

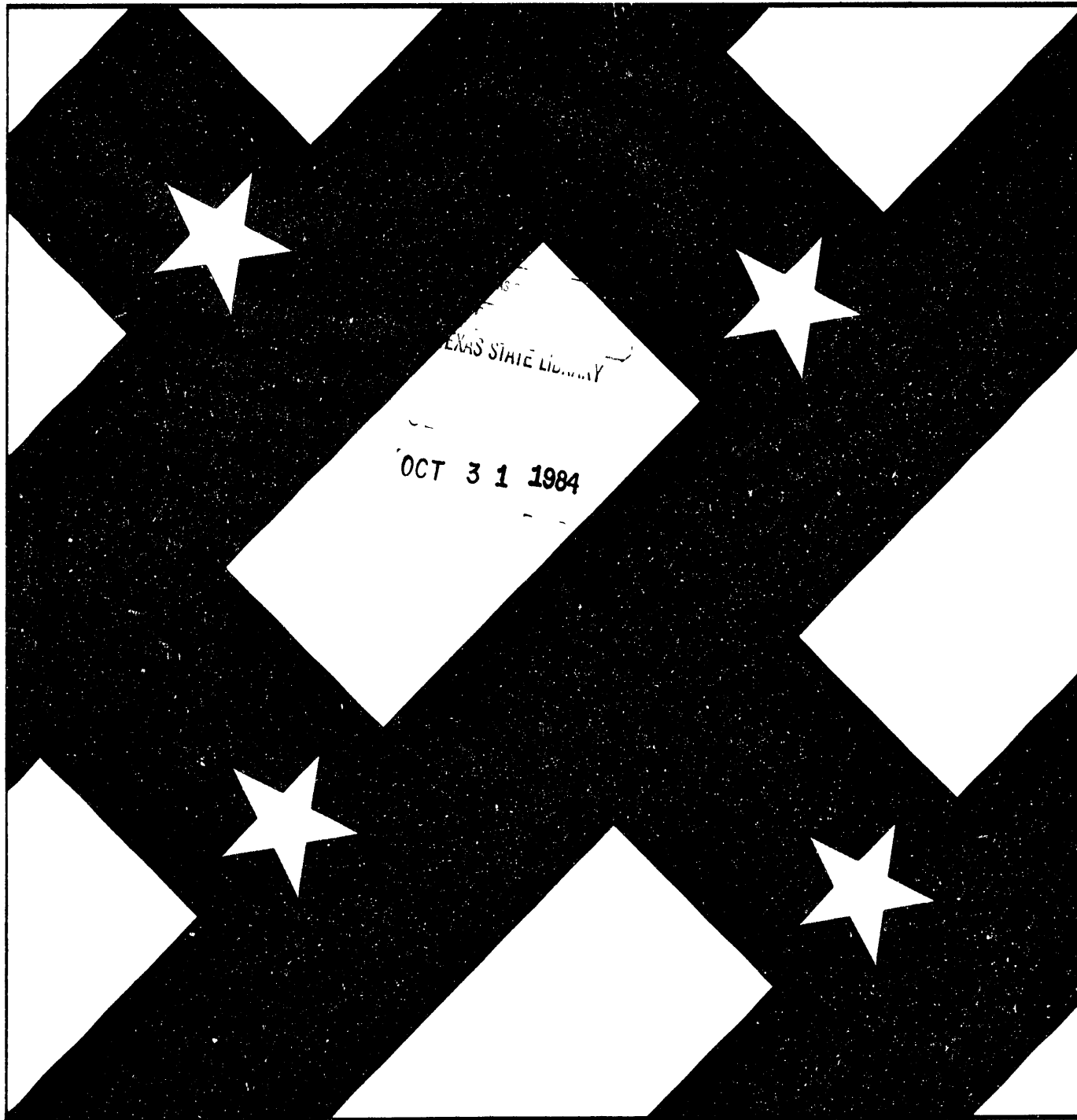
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Texas Register

Volume 9, Number 81, October 26, 1984

Pages 5497 - 5568



Highlights

The Texas Health Facilities Commission adopts an emergency new section concerning the processing of pending health care facility applications. Effective date - October 18 page 5505

The Texas Department of Human Resources adopts an emergency amendment to an

emergency new section concerning the Aid to Families with Dependent Children (AFDC) Program. Effective date - October 19 page 5505

The Railroad Commission of Texas proposes new sections concerning iron ore/iron ore gravel mining. Earliest possible date of adoption - November 26 page 5510

**Office of
the Secretary
of State**

Texas Register

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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5567 Public Information

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

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

The Governor

Appointment Made October 16

Texas National Guard Armory Board

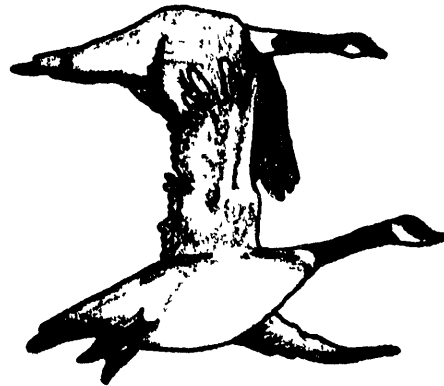
For a term to expire April 30, 1989:

V. C. Eissler
8003 Woodway, #41
Houston, Texas 77063

Mr. Eissler is replacing James Felt Crews of Lake Jackson, whose term expired.

Issued in Austin, Texas, on October 16, 1984.

TRD-8410578 Mark White
 Governor of Texas



Executive Order MW-29

Interagency Council for Nutrition and Fitness in State-Supported Facilities.

WHEREAS, there are 63,000 people who are served meals and participate in programs in Texas' state hospitals, schools, and correctional facilities; and

WHEREAS, the annual cost of food operations in these facilities is over \$63 million; and

WHEREAS, the report of the Governor's Study Committee on Nutrition and Wellness in State-Supported Institutions indicates a need for communication and coordination concerning food delivery and fitness for these facilities; and

WHEREAS, the state has the responsibility to ensure the nutritional value of meals served in state facilities while being fiscally responsible; and

WHEREAS, nutrition and fitness can serve to maximize the future productivity and personal development of the children and adults in our state facilities;

NOW, THEREFORE, I, Mark White, governor of Texas, under the authority vested in me, do hereby establish the Interagency Council on Nutrition and Fitness, hereafter referred to as the council.

I further establish the Advisory Committee to the Interagency Council on Nutrition and Fitness, hereafter referred to as the committee.

(I) Purpose. The council shall develop, monitor, and evaluate a program to promote nutrition and fitness in state-supported institutions.

(II) Organization.

(1) The council shall be composed of representatives of six state agencies which purchase, prepare, and serve meals to clients. The six agencies are:

- (A) Texas Department of Mental Health and Mental Retardation;
- (B) Texas Department of Corrections;
- (C) Texas Youth Commission;
- (D) Texas Department of Health;
- (E) Texas School for the Deaf; and
- (F) Texas School for the Blind.

- (2) The advisory committee shall be composed of representatives from each of the following:
- (A) Texas Department of Agriculture;
 - (B) Texas A&M University;
 - (C) University of Texas Medical Branch;
 - (D) Baylor College of Medicine;
 - (E) Texas Education Agency;
 - (F) Governor's Commission on Physical Fitness;
 - (G) Office of the Governor;
 - (H) Texas Dietetic Association;
 - (I) Texas Department of Human Resources; and
 - (J) Texas Department on Aging.
- (3) The governor shall designate one council member to serve as chair of the council and one committee member to serve as chair of the committee at the time the council and committee members are appointed.
- (4) Each agency shall provide support staff to the council.
- (5) Appointed council and committee members shall serve without pay, but shall be entitled to actual and necessary expenses incurred in the performance of the activities of the council.
- (III) Functions. The council shall:
- (1) make recommendations concerning the nutritional value of the food served in state-supported institutions;
 - (2) make recommendations concerning the physical fitness of clients and inmates of state-supported institutions;
 - (3) study and make recommendations concerning the food service operations, including the purchase, procurement, inventory, and overall coordination of those operations; and
 - (4) monitor the implementation of board-approved programs for nutrition and fitness within these agencies.
- The committee shall serve in an advisory and resource function for the council.
- (IV) Meetings. The council and the committee shall meet simultaneously, not less than quarterly, at the call of the chair.
- (V) Reports. The council shall submit semiannual reports to the governor, and other periodic reports as may be appropriate or requested by the governor or his staff.

Issued in Austin, Texas, on October 15, 1984.

TRD-8410579

Mark White
Governor of Texas

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

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

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

The Attorney General

Requests for Opinions

RQ-426. Request from Robert O. Viterna, executive director, Commission on Jail Standards, Austin, concerning the authority of the Commission on Jail Standards to perform an occupancy inspection of a county jail.

TRD-8410507

RQ-427. Request from Woodrow W. Mize, P.E., executive director, Texas State Board of Registration for Professional Engineers, Austin, concerning whether a professional board must revoke a person's license upon conviction of a felony.

TRD-8410508

RQ-428. Request from Fred J. Agnich, chairman, House Committee on Environmental Affairs, Austin, concerning whether the State of Texas must sell reciprocal fishing licenses to a person residing in a state which does not offer reciprocal fees to Texas residents.

TRD-8410509

RQ-429. Request from Charles E. Walker, Jr., general counsel, Board of Pardons and Paroles, Austin, concerning the authority of the Board of Pardons and Paroles to contract with counties for having prisoners incarcerated under the authority of warrants issued by the board.

TRD-8410510

RQ-430. Request from Senator Tati Santiesteban, chairman, Senate Finance Committee, Austin, concerning the authority of

a judge to restrict the type of bail available to a defendant.

TRD-8410511

RQ-431. Request from Senator Tati Santiesteban, chairman, Senate Finance Committee, Austin, concerning whether court costs may be removed from remitted bail bonds.

TRD-8410512

RQ-432. Request from Senator Glenn H. Kothmann, Texas Senate, Austin, concerning whether the Property Code, §26.04, requires or permits a county to recompute its 1983 tax rate.

TRD-8410513

RQ-433. Request from Michael G. Mask, Jack County attorney, Jacksboro, concerning whether a sheriff has discretion to refuse to enter a probation revocation warrant in a state computer under the Code of Criminal Procedure, Article 23.09.

