pharmacy, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The public is encouraged to attend the hearing and to present evidence or opinions regarding the proposed rule. Written testimony is encouraged. The board would appreciate receiving a copy of all written testimony at least 10 days before the hearing. The testimony and questions regarding the public hearing should be addressed to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, Texas State Board of Pharmacy, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

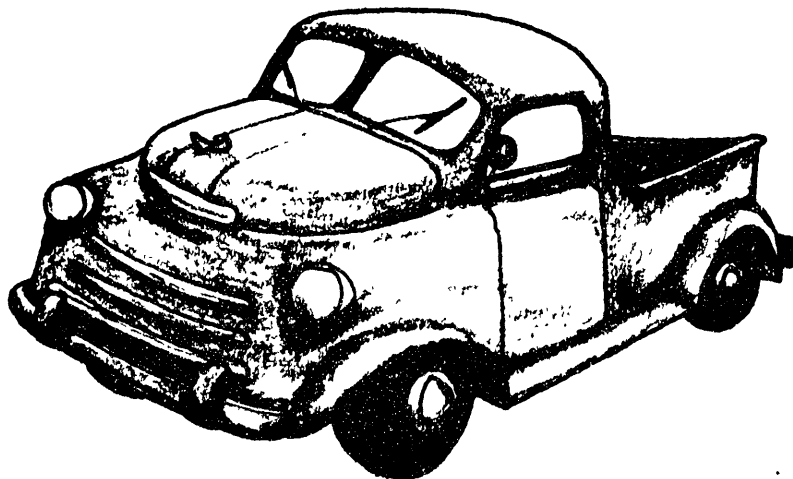
Oral testimony will be limited to a maximum of 10 minutes per individual. Persons representing organizations of 20 persons or more may be granted additional time for testimony, provided that a request for such additional time is made no less than seven days prior to the hearing.

For scheduling purposes, the following agenda will be used as far as possible: 9 a.m.-9:30 a.m.—overview of the rule; 9:30 a.m.-noon—Class D (Clinic) pharmacy, 22 TAC §291.91.

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

TRD-8410089 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Filed: October 3, 1984
For further information, please call (512) 478-9827.



**Office of the Secretary of State
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The Corporations Section of the Statutory Filings Division of the Office of the Secretary of State has revised its filing guide for corporation, limited partnership, and

assumed name documents. The updated version of this useful guide is available from the Corporations Section for \$10.50. Interested parties should use the following order form to obtain their copy (copies) of the guide. This form will be published once a week in the *Register* throughout the month of October.

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TITLE 1. ADMINISTRATION	TITLE 25. HEALTH SERVICES
TITLE 4. AGRICULTURE	TITLE 28. INSURANCE
TITLE 7. BANKING AND SECURITIES	TITLE 31. NATURAL RESOURCES AND CONSERVATION
TITLE 10. COMMUNITY DEVELOPMENT	TITLE 34. PUBLIC FINANCE
TITLE 13. CULTURAL RESOURCES	TITLE 37. PUBLIC SAFETY AND CORRECTIONS
TITLE 16. ECONOMIC REGULATION	TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 19. EDUCATION	TITLE 43. TRANSPORTATION
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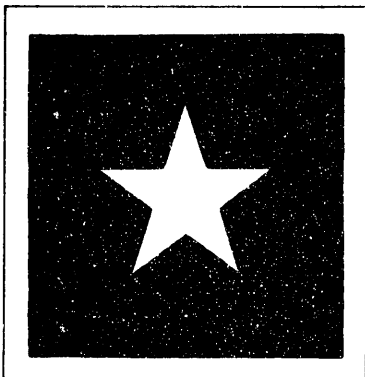
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