TRD-8410514

RQ-434. Request from Carlos D. Godinez, M.D., Texas State Board of Medical Examiners, Austin, concerning whether the Texas State Board of Medical Examiners may use hearing examiners to conduct hearing of contested cases and to draft proposals for decisions therein.

TRD-8410515

RQ-435. Request from Robert R. Busse, acting commissioner, Texas Department of Labor and Standards, Austin, concerning whether personnel of the Texas Department

of Labor and Standards may act as supervisors of a union election.

TRD-8410516

Opinion

JM-204 (RQ-330). Request from Ed Grisham, chairman, Texas Employment Commission, Austin, concerning whether temporary and part-time employees of the Texas Employment Commission accrue vacation, sick leave, and holiday time.

Summary of Opinion. All hourly, temporary, and part-time employees of the Texas Employment Commission (TEC) are state employees and entitled to accrue vacation, sick leave, and holiday time credit under the same conditions as other similarly situated state employees. Such employees who transfer employment from the TEC to another state agency are entitled to transfer their accumulated vacation and sick leave time credit. Such employees are entitled at the time of separation to be paid for all vacation time duly accrued, if they have had six months continuous employment with the state. Such employees who were denied pay for work time lost due to illness must be reimbursed for the time they were sick and unable to work in an amount not to exceed their duly accrued sick leave at the time they missed work due to illness. Such employees who have been separated from

the TEC must be reimbursed for days they did not work which were official state holidays occurring during their employment at TEC. Such employees who worked on official state holidays other than the traditional national celebrated holidays are entitled to compensatory time off within a reasonable period after issuance of this opinion, if they are currently on the TEC payroll; however, if they have been previously separated from TEC employment, they are entitled to pay at a rate equivalent to 1½ times the regular rate of pay at the time of such labor. There is no time limitation on payments for the benefits earned in the past by the subject employees which are properly established under Texas Civil Statutes, Article 4357 or Article 4351b.

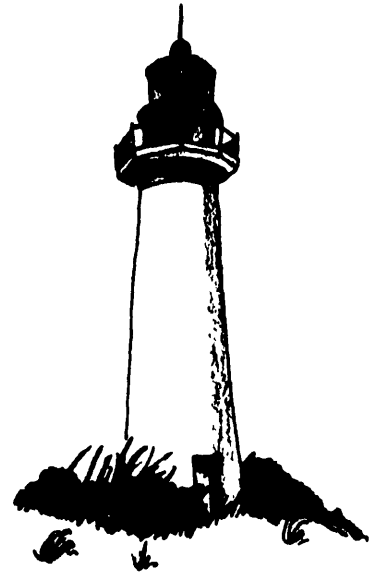
TRD-8410517

Open Records Decision

ORD-424 (RO-302). Request from Gibson D. (Gib) Lewis, Speaker of the House, Texas House of Representatives, Austin, concerning whether state auditor's reports of audit activities at the Texas Department of Corrections are open under the Open Records Act.

Summary of Decision. Certain portions of state auditor's reports of certain activities at the Texas Department of Corrections, and attachments thereto, are excepted from disclosure under the Open Records Act, §3(a)(11) and §3(a)(16) of the Open Records Act. Other portions are not excepted and must be disclosed.

TRD-8410518



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 25. HEALTH SERVICES Part V. Texas Health Facilities Commission

Chapter 527. Miscellaneous Provisions

Subchapter D. Transitional Provision

25 TAC §527.33

The Texas Health Facilities Commission (THFC) adopts on an emergency basis new §527.33. The THFC finds that the emergency basis is necessary to address an imminent threat to the public health, safety, and welfare because if the section is not immediately adopted the processing of pending health care facility applications would be delayed significantly. The delay would result in increases in health care costs and/or lack of available facilities and services to meet public health care demands.

The new section is adopted on an emergency basis pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§527.33. *Exception to Effective Date.* As an exception to the general effective date provided in §527.31 of this title (relating to Effective Date), the rules in Chapters 501 of this title (relating to Description of the Commission), 503 of this title (relating to Rule-Making Procedures), 505 of this title (relating to Terms and Phrases), 507 of this title (relating to Certificate of Need Requirements), 509 of this title (relating to Application and Petition Procedures), 513 (Subchapter A and Subchapter D of this title (relating to Criteria)), 515 of this title (relating to Com-

mission Review of Application), 517 of this title (relating to Commission Action on Applications and Other Matters), 523 of this title (relating to Forfeiture), and 525 (Subchapter A of this title (relating to Enforcement)) shall apply to applications filed prior to October 1, 1984, when such applications are subsequently joined with applications filed on or after October 1, 1984. For purposes of considering joinder of applications filed on or after October 1, 1984, with applications filed prior to October 1, 1984, a 30-day joinder period will be applied.

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

TRD-8410573

W. G. Kirklin
Chairman
Texas Health Facilities
Commission

Effective date: October 18, 1984

Expiration date: February 15, 1985

For further information, please call (512) 475-8940.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 3. Aid to Families with Dependent Children

Support Documents

40 TAC §3.9804

The Texas Department of Human Resources adopts on an emergency basis, an amendment to the emergency adoption of new §3.9804, as published in the October 5, 1984, issue of the *Texas Register* (9 Tex-

Reg 5121), concerning the standard budgetary allowances in the Aid to Families with Dependent Children (AFDC) Program. This amendment incorporates into the rule the federally mandated increase in the maximum income limits for households. These limits are increased from 150% to 185% of budgetary needs. This change was mandated as part of the Deficit Reduction Act of 1984 to be effective October 1, 1984.

Failure to implement these revised standards would result in imminent danger to the health, safety, and welfare of AFDC clients.

The amendment is adopted on an emergency basis under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs.

§3.9804. Standard Budgetary Allowances. For October 1984 and future months, the needs allowance for each size family group for aid to families with dependent children (AFDC) is as follows:

(Editor's note: The table for §3.9804 appears on the following page.)

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

TRD-8410803

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 19, 1984

Expiration date: January 29, 1985

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

Non-caretaker Cases Caretaker Cases without Second Parent Caretaker Cases with Second Parent

Family Size	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (34%)	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (34%)	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (34%)
1	\$ 314.50	\$ 170.00	\$ 57.00	\$ 379.50*	\$ 205.00*	\$ 69.00*	---	---	---
2	444.00	240.00	81.00	786.50	425.00	144.00	\$ 623.50**	\$ 337.00**	\$ 114.00**
3	625.50	338.00	114.00	914.00	494.00	167.00	1027.00	555.00	188.00
4	745.50	403.00	137.00	1097.00	593.00	201.00	1149.00	621.00	211.00
5	962.00	520.00	176.00	1223.00	661.00	224.00	1328.50	718.00	244.00
6	1038.00	561.00	190.00	1406.00	760.00	258.00	1456.00	787.00	267.00
7	1297.00	701.00	238.00	1526.50	825.00	280.00	1630.00	881.00	299.00
8	1424.50	770.00	261.00	1739.00	940.00	319.00	1757.50	950.00	323.00
9	1633.50	883.00	300.00	1863.00	1007.00	342.00	1966.50	1063.00	361.00
10	1759.50	951.00	323.00	2074.00	1121.00	381.00	2092.50	1131.00	384.00
11	1970.50	1065.00	362.00	2201.50	1190.00	404.00	2301.50	1244.00	422.00
12	2098.00	1134.00	385.00	2407.00	1301.00	442.00	2429.00	1313.00	446.00
13	2307.00	1247.00	423.00	2536.50	1371.00	466.00	2640.00	1427.00	485.00
14	2433.00	1315.00	447.00	2745.50	1484.00	504.00	2766.00	1495.00	508.00
15	2642.00	1428.00	485.00	2873.00	1553.00	528.00	2975.00	1608.00	546.00
Per each additional member	209.00	113.00	38.00	209.00^	113.00	38.00	209.00	113.00	38.00

retaker of SSI Child (child not included in family size)

retaker and Second Parent of SSI Child (child not included in family size)

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

The Texas Animal Health Commission proposes amendments to §35.4 and §35.5, concerning the Texas bovine brucellosis regulations.

In §35.4(b), Grayson County and Denton County are proposed for inclusion in the Class B area following requests from producers in those counties. Both counties are contiguous to the Class B area and have met the other requirements for inclusion.

Since Grayson County and Denton County are proposed for inclusion in the Class B area, the proposed change in §35.5(b) simply removes them from the list of counties in the Class C area.

The proposed amendments to §35.4(c)(1)(F) and §35.5(c)(1)(F) allow heifers moving on vaccination permits between the Texas Class B and Class C areas to be vaccinated on arrival at destination with state funds paid on a fee basis to the veterinarian. The proposed amendments in §35.4(c)(1)(F) and §35.5(c)(1)(F) were adopted on an emergency basis in the October 23, 1984, issue of the *Register*.

Following hearings in the Class C area of Texas and in Austin, the commission determined that the producers in that area favored a strong brucellosis calfhod vaccination program. The commission, therefore, adopted a more effective calfhod vaccination requirement for the Class C area on October 12, 1984. The proposed amendments in §35.5(d)(1) and (2) remove the current vaccination requirements for those females born after January 1, 1983, and prior to January 1, 1984. It also deletes test requirements for females that were not vaccinated during that same period of time.

Ken Welch, administration director, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government is an estimated additional cost of approximately \$48,000 each year from 1985-1989. There is no anticipated effect on local government or small businesses.

Mr. Welch also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the allowance of the greatest possible freedom of movement for cattle originating in Grayson County and Denton County, because movement requirements on cattle in a B area are less restrictive than for those in the C area. Also, these changes will make state funding for brucellosis vac-

inations equally available to all citizens of the state. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendments are proposed under the Agriculture Code, Chapter 161 and Chapter 163, which provides the commission with authority to propose rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

§35.4. Class B Area.

(a) (No change.)

(b) Class B area—Area to include the following counties: Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Denton, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Grayson, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kent, Kerr, Kimble, Kinney, King, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochilree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Sterling, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Yoakum, Young, and Zavala.

(c) Requirements for cattle entering the Class B area.

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

(A)-(E) (No change.)

(F) female cattle, originating in Texas and permitted to an approved veterinarian for vaccination [at owner's expense] within 10 days of permit date;

(G) (No change.)

(2) (No change.)

(d) (No change.)

§35.5. Class C Area.

(a) (No change.)

(b) Class C area—Area to include the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Dallas, Delta, [Denton,] DeWitt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, [Grayson,] Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidal-

go, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Medina, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Wood, and Zapata.

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

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

(A)-(E) (No change.)

(F) female cattle, originating in Texas and permitted to an approved veterinarian for vaccination [at owner's expense] within 10 days of permit date;

(G) (No change.)

(2) (No change.)

(d) Change of ownership within the Class C area.

(1) Vaccination.

[(A) All female cattle born after January 1, 1983, 18 months of age and older, except cattle from certified free herds, which are purchased or sold for use in grazing, breeding, dairying operations, or confinement in a dry lot not under quarantine, shall be officially vaccinated; or meet the testing requirements in paragraph (2)(B) of this subsection.]

(A)[(B)] All female cattle born after January 1, 1984, and between four and 12 months of age which are acquired and used in grazing, breeding, dairying operations, or confinement in a dry lot not under quarantine must be officially vaccinated.

(B)[(C)] Females born after January 1, 1984, which have not been officially vaccinated and are over 12 months of age may change ownership only after being spayed; or

(i)-(iii) (No change.)

(2) Testing—[:][A] In addition to complying with the vaccination requirements in paragraph (1) of this subsection, all nonexempt cattle [born prior to January 1, 1983], over 18 months of age (age determined by the loss of the central pair of temporary incisors) which are changing ownership within the Class C area shall originate directly from:

(A)[(i)] a certified free herd; or,

(B)[(ii)] shall be tested negative within 30 days prior to sale; or,

(C)[(iii)] consigned to a livestock market and tested negative unless "S" branded prior to sale; or

(D)[(iv)] consigned to a slaughter establishment for testing or blood collection; or,

(E)[(v)] consigned to a quarantined feedlot or quarantined pasture.

[(B) All nonvaccinated female cattle born after January 1, 1983, and over 18 months of age changing ownership within the Class C area shall originate directly from:

[(i) a certified free herd; or,

(ii) be tested negative within 30 days prior to change of ownership; and either

(I) be from a herd in which all test-eligible cattle have been together for at least 120 days and have been subjected to one negative test as a herd within the previous 365 days; or,

(II) be from a nonquarantined herd accompanied by proof of a negative test not less than 60, nor more than 365, days before the test for movement (the second test when required may be conducted at a livestock market); or,

(iii) shall be "S" branded and consigned directly to slaughter, quarantined feedlot, or quarantined pasture, or consigned to a livestock market and "S" branded and consigned directly to slaughter, quarantined feedlot, or quarantined pasture.

(C) All bulls over 18 months of age and officially vaccinated female cattle of dairy breeds over 20 months of age and beef breeds over 24 months of age or official vaccinates under those ages and which are parturient or postparturient, and born after January 1, 1983, which are changing ownership within the Class C area, shall originate directly from:

(i) a certified free herd; or,

(ii) shall be tested negative within 30 days prior to sale; or

(iii) consigned to a livestock market and tested negative unless "S" branded prior to sale; or

(iv) consigned to a slaughter establishment for testing or blood collection; or

(v) consigned to a quarantined feedlot or quarantined pasture]

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 17, 1984

TRD-8410523 John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Earliest possible date of adoption:
November 26, 1984

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

**TITLE 16. ECONOMIC
REGULATION
Part I. Railroad Commission of
Texas
Chapter 11. Surface Mining and
Reclamation Division
Subchapter E. Substantive Rules—Iron
Ore and Iron Ore Gravel Mining
Introduction**

16 TAC §11.301, §11.302

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §11.301 and

§11.302, concerning iron ore and iron ore gravel mining. Section 11.301 sets forth the purpose and authority of the iron ore/iron ore gravel mining regulations, and §11.302 establishes the applicability of such regulations.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is clarification of the purpose and applicability of rules promulgated to effectuate this newly created area of responsibility within the commission. 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 J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore/iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.301. Purpose and Authority. In order to prevent the adverse effects to society and the environment resulting from unregulated surface mining operations; to assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances are protected from such unregulated surface mining operations; to assure that surface mining operations are not conducted where reclamation as required by the Railroad Commission of Texas is not possible; to assure that surface mining operations are so conducted as to prevent unreasonable degradation to land and water resources; to assure that reclamation of all surface-mined lands is accomplished as contemporaneously as practicable with the surface mining, recognizing that the extraction of minerals by responsible mining operations is an essential and beneficial economic activity, these rules are promulgated pursuant to the directive and authority of the Texas Surface Coal Mining and Reclamation Act, Texas Civil Statutes, Article 5920-11, §4.

§11.302. Applicability.

(a) Except as provided in subsection (d) of this section, this subchapter applies to all iron ore or iron ore gravel exploration and surface iron ore or iron ore gravel mining and reclamation operations, except:

(1) the extraction of iron ore or iron ore gravel by a landowner for his or her own noncommercial use from land owned or leased by him or her.

(2) the extraction of iron ore or iron ore gravel incidental to the extraction of other minerals where iron

ore or iron ore gravel does not exceed 16.667% of the mineral tonnage removed for commercial use or sale.

(b) No person shall conduct any surface mining operations without having first obtained a surface mining permit issued by the commission pursuant to the Act.

(c) The provisions of this subchapter shall not apply to any land where the overburden has been removed and iron ore or iron ore gravel has been produced prior to September 1, 1983.

(d) This subchapter does not apply to the extraction of iron ore or iron ore gravel where the surface iron ore or iron ore gravel mining and reclamation operation has or will have an affected pit area of less than five acres.

(1) Except as provided in paragraph (2) of this subsection, surface iron ore or iron ore gravel mining operations shall be deemed related if they are under common ownership or control.

(A) Operations shall be deemed under common ownership or control if they are owned or controlled, directly or indirectly, by or on behalf of:

(i) the same person;

(ii) two or more persons, one of whom controls, is under common control with, or is controlled by the other; or

(iii) members of the same family and their relatives, unless it is established that there is no direct or indirect business relationship between or among them.

(B) For purposes of this paragraph, "control" means ownership of 50% or more of the voting shares of, or general partnership in, an entity; or any relationship which gives one person express or implied authority to determine the manner in which iron ore or iron ore gravel at different sites will be mined, handled, sold, or disposed of.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the commission may determine that two or more surface iron ore or iron ore gravel mining operations shall not be deemed related if, considering the history and circumstances relating to the iron ore or iron ore gravel, its location, the operations at the sites in question, all related operations, and all persons mentioned in paragraph (1)(A) of this subsection, the commission concludes in writing that the operations are not of the type which the Act was intended to regulate and that there is no intention on the part of such operations or persons to evade the requirements of the Act or the applicable regulatory program.

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 16, 1984.

TRD-8410527 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:
November 26, 1984

For further information, please call (512) 475-8751.



Definitions

16 TAC §11.311, §11.312

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §11.311 and §11.312, concerning statutory and regulatory definitions regarding iron ore/iron ore gravel mining and reclamation operations.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of working definitions needed to implement this new area of responsibility created by House Bill 593, 68th Legislature, 1983. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore/iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.311. Statutory Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Applicant—Any person or other legal entity seeking a permit from the commission to conduct surface mining activities

Approximate original contour—The surface configuration achieved by backfilling and grading of the surface mined area so that it closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated, although the new contour may subsequently be at a moderately lower or higher elevation than existed prior to the surface mining operation.

Commission—The Railroad Commission of Texas.

Imminent danger to the health and safety of the public—The existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise

to the peril, would not expose himself to the danger during the time necessary for abatement.

Permit—A permit to conduct surface mining and reclamation operations issued by the commission.

Permit area—The area of land indicated on the approved map submitted by the applicant with his or her application, which area of land shall be covered by the applicant's bond and shall be readily identifiable by appropriate markers on the site.

Permittee—A person holding a permit to conduct a surface mining operation.

Person—An individual, partnership, society, joint-stock company, firm, company, corporation, business organization, governmental agency, or any organization or association of citizens.

Person affected—Any person who resides in a county, or any county adjacent or contiguous to a county, in which a mining operation is or is proposed to be located, including any person who is doing business or owns land in the county or adjacent or contiguous county, and any local government, who demonstrates that he has suffered or will suffer actual injury or economic damage.

§11.312. Regulatory Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Act—The Texas Surface Coal Mining and Reclamation Act.

Activity—Any action taken toward the objective of extraction of iron ore or iron ore gravel and reclamation of the land thereafter.

Affected land or land affected—

(A) The area from which any materials are to be or have been displaced in a surface mining operation.

(B) The area in which any materials so displaced are to be or have been deposited.

(C) The haul loads and impoundment basins within the surface mining area.

(D) Other land whose natural state has been or will be disturbed as a result of the surface mining operations.

Contiguous area—Land abutting the permit area.

Exploration activity—The disturbance of the surface or subsurface for the purpose of or related to determining the location, quantity, or quality of an iron ore or iron ore gravel deposit.

Highwall—The vertical or nearly vertical wall of exposed strata adjacent to the site of a mineral deposit which results from surface mining excavation.

Iron ore—A ferruginous material containing one or more distinct minerals of iron that can be mined economically. The chief ores of iron occurring in Texas are the minerals limonite, siderite, and magnetite.

Iron ore gravel—A ferruginous material with particles more than 25% greater than ¼ inch gravel size and that contains one or more distinct minerals of iron where more than 20% of the ore material is iron.

Minerals—Iron ore or iron ore gravel.

Ore—The naturally occurring material from which a mineral or minerals of economic value can be extracted at a reasonable profit.

Party—Each person or agency named or admitted as a party.

Perennial stream—A stream or part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff. The term does not include intermittent stream or ephemeral stream.

Reclamation—The process of restoring an area affected by a surface mining operation to its original or other substantially beneficial condition, considering past and possible future uses of the area and the surrounding topography.

Rules—The regulations promulgated by the commission pursuant to the authority of the Texas Surface Coal Mining and Reclamation Act.

Surface mining—The mining of minerals by removing the overburden lying above the natural deposit of minerals and mining directly from the natural deposits exposed or mining natural deposits which are exposed on the surface.

Surface mining operation—Those activities conducted at the mining site and concomitant with the surface mining, including extraction, storage, processing, and loading of minerals and reclamation of the land affected.

Topsoil—The unconsolidated mineral matter naturally present on the surface of the earth which has been subjected to and influenced by genetic and environmental factors of parent material, climate, macroorganisms and microorganisms, and topography, all acting over a period of time, and which is necessary for the growth and regeneration of vegetation on the surface of the earth.

Toxic material—Any substance present in sufficient concentration or amount to cause injury or illness to plant, animal, or human life.

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 16, 1984

TRD-8410528 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

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For further information, please call (512) 475-8751.

Surface Mining Permits

16 TAC §§11.321-11.332

The Surface Mining and Reclamation Division of the Railroad Commission of Texas proposes new §§11.321-11.332, concerning surface mining permit requirements for iron ore and iron ore gravel mining and reclamation operations.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government is an estimated additional cost per permit of \$500 each year from 1985-1989. The estimated in-

crease in revenue is \$8,000 in 1985; \$3,000 in 1986; \$2,000 in 1987 and 1988; and \$1,000 in 1989. There is no anticipated effect on local government. The cost of compliance for small businesses is permitting costs equal to \$200 per permit (excluding liability insurance). All known operators come within the definition of a small business, therefore the cost of compliance will be the same for all businesses affected by the rules.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of a comprehensive regulatory scheme governing iron ore and iron ore gravel mining operations to prevent to the greatest extent practicable the adverse effects to society and the environment resulting from unreclaimed surface mining operations. The anticipated economic cost to individuals who are required to comply with the rules as proposed is \$200 per permit, excluding the cost of liability insurance.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore and iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.321. Term. Surface mining permits for iron ore or iron ore gravel shall be for a term not to exceed five years.

§11.322. Permit Application. A permit application may cover one or more surface mining operations conducted by a permittee which may or may not be contiguous. The application for noncontiguous operations may contain a consolidated reclamation plan covering each of the separate operations unless the nature of the operations varies to such an extent to require the delineation of distinctly separated reclamation plans. Three copies of the permit application shall be submitted to the commission.

§11.323. Elements of Permit Application.

(a) Each permit application shall include:

- (1) the name, address, and telephone number of the applicant;
- (2) a statement of whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity, and if other than a single proprietorship, provide the name, address, and telephone number of owners, principal shareholders, and management officers;
- (3) the name, address, and telephone number of the operator, if the operator is to be a person different from the applicant;
- (4) the name, address, and telephone number of the person or persons authorized to act for the applicant

during consideration of the application (attorneys, engineering firms, applicant's mining superintendent, etc.);

- (5) the names and addresses of every legal or equitable owner of record of the property to be mined;
- (6) the names and addresses of the holders of record of any leasehold interest in the property to be mined;
- (7) the names and addresses of every owner of record of land within 500 feet of the permit area;
- (8) the amount of time necessary for the term of the permit not to exceed five years;
- (9) an initial application fee of \$200 shall be submitted in the form of cash or check, and if check, it should be made payable to the State of Texas; and
- (10) all other information reasonably required in the permit application form as provided by the commission.

(b) An application for a permit to engage in iron ore or iron ore gravel mining activities in which no single site will be larger than 30 acres shall contain the following:

- (1) a map, having a scale not smaller than one inch equals two miles, which indicates the location of the mine site(s) and which provides sufficient detail to readily identify the area(s) to be mined and affected during the estimated life of each mining operation;
- (2) a description of the method(s) of mining and a list of equipment which will be used;
- (3) the total acreage to be disturbed and the acreage to be disturbed for each mine site; and
- (4) an affidavit that all persons have been notified of the permit application as required by §11.324(e) of this subchapter (relating to Notices of Filing of Permit Applications).

(c) An application for a permit to engage in iron ore or iron ore gravel mining activities on a single site larger than 30 acres shall contain the following:

- (1) a description of the method(s) of mining and a list of equipment which will be used;
- (2) the total acreage to be disturbed and the acreage to be disturbed for each mine site;
- (3) the applicant shall include within 15 days following the last day of publication of notice of the application for a permit, an affidavit of publication in compliance with the requirements of §11.31 of this chapter (relating to Public Notice). Notice: the applicant is solely responsible for providing legally adequate notification of the application for a permit as provided in this subchapter;
- (4) identification and description of pipelines located in the permit area and within 100 feet thereof; and
- (5) a plan to reclaim all land disturbed by the surface mining operation. The reclamation plan shall be developed in a manner consistent with local, physical, environmental, and climatological conditions and current mining and reclamation technologies. Where applicable, the plan shall include:
 - (A) a map, having a scale not smaller than one inch equals two miles, which indicates the location of the mine site(s) and which provides sufficient detail to readily identify the area(s) to be mined and affected during the estimated life of the mining operation;
 - (B) the condition and uses of the land to be covered by the permit prior to any mining;
 - (C) the capacity of the land to support its anticipated use following reclamation, including a discussion

of the capacity of the reclaimed land to support alternative uses;

(D) a description of how the proposed post-mining condition is to be achieved and the necessary support activities that may be needed to achieve the condition; and

(E) a general timetable that the permittee estimates will be necessary for accomplishing the major events contained in the reclamation plan.

§11.324. Notices of Filing of Permit Applications.

(a) An applicant for a permit in which any single site to be mined exceeds 30 acres shall place an advertisement in a local newspaper of general circulation in the locality of the proposed iron ore or iron ore gravel mining operations at least once a week for four consecutive weeks. The applicant shall place the advertisement in the newspaper at the same time the complete permit application is filed with the commission. The advertisement shall contain, at a minimum, the following information:

(1) the name and business address of the applicant;

(2) a map or description which shall:

(A) clearly show or describe towns, rivers, streams, or other bodies of water, local landmarks, and any other information, including routes, streets, or roads, and accurate distance measurements necessary to allow local residents to readily identify the proposed permit area;

(B) clearly show or describe the exact location and boundaries of the proposed permit area; and

(C) if a map is used, indicate the north point;

(3) the location where a copy of the application is available for public inspection under subsection (d) of this section;

(4) the name and address of the commission to which written comments, objections, or requests for a public hearing or informal conference on the application may be submitted; and

(5) if an applicant seeks a permit to mine within 100 feet of the outside right-of-way of a public road or to relocate a public road, a concise statement describing the public road, the particular part to be relocated, where the relocation is to occur, and the duration of the relocation.

(b) Upon receipt of a complete application for a permit, the commission shall issue written notification of:

(1) the applicant's intention to surface mine a particularly described tract of land;

(2) the application number;

(3) where a copy of the application may be inspected; and

(4) where comments on the application may be submitted.

(c) The written notifications shall be sent to the following public entities in order to obtain comments on the effects of the proposed mining operation on the environment within their respective areas of responsibility:

(1) Texas Department of Water Resources;

(2) Texas Department of Health;

(3) Texas Air Control Board;

(4) Texas Historical Commission;

(5) University of Texas Bureau of Economic Geology;

(6) Texas State Soil and Water Conservation Board;

(7) Texas Parks and Wildlife Department;

(8) General Land Office; and

(9) State Department of Highways and Public Transportation;

(10) federal, state, and local government agencies with jurisdiction over or an interest in the area of the proposed operations, including, but not limited to, general governmental entities and fish and wildlife and historic preservation agencies;

(11) governmental planning agencies with jurisdiction to act with regard to land use, air, or water quality planning in the area of the proposed operations;

(12) sewage and water treatment authorities and water companies, either providing sewage or water services to users in the area of the proposed operations or having water sources or collection, treatment, or distribution facilities located in these areas; and

(13) the federal or state governmental agencies with authority to issue all other permits and licenses needed by the applicant in connections with operations proposed in the application.

(d) The applicant shall make full a copy of the complete permit application available.

(e) The applicant shall file a copy of the complete application under subsection (d) of this section by the first date of newspaper advertisement of the application. The applicant shall file any subsequent revision of the application with the county clerk or other approved public office at the same time the revision is submitted to the commission.

(f) Written comments and requests for a public hearing on permit applications may be submitted to the commission within 30 days after the last publication of the newspaper notice. The commission shall immediately transmit a copy of all comments to the applicant and to the public office where the applicant filed a copy of the permit application for public inspection.

(g) An applicant for a permit in which no single site to be mined exceeds 30 acres shall, in lieu of the notice requirements in subsections (a)-(d) of this section, notify all persons identified in the permit application pursuant to §11.323(a)(5)-(7) of this title (relating to Elements of Permit Application). These persons shall be notified of the permit application and of their right to comment or request a hearing on the application. Notice shall be sent at the time the application is submitted to the commission and all persons notified shall have 15 days from the date notice is received to submit any comments or request a hearing on the application.

§11.325. Areas Where Mining is Prohibited or Limited.

When an application is made to conduct a surface mining operation, the commission shall immediately cause a reconnaissance survey to be made of the areas proposed to be included within the proposed permit prior to the issuance of a permit. Following the survey and/or hearing where one is warranted, the area may be designated unsuitable for all or certain types of surface mining if:

(1) such operations will adversely affect any national park, national monument, national historic land-

mark, property listed on the national register of historic places, national forest, national wilderness area, national wild and scenic area, state park, state wildlife refuge, state forest, recorded Texas historic landmark, state historic site, state archaeological landmark, or city or county park (a surface mining operation will be presumed to not adversely affect any of the areas listed in this paragraph if the agency or governmental body responsible for such area has no objection to the proposed surface mining operation);

(2) areas subject to frequent flooding or areas located within recharge zones of aquifers which provide drinking water to the public are determined by the commission to be unsuitable for conventional surface mining operations;

(3) within 100 feet measured horizontally of the outside right-of-way line of any public road, except:

(A) where mine access roads or haulage roads join such right-of-way line; or

(B) where the commission allows the public road to be relocated or the area affected to be within 100 feet of such road;

(4) within 300 feet measured horizontally from any occupied dwelling, unless the owner thereof has provided a written waiver consenting to surface iron ore or iron ore gravel mining operations closer than 300 feet;

(5) within 300 feet measured horizontally of any public building, school, church, community or institutional building, or public park;

(6) within 100 feet measured horizontally of a cemetery;

(7) within 100 feet measured horizontally from any oil or gas well or any oil or gas pipeline;

(8) within 100 feet of a perennial or major stream.

§11.326. Application Approval. When notifying applicant of approval of a permit application, the commission shall inform the applicant of the amount of the performance bond required for each surface mining operation covered by the permit.

§11.327. Bonding and Insurance. After receipt of notification of application approval as provided in §11.325 of this subchapter (relating to Application Approval), applicant shall submit to the commission within 180 days following notification of approval:

(1) a certificate of insurance on a form provided by the commission and executed by an insurance company authorized to conduct business in the State of Texas covering surface mining operations authorized by a permit showing protection of the following types in the amounts indicated:

(A) bodily injury, \$500,000 per person, \$1.5 million per accident;

(B) property damage, \$1 million per accident; which includes, but is not limited to, damage resulting from the use of explosives;

(2) unless the commission accepts the bond of the permittee itself, without separate surety, as provided in §11.422 of this subchapter (relating to Personal Bond), a performance bond (or other substitute collateral) covering the surface mining operation on a form to be provided by the commission (payable to the State of Texas) and conditioned on full and faithful performance of all re-

quirements of this subchapter and the permit for which the application was filed.

§11.328. Permit Issuance. The commission will issue a written permit within 30 days after the certificates of insurance and performance bond (or other substitute collateral) have been received by the commission. The applicant shall have the right to proceed with activities covered by his application immediately upon receipt of the permit.

§11.329. Renewal.

(a) Any valid surface mining permit issued pursuant to this subchapter shall carry with it the right of successive renewal on expiration. The holder of such permit may apply for renewal no later than 90 days prior to the expiration of the permit and such renewal shall be issued on the written findings by the commission that:

(1) the terms and conditions of the existing permit are being satisfactorily met;

(2) the performance bond or other substitute collateral required under the terms of this subchapter continues in full force and effect and is unimpaired for the requested renewal;

(3) the operator has provided any additional or revised information required by the commission; and

(4) notice under §11.31 of this chapter (relating to Public Notice) has been provided with respect to the application for renewal.

(b) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards, including the application fee, applicable to new applications under this subchapter.

(c) Any surface mining permit renewal shall be for the term established in the original permit, or for such term as the applicant requests, not to exceed five years.

(d) In the event a renewal application which satisfies the requirements of this subchapter and upon which the commission has made no final determination by the date of expiration of the prior permit, the permittee may continue the surface mining operations pursuant to the conditions of the prior permit until such time as the commission acts upon the renewal application.

§11.330. Transfer.

(a) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this subchapter shall be made without the written approval of the commission. Any person desiring to succeed to the interests of a permittee hereunder must file an application on a form prescribed by the commission setting out the following information:

(1) information relating to ownership and other mining activities of the applicant;

(2) proof that the public liability insurance requirement of §11.327(1) of this subchapter (relating to Bonding and Insurance), will be fulfilled;

(3) proof that the performance bond or other substitute collateral required in §11.327(2) of this subchapter (relating to Bonding and Insurance) will be furnished;

(4) the statement of the applicant that he will faithfully carry out all of the requirements of the reclamation plan approved in the permit; and

(5) an affidavit of publication of notice from the newspaper of the greatest general circulation in the locality of the land affected.

(b) The application for transfer shall be approved, subsequent to notice and opportunity for public hearing, if any is required under §§11.31-11.37 of this chapter (relating to Notice and Hearing), on the written finding by the commission that the following requirements have been met:

- (1) the terms and conditions of the existing permit are being satisfactorily met;
- (2) the performance bond or substitute collateral required under the terms of this subchapter is adequate and will continue in full force and effect;
- (3) the transferee has provided any additional or revised information required by the commission; and
- (4) notice under §11.31 of this chapter (relating to Public Notice) has been provided with respect to the application for transfer.

(c) The application for transfer may be denied if the transferee has had any permit issued hereunder revoked, or any bond posted to comply with the rules forfeited, and if the conditions causing the bond to be forfeited have not been corrected to the satisfaction of the commission.

(d) Upon approval of the transfer and the posting of adequate bond and proof of insurance by the transferee, the commission shall release the transferor's bond in its entirety.

§11.331. Permit Approval. The surface mining permit shall be granted if it is established that the application complies with the requirements of this subchapter and all applicable federal and state laws. The commission may approve a surface mining permit conditioned upon approval of all other state permits or licenses which may be required.

§11.332. Permit Denial. The commission may deny a permit if:

- (1) the commission finds that the reclamation as required by this subchapter cannot be accomplished;
- (2) any part of the proposed operation lies within areas where mining is prohibited or limited as designated by §11.325 of this subchapter (relating to Areas Where Mining is Prohibited or Limited); provided, however, the application may be amended to exclude such designated areas;
- (3) the applicant has had any other permit issued under the Act revoked, or any bond posted to comply with this subchapter forfeited, and the conditions causing the permit to be revoked or the bond to be forfeited have not been corrected, or are in the process of being corrected, to the satisfaction of the commission;
- (4) after notice to any governmental authority having jurisdiction, the commission determines that the proposed operation will adversely affect any public highway or road (a surface mining operation will be presumed not to adversely affect a public highway or road if the governmental authority responsible for the location and/or maintenance of the highway or road has no objection to the surface mining operation); or
- (5) the permittee is unable to produce the bonds or otherwise meet the requirements of §§11.421-11.426 of this subchapter (relating to Performance Bonds).

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 16, 1984.

TRD-8410529 Walter Earl Lille
Special Counsel
Railroad Commission of Texas

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November 26, 1984

For further information, please call (512) 475-8751.

Termination, Suspension, Revision, and Correction of Permits

16 TAC §§11.341-11.345

The Surface Mining and Reclamation Division of the Railroad Commission of Texas proposes new §§11.341-11.345, concerning termination, suspension, revision, and correction of permits to conduct iron ore and iron ore gravel mining and reclamation operations.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government is an estimated additional cost per revision of \$250 each year from 1985-1989. There is no anticipated effect on local government or small businesses.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of a comprehensive regulatory scheme governing iron ore and iron ore gravel mining operations to prevent to the greatest extent practicable the adverse effects to society and the environment resulting from unreclaimed surface mining operations. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore and iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.341. Basis of Revocation and Suspension. A permit does not become a vested right in the holder. Following an inspection, the permit may be revoked or suspended by the commission for good cause, in accordance with the provisions of §11.343 of this subchapter (relating to Revocation or Suspension without Consent), on one or more of the following grounds.

(1) Any conditions or practices exist, or the permittee is in violation of any requirement of the rules or any permit condition, which condition, practice, or violation also creates an imminent danger to the health or safety of the public, or is causing or can reasonably be expected to cause significant imminent harm to land, air, or water resources.

(2) Any permittee is in violation of any requirement of its permit or the rules, although such violation does not create an imminent danger to the health or safety of the public, or cause or can be reasonably expected to cause significant imminent harm to land, air, or water resources.

(3) A pattern of violations of any requirements of the rules or any permit conditions exists or has existed, and the commission finds that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of the rules or any permit conditions or that such violations are willfully caused by the permittee.

§11.342. Termination or Suspension with Consent. If the holder of a permit no longer desires to operate the surface mining operation or is agreeable to a suspension of this authority to do so for a specified period of time, he should file a written waiver or consent to the suspension of this authority with the Surface Mining and Reclamation Division of the commission; if he so requests, the division will prepare and send him a written waiver or consent to execute. The commission may then enter an order terminating the permit or suspending the authority to operate the surface mining operation for a specified period. A copy of the order shall be sent by mail to the holder of the permit.

§11.343. Revocation or Suspension Without Consent. Whenever, on the basis of any inspection, the commission or its authorized agent or representative determines or has reason to believe that any of the elements contained in §11.341 of this subchapter (relating to Basis of Revocation and Suspension) exist, the commission shall:

(1) when the elements of §11.341(1) of this subchapter (relating to Basis of Revocation and Suspension) exist, immediately order a cessation of surface mining operations on the portion relevant to the condition, practice, or violation. The cessation order shall fix a time and place for a hearing to be held before the commission which shall be as soon after the order is issued as is practicable, but in no event later than 10 days. Such general notice of the hearing shall be given as in the judgment of the commission is practicable under the circumstances. No more than 24 hours after commencement of such hearing, the commission shall affirm, modify, or set aside the order;

(2) when the elements of §11.341(2) of this subchapter (relating to Basis of Revocation and Suspension) exist, issue a notice to the permittee or his agent fixing a reasonable time, but not more than 30 days for the abatement of the violation. If on expiration of the period of time as originally fixed or subsequently extended, for good cause shown, and on the written finding of the commission, the commission finds that the violation has not been abated, or is not in the process of being abated, and after a hearing, if one is requested in writing by the operator within 15 days following the time period required to abate the violation, it may order a cessation of surface mining operations on the portion relevant to the violation.

The cessation order shall remain in effect until the commission determines that the violation has been abated, or until modified, vacated, or terminated by the commission pursuant to paragraph (3) of this section;

(3) when the elements of §11.341(3) of this subchapter (relating to Basis of Revocation and Suspension) exist, issue an order to the permittee to show cause as to why the permit should not be suspended or revoked. The order shall fix a time and place for a hearing to be held in accordance with the notice requirements of §§11.31-11.37 of this chapter (relating to Notice and Hearing). On the permittee's failure to show cause as to why the permit should not be suspended or revoked, the commission shall suspend or revoke the permit.

§11.344. Revision on Motion or With Consent.

(a) The holder of a permit, on his own initiative or upon request of the commission, may file an application to revise the permit in any particular.

(b) If, after a permit has been issued, the holder of a permit wishes to mine iron ore or iron ore gravel at a site not included in the permit issued by the commission and at which less than 30 acres will be disturbed, the following will apply:

(1) provide to the commission the information required in §11.323(b) of this title (relating to Elements of a Permit Application) and §11.324(e) of this title (relating to Notices of Filing of Permit Applications);

(2) within 10 days after receiving this information, the commission shall inspect the proposed site to be added to establish pre-mine conditions and to determine if surface mining would be prohibited by this subchapter as set out in §11.325 of this title (relating to Areas Where Mining is Prohibited or Limited);

(3) the permittee may proceed to mine, provided adequate bond is on file with and approved by the commission, upon receiving notification from the commission that surface mining is not prohibited and the pre-mine inspection has been completed at the site proposed to be added;

(c) if a single area, where the total disturbed area would exceed 30 acres, is to be added to a permittee's permit, a document shall be prepared setting forth the revisions desired. The holder of a permit shall use the form of an application for a permit and indicate thereon the changes requested. The manner of preparation of the application for a revision of a permit and the information submitted shall conform to the requirements of §§11.322, 11.323, and 11.324(a)-(c) of this subchapter (relating to Surface Mining Permits).

(1) The commission shall determine within 10 days after receiving the application for revision whether or not the application for revision proposes a substantial change in the intended use of the land or significant alteration in the reclamation plan.

(2) Determinations by the commission of a revision of a permit shall be made in conformity with the procedure established for notification of disapproval of an application for a revision and method of appeal of the decision provided for in §11.342 of this subchapter (relating to Termination or Suspension With Consent).

(3) Any application for revision of a permit which proposes a substantial change in the intended future use of the land or significant alteration in the reclamation plan shall comply with the notice and hearing require-

ments set out in §§11.31-11.37 of this chapter (relating to Notice and Hearing) and shall be approved or disapproved by the commission within 60 days of the date the commission determines whether or not the revision is sufficient to warrant a public hearing.

§11.345. Corrections. In the following situations, the commission may make a correction to a permit or order by reissuing the permit or order without the necessity of observing the formal revision procedure described in §11.344 of this subchapter (relating to Revision on Motion or With Consent):

- (1) to correct a clerical or typographical error;
- (2) to describe more accurately the location of the authorized surface mining operation;
- (3) to describe more accurately the nature, type, and method of the surface mining operation;
- (4) to describe more accurately any provision in a permit or order, but without changing the substance of any such provision.

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 16, 1984.

TRD-8410530 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

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For further information, please call (512) 475-8751.



Exploration Activities

16 TAC §§11.361-11.363

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §§11.361-11.363, concerning iron ore/iron ore gravel exploration activities.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government is an estimated additional cost per permit of \$100 each year from 1985-1989. There is no anticipated effect on local government. All known operators come within the definition of a "small business." Therefore, there is no basis for comparison, and the cost of compliance will be the same for all businesses affected by the rules.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of a comprehensive regulatory scheme governing iron ore/iron ore gravel mining operations to prevent to the greatest extent practicable the adverse effects to society and

the environment resulting from unreclaimed surface mining operations. The anticipated economic cost to individuals who are required to comply with the rules as proposed is the cost of preparation and submission of notice, which will be \$5.00 each year from 1985-1989.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore/iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.361. Notice. Any person planning to undertake exploration activities which involve exploratory drilling for iron ore or iron ore gravel shall provide written notice thereof and obtain an exploration permit from the commission prior to undertaking such exploration activities.

§11.362. Content of Notice. The notice set forth in §11.361 of this subchapter (relating to Notice) shall be submitted in three copies and shall contain the following information:

- (1) a map, having a scale not smaller than one inch equals two miles, so as to readily identify the general geographic area in which such exploration activities are to be carried out;
- (2) a description of the method or methods of exploration which will be used;
- (3) an estimate of the number and the depth of holes to be drilled and amount of acreage which will be distributed in the course of such activities;
- (4) an estimate of the period of time during which such exploration activities shall be carried out.

§11.363. Permit. The exploration activity permit shall be valid for a period of up to one year from the date of issuance and shall be renewable upon application to the commission. Such permit shall constitute authority from the commission to drill exploration holes in the area covered in the permit and on which the permittee has a legal right to enter to explore for iron ore or iron ore gravel. The permit shall also establish the minimum requirements for plugging the exploration holes. Reclamation shall be performed according to the standards set forth in §11.371 of this title (relating to Iron Ore and Iron Ore Gravel Mining Performance).

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

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TRD-8410531 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

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Reclamation

16 TAC §§11.371-11.373

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §§11.371-11.373, concerning reclamation operations following iron ore and iron ore gravel mining.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules. The cost of compliance with the sections for small businesses is \$500 per acre requiring reclamation. All known operators come within the definition of a small business. There is therefore no basis for comparison, and the cost of compliance will be the same for all businesses affected by the rules.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of a comprehensive regulatory scheme governing iron ore and iron ore gravel mining operations, to prevent to the greatest extent practicable the adverse effects to society and the environment resulting from unreclaimed surface mining operations. The anticipated economic cost to individuals who are required to comply with the sections as proposed is \$500 per acre requiring reclamation.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore and iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.371. *Iron Ore and Iron Ore Gravel Mining Performance.*

(a) The permittee of all surface mining and reclamation operations not otherwise exempted or excluded shall, as a minimum:

(1) display an identification sign at the main point of access to the permit area from a public road, showing the name of the person who conducts the surface mining activities and the identification number of the current permit authorizing surface mining activities;

(2) remove the topsoil, if any, and replace it on the backfill area; or, if not utilized immediately, segregate it in a separate pile from other spoil, and when the topsoil is not replaced on a backfill area within two months, maintain a successful cover by quick growing plants or other means so that the topsoil is preserved from wind and water erosion;

(3) replace the topsoil or the best available subsoil, if any, on top of the land to be reclaimed;

(4) refrain from surface mining within 100 feet of active and abandoned underground mines;

(5) insure that all debris, toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters or combustion;

(6) insure that any explosives are used only in accordance with existing state and federal laws and regulations promulgated by the commission;

(7) with respect to pipelines transmitting crude oil, liquid petroleum, natural gas, toxic or flammable substances:

(A) visibly mark the location of pipelines at 200-foot intervals throughout the permit area;

(B) insure a minimum of six feet of compacted material between the pipeline and any haul road or access road within the permit area which crosses over it;

(C) insure that blasting operations are not conducted within 200 feet of a pipeline;

(D) comply with rules and regulations pursuant to Texas Civil Statutes, Article 6053-1; regarding safety regulations for gas pipeline facilities, Texas Railroad Commission, Gas Utilities Docket 446 (December 31, 1974), as amended; 40 Code of Federal Regulations Parts 191, 192, and 195; and regulations applicable to hazardous liquid pipelines; and

(E) at the discretion of the commission, variances to subparagraphs (A)-(C) of this paragraph may be granted by the commission. Variances to subparagraphs (B) and (C) of this paragraph will be granted if, in the opinion of the commission, the structural integrity of the pipeline will be maintained and if agreed to by the owner of the pipeline;

(8) stabilize and protect all surface areas affected by mining and reclamation operations to effectively control erosion and attendant air and water pollution;

(9) insure that construction, maintenance, and postmining conditions of access roads into and across the site of operations will minimize erosion and siltation, pollution of air and water, damage to fish or wildlife or their habitat, or public or private property, provided that the commission may permit the retention after mining of certain access roads if compatible with the approved reclamation plan;

(10) with respect to the use of impoundments for the disposal of mine wastes, processing wastes, or other liquid or solid wastes, incorporate current engineering practices for the design and construction of water retention facilities which, at a minimum, shall be compatible with the requirements of Texas Water Code, §6.0731, and applicable federal laws, to insure that leachate will not pollute surface or groundwater;

(11) provide, prior to creating a cut for a surface mining operation, a drainage system adequate to prevent storm water runoff from coming into contact with the surface mining operation in quantities which would cause significant degradation of area surface and groundwaters. Techniques that the permittee may utilize to accomplish the provisions of paragraphs (1)-(10) of this subsection include, but are not limited to:

(A) grading of the overburden;

(B) reliance upon the existence of natural drainage in the area; and

(C) the construction of ditches, dams, or berms;

(12) With respect to permanent impoundments of water as a part of the approved reclamation plan, insure that:

(A) the size of the impoundment and the availability of water are adequate for its intended purpose;

(B) the impoundment dam construction will meet the requirements of applicable state and federal laws;

(C) the quality of impounded water will be suitable on a permanent basis for its intended use and the discharges from the impoundment will not degrade the water quality in the receiving stream;

(D) final grading will provide adequate safety and access for anticipated water users;

(E) banks from the top down to 10 feet below the mean water level shall be established as a slope of not greater than one foot vertical to four feet horizontal; and

(F) such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses, except as permitted under the applicant's water rights as established by state law;

(13) restore the land affected to the same or a substantially beneficial condition considering the present and past uses of the land, so long as such condition does not present any actual or probable hazard to public health or safety or pose an actual or probable threat of water diminution or pollution, and the permittee's declared anticipated land use following reclamation is not deemed to be impractical or unreasonable, to involve unreasonable delay in implementation, or to be violative of federal, state, or local law; provided that a variety of postmining land uses which differ from the land use immediately preceding the surface mining operation may be implemented by the permittee if the proposed condition is demonstrated to be substantially beneficial and complies with the provisions of §§11.371-11.373 of this subchapter (relating to Reclamation);

(14) reduce all highwalls, spoil piles, and banks to a slope sufficient to effectively control erosion;

(15) insure that all reclamation efforts proceed as contemporaneously as practicable with the surface mining operation;

(16) planting shall be done when the season, local weather conditions, and soil conditions are suitable for seed germination and plant survival;

(17) provide that toxic-forming materials present in spoil ridges or in the exposed face of a mined ore deposit be covered with a minimum of four feet of non-toxic materials;

(18) stabilize any waste piles;

(19) establish on all affected lands a vegetative cover native to the affected land where vegetation existed prior to mining and capable of self-regeneration, with a minimum coverage of 70%. Introduced species may be used in the revegetation process where desirable or necessary to achieve the approved reclamation plan;

(20) assume responsibility for revegetation until the vegetation has been successfully reestablished. Revegetation shall be considered successful when it is:

(A) capable of self-regeneration and plant succession; and

(B) capable of providing adequate erosion control.

(b) In implementing the standards enumerated in this section, the following guidelines shall apply.

(1) The applicant's declared anticipated land use following reclamation will be considered unacceptable to the commission unless such land following reclamation will be returned to the same condition as it enjoyed prior to mining or to a condition determined by the commission to be substantially beneficial. In determining whether the anticipated postmining land use is substantially beneficial, the commission may consider, although not exclusively, practicable uses to which the land may be put; the past and present market value of the land; its productivity, past and present; its support of habitat for wildlife, past and present; and its provision for recreational utility, past and present.

(2) Except where the land will be inundated by a permanent water impoundment or unless the value and/or usefulness of the land will be reasonably comparable to or enhanced by an alternative procedure, the permittee will restore the surface of the land to its approximate original contour, provided that no slopes are greater than 10%.

§11.372. Alternative Methods. A method of reclamation other than that provided in §11.371 of this subchapter (relating to Iron Ore and Iron Ore Gravel Mining Performance) may be approved by the commission after opportunity for public hearing, if the commission determines that any method of reclamation required by this subchapter is not practical and that the alternative method will provide for the affected land to be restored to a substantially beneficial condition.

§11.373. Amendments. The permittee may revise or amend an approved reclamation plan at any time in accordance with the requirements of §11.344(b) of this subchapter (relating to Revision on Motion or With Consent).

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 16, 1984.

TRD-8410532 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

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For further information, please call (512) 475-8751.

Mine Closing and Release

16 TAC §11.401, §11.402

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §11.401 and §11.402, concerning iron ore and iron ore gravel mine closing and release.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The anticipated effect on state government is an estimated additional cost per closing of \$400 each year from 1986-1989. There is no anticipated effect on local government. All known operators come within the definition of a small business. There is therefore no basis for comparison and the cost of compliance will be the same for all businesses affected by the rules

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is establishment of a comprehensive regulatory scheme governing iron ore and iron ore gravel mining operations to prevent to the greatest extent practicable the adverse effects to society and the environment resulting from unreclaimed surface mining operations. The anticipated economic cost to individuals who are required to comply with the rules as proposed is the cost of notice preparation and publication per closing which will be \$80 each year from 1985-1989

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore and iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.401. Closing. Any mining operation site for which a bond has been submitted will be considered closed for purposes of this subchapter at such time as the operator demonstrates to the commission that all the requirements of §§11.371-11.373 of this subchapter (relating to Reclamation) have been met.

§11.402. Release. Upon the fulfillment of the requirements set forth in §11.401 of this subchapter (relating to Closing) or §11.330 of this subchapter (relating to Transfer), the operator will be released from further responsibility for activities and reports required by this section. The operator will be notified in writing by the commission upon such release, which notification shall be a prerequisite to final release of bond under §§11.421-11.426 of this subchapter (relating to Performance Bonds).

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

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TRD-8410533 Walter Earl Lilie
Special Counsel
Railroad Commission of Texas

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For further information, please call (512) 475-8751.

Performance Bonds

16 TAC §§11.421-11.426

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §§11.421-11.426, concerning performance bonds for iron ore and iron ore gravel mining and reclamation operations.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for local government as a result of enforcing or administering the rules. The anticipated effect on state government is an estimated additional cost per performance bond of \$200 each year from 1985-1989. All known operators come within the definition of a small business. There is therefore no basis for comparison, and the cost of compliance will be the same for all businesses affected by the rules.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of a comprehensive regulatory scheme governing iron ore and iron ore gravel mining operations to prevent to the greatest extent practicable the adverse effects to society and the environment resulting from unreclaimed surface mining operations. The anticipated economic cost to individuals who are required to comply with the rule as proposed is the cost of performance bond, which is \$100-\$300 for each year from 1985-1989. Performance bonds for mine sites of 30 acres or more may be higher.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore and iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations

§11.421. Amount of Bond.

(a) The amount of the bond shall be determined by the commission and shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by a third party in the event of forfeiture. Bonds shall be fixed at no less than the amounts set forth in the following schedule:

Total Permit Area (in acres)	Bond Amount
5 but less than 10	\$ 5,000
10 but less than 20	10,000
20 but less than 30	15,000

(b) If areas to be bonded equal or exceed 30 acres, a bond analysis will be performed by the commission and a bond amount determined.

§11.422. Personal Bond.

(a) The commission may accept the bond of the operator itself, without separate surety, when the operator demonstrates to the satisfaction of the commission the existence of a suitable agent to receive service of process and history of financial solvency and continuous operation sufficient to self-insure or bond such amount.

(b) The commission will be satisfied of the applicant's financial solvency and may accept the applicant's bond without separate surety if at the time of the consideration of the application and during each of the five years prior to the application, the applicant has owned net assets in excess of liabilities, as those terms are defined by generally accepted accounting principles, located in Texas and subject to process, in an amount at least twice the amount of the bond furnished, or in the opinion of the commission, commensurate criteria.

§11.423. Duration of Liability. Liability under the bond shall be for the duration of surface mining and reclamation operations and for a period coincident with the operator's responsibility pursuant to §11.401 and §11.402 of this subchapter (relating to Mine Closing and Release).

§11.424. Form of Bond or Collateral. Except as provided in §11.422 of this subchapter (relating to Personal Bond), the bond shall be executed by the operator and a corporate surety licensed to do business in the State of Texas, except that the operator may elect to deposit cash or negotiable securities acceptable to the commission, or an assignment of a savings account in a Texas bank on an assignment form prescribed by the commission. The cash deposit or market value of such substitute collateral shall be equal to or greater than the amount of the bond required for the bonded area. Cash or other substitute collateral shall be deposited on the same terms as the terms on which surety bonds may be deposited.

§11.425. Changes in Coverage. The amount of the bond or deposit required and the terms of acceptance of the applicant's bond or substitute collateral may be increased or decreased from time to time to reflect changes in the cost of future reclamation of land mined or to be mined. The amount of the bond or substitute collateral may be reduced only in accordance with the provisions of the §11.426 of this subchapter (relating to Release or Reduction of Bonds), and such bond or deposit shall be increased or decreased when actual acreage affected by mining is ascertained.

§11.426. Release or Reduction of Bonds.

(a) At any time a permittee may file an application with the commission for the release of all or part of the performance bond or deposit for a particular mine site. Such application shall be on a form prescribed by the commission and shall contain:

- (1) the type and approximate date of reclamation work performed; and
- (2) a description of the results achieved.

(b) Within 30 days following receipt of the notification and request, the commission shall conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider whether pollution of surface and subsurface water is occurring, the probability of continuance or future occurrence of such pollution, and the estimated cost of abating such pollution.

(c) The commission may release in whole or in part a bond or deposit if it is satisfied that reclamation at a particular mining site covered by the bond or deposit or portion thereof has been accomplished as required by these rules, provided the acreage on which the bond is being released is of sufficient size as to decrease the bonded acreage of the operator to below the next lower limit as specified in §11.421 of this title (relating to Amount of Bond).

(d) If the commission disapproves the application for release of the bond or portion thereof, it shall notify the operator, in writing, stating the reasons for disapproval and recommending corrective action necessary to secure said release.

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 16, 1984

TRD-8410534 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption

November 26, 1984

For further information, please call (512) 475-8751.

State Regulatory Authority Inspection and Enforcement

16 TAC §11.441, §11.442

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §11.441 and §11.442, concerning state regulatory authority for inspection and enforcement at iron ore/iron ore gravel mining and reclamation operations.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government is an estimated additional cost of \$25,000 in 1985, \$34,375 in 1986, \$40,625 in 1987; \$46,875 in 1988; and \$50,000 in 1989. There is no anticipated effect on local government or small businesses.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of a comprehensive regulatory scheme governing iron ore/iron ore gravel mining operations to prevent to the greatest extent practicable the adverse effects to society and the environment resulting from unreclaimed surface mining operations. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore/iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.441. Inspections by the Commission. The commission shall conduct periodic inspections of all iron ore or iron ore gravel operations under its jurisdictions.

§11.442. Right of Entry.

(a) Within its jurisdiction, the commission shall have a right of entry to, upon, and through any iron ore or iron ore gravel exploration and iron ore or iron ore gravel operation without advance notice or search warrant, upon presentation of appropriate credentials.

(b) The commission shall inspect any monitoring equipment or method of exploration or operation and have access to and copy any records required. The representatives of the commission may exercise such rights at reasonable times, without advance notice, upon presentation of appropriate credentials. No search warrant shall be required, except that which Texas may provide for its use with respect to entry into a building.

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 16, 1984.

TRD-8410535 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:
November 26, 1984

For further information, please call (512) 475-8751.

Enforcement

16 TAC §11.451, §11.452

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §11.451 and §11.452, concerning enforcement actions relating to iron ore and iron ore gravel mining and reclamation operations.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government will be an estimated additional cost of \$25,000 in 1985, \$34,375 in 1986, \$40,625 in 1987, \$46,875 in 1988, and \$50,000 in 1989. There is no anticipated effect on local government or small businesses.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is establishment of a compre-

hensive regulatory scheme governing iron ore and iron ore gravel mining operations to prevent to the greatest extent practicable the adverse effects to society and the environment resulting from unreclaimed surface mining operations. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore and iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations.

§11.451. Cessation Orders. An authorized representative of the commission shall immediately order a cessation of iron ore or iron ore gravel operations or of the relevant portion thereof if he finds, on the basis of any inspection, any condition or practice, or any violation of these rules, or any conditions of an exploration approval or permit imposed under these rules, which:

- (1) creates an imminent danger to the health or safety of the public; or
- (2) is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

§11.452. Notices of Violation.

(a) An authorized representative of the commission shall issue a notice of violation if, on the basis of an inspection, he finds a violation of these rules, or any condition of a permit or an exploration approval imposed under such program or these rules, which does not create an imminent danger or harm for which a cessation order must be issued under §11.451 of this subchapter (relating to Cessation Orders).

(b) A notice of violation issued under this section shall be in writing, signed by the authorized representative who issues it, and shall set forth with reasonable specificity:

- (1) the nature of the violation;
- (2) the remedial action required, which may include interim steps;
- (3) a reasonable time for abatement, which may include time for accomplishment of interim steps; and
- (4) a reasonable description of the portion of the iron ore or iron ore gravel mining and reclamation operation to which it applies.

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 16, 1984.

TRD-8410536 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption:
November 26, 1984

For further information, please call (512) 475-8751.

Civil Penalties

16 TAC §§11.461-11.464

The Railroad Commission of Texas, Surface Mining and Reclamation Division, proposes new §§11.461-11.464, concerning civil penalties assessed for violations by iron ore and iron ore gravel mine operators.

Ron Reeves, legal counsel, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Reeves also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is establishment of a comprehensive regulatory scheme governing iron ore and iron ore gravel mining operations to prevent to the greatest extent practicable the adverse effects to society and the environment resulting from unreclaimed surface mining operations. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206

The new sections are proposed under Texas Civil Statutes, Article 5920-11, §4 and §6, which provide the Railroad Commission of Texas with exclusive jurisdiction over iron ore and iron ore gravel mining and reclamation operations in Texas and the authority to promulgate rules pertaining to surface mining and reclamation operations

§11.461. When Penalty Will Be Assessed.

(a) The commission shall assess a penalty for each cessation order

(b) The commission shall assess a penalty for each notice of violation, if the violation is assigned 31 points or more under the point system described in §11.462 of this subchapter (relating to Point System for Penalties)

(c) The commission may assess a penalty for each notice of violation assigned 30 points or less under the point system described in §11.462 of this subchapter (relating to Point System for Penalties). In determining whether to assess a penalty, the commission shall consider the factors listed in §11.462(b) of this subchapter (relating to Point System for Penalties).

§11.462. Point System for Penalties.

(a) The commission shall use the point system described in this section to determine the amount of penalty and, in the case of notice of violation, whether a mandatory penalty should be assessed as provided in §11.461(b) of this subchapter (relating to When Penalty Will Be Assessed).

(b) Points shall be assigned as follows.

(1) History of previous violations. The commission shall assign up to 30 points based on the history of previous violations. One point shall be assigned for each past violation contained in a notice of violation. Five

points shall be assigned for each violation (but not a condition or practice) contained in a cessation order. The history of previous violations, for the purpose of assigning points, shall be determined and the points assigned with respect to a particular iron ore or iron ore gravel exploration or surface iron ore or iron ore gravel mining operation. Points shall be assigned as follows:

(A) a violation shall not be counted if the notice or order is the subject of pending administrative or judicial review or if the time to request such review or to appeal any administrative or judicial decision has not expired, and thereafter it shall be counted for only one year;

(B) no violation for which the notice or order has been vacated shall be counted; and

(C) each violation shall be counted without regard to whether it led to a civil penalty assessment.

(2) Seriousness. The commission shall assign up to 30 points based on the seriousness of the violation, as follows:

(A) Probability of occurrence. The commission shall assign up to 15 points based on the probability of the occurrence of the event which a violated standard is designed to prevent. Points shall be assessed according to the following schedule:

Probability of Occurrence	Points
None	0
Insignificant	1-4
Unlikely	5-9
Likely	10-14
Occurred	15

(B) Extent of potential or actual damage. The commission shall assign up to 15 points, based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

(i) If the damage or impact which the violated standard is designed to prevent would remain within the iron ore gravel exploration or permit area, the commission shall assign zero to seven points, depending on the duration and extent of the damage or impact.

(ii) If the damage or impact which the violated standard is designed to prevent would extend outside the iron ore gravel exploration or permit area, the commission shall assign 8 to 15 points, depending on the duration and extent of the damage or impact.

(C) Alternative. In the case of a violation of an administrative requirement, such as a requirement to keep records, the commission shall, in lieu of subparagraphs (A) and (B) of this paragraph, assign up to 15 points for seriousness, based upon the extent to which enforcement is obstructed by the violation.

(3) Negligence.

(A) The commission shall assign up to 25 points based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. Points shall be assessed as follows:

(i) A violation which occurs through no negligence shall be assigned no penalty points for negligence.

(ii) A violation which is caused by negligence shall be assigned 12 points or less, depending on the degree of negligence.

(iii) A violation which occurs through a greater degree of fault than negligence shall be assigned 12 to 25 points, depending on the degree of fault.

(B) In determining the degree of negligence involved in a violation and the number of points to be assigned, the following definitions apply:

(i) No negligence means an inadvertent violation which was unavoidable by the exercise of reasonable care.

(ii) Negligence means the failure of a permittee to prevent the occurrence of any violation of his or her permit or any requirement of the Act or this chapter due to indifference, lack of diligence, lack of reasonable care, the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care.

(iii) A greater degree of fault than negligence means reckless, knowing, or intentional conduct.

(C) In calculating points to be assigned for negligence, the act of all persons working on the iron ore or iron ore gravel exploration or surface iron ore or iron ore gravel mining operation, and reclamation site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage.

(4) Good faith in attempting to achieve compliance.

(A) The commission shall add points based on the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation. Points shall be assigned as follows:

Degree of Good Faith	Points
Rapid compliance	- 1 to - 10
Normal compliance	0

(B) The following definitions shall apply under subsection (b)(4)(A) of this section:

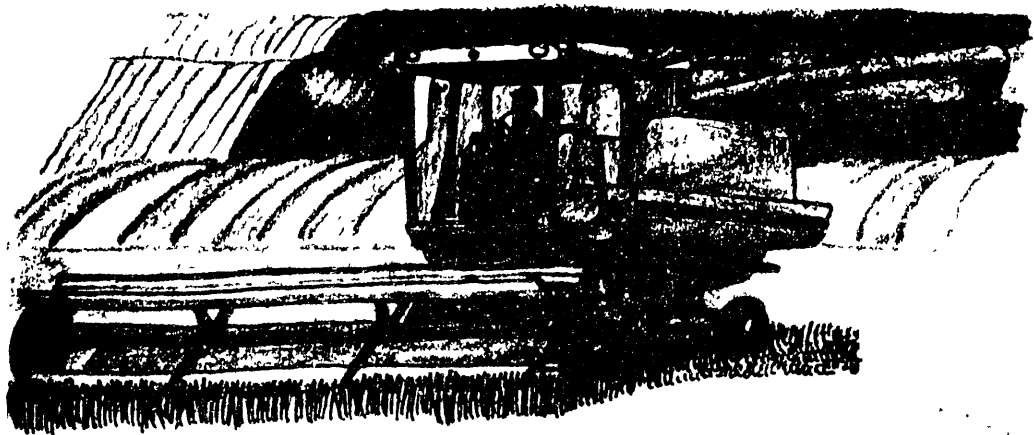
(i) Rapid compliance means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement.

(ii) Normal compliance means the person to whom the notice or order was issued abated the violation within the time given for abatement.

(C) If the consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated.

§11.463. Determination of Amount of Penalty. The commission shall determine the amount of any civil penalty by converting the total number of points assigned under §11.462 of this subchapter (relating to Point System for Penalties) to a dollar amount, according to the following schedule:

Points	Dollars	Points	Dollars
1	20	20	440
2	40	23	460
3	60	24	480
4	80	25	500
5	100	26	600
6	120	27	700
7	140	28	800
8	160	29	900
9	180	30	1,000
10	200	31	1,100
11	220	32	1,200
12	240	33	1,300
13	260	34	1,400
14	280	35	1,500
15	300	36	1,600
16	320	37	1,700
17	340	38	1,800
18	360	39	1,900
19	380	40	2,000
20	400	41	2,100
21	420	42	2,200



(2) The food delivery area outlines procedures to be followed by all local agencies in the provision of WIC foods to participants and the accounting for and management of food instruments. This area also outlines procedures to be followed by contracted vendors in the provision of and reimbursement for WIC foods.

(3) The auditing area outlines the procedures to be followed by local agencies in obtaining the independent organization wide audit required every two years by the uniform federal assistance regulations in the Code of Federal Regulations, Title 7, Part IV.

(4) The nutrition education area establishes procedures and guidelines to be followed in the provision and documentation of nutrition education to program participants.

(5) The certification area covers procedures established by USDA and the WIC Program in determining the eligibility for services by potential participants.

(6) The monitoring area covers the procedures by which state WIC program personnel review local agencies to insure compliance with program requirements.

(7) The general administration area covers various unrelated areas such as administrative appeals, requests for information, disposal of records, contracts and agreements, outreach, applications, participant abuse, and the like.

(8) The affirmative action plan (AAP) area covers procedures followed by the department to rank counties throughout Texas in priority of need for participation in the WIC Program

(9) The civil rights area describes procedures to be followed to protect rights of all applicants and participants and provide guidelines for the processing of civil rights complaints.

Stephen L. Seale, chief accountant III, 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. Seale also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the provision of supplemental foods and nutrition education to more than 180,000 participants each month. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as it is a reimbursement program that is fully funded by the federal government.

Comments on the proposal may be submitted to Catherine E. Litteer, R.D., Special Project Director, WIC Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2640. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4414b, § 1.05(a)(4), which provides the Texas Board of Health with the authority to adopt rules to implement its statutory programs. One of the pro-

grams is the Special Supplemental Food Program for Women, Infants, and Children under 42 United States Code § 1786(c)(1), which authorizes the U.S. Department of Agriculture to enter into a grant arrangement with the Texas Department of Health covering this program. The grant arrangement requires the department to follow USDA regulations.

§31.1. *Federal Register Regulations on Special Supplemental Food Program for Women, Infants, and Children.*

(a) The Texas Department of Health adopts by reference the U.S. Department of Agriculture final regulations on special supplemental food program for women, infants, and children. These regulations are contained in the special *Federal Register* publication titled *Consolidation of WIC Regulations*, September 1982. The regulations were published by the U.S. Department of Agriculture, Food and Nutrition Service. [Copies are filed in the Special Supplemental Food Program for Women, Infants, and Children, Texas Department of Health, 1100 West 49th Street, Austin, Texas, and are available for public inspection during regular working hours.]

(b) The Texas Department of Health adopts by reference the *WIC Policy and Procedure Manual* which the department has developed.

(c) Copies of regulations in subsection (a) and subsection (b) of this section are indexed and filed in the Special Supplemental Food Program for Women, Infants, and Children, Texas Department of Health, 1101 East Anderson Lane, Austin, Texas, and are available for public inspection during regular working hours.

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 22, 1984.

TRD-8410641 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:
November 30, 1984

For further information, please call (512) 458-1395.

Chapter 37. Maternal and Child Health Services Crippled Children's Services Program 25 TAC §§37.90, 37.93, 37.95

The Texas Department of Health proposes amendments to §§37.90, 37.93, and 37.95, concerning the Crippled Children's Services Program. The amendments strengthen prior authorization requirements and establish claim submission deadlines.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state

or local government or small businesses as a result of enforcing or administering the rules.

Mr. Seale also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is updating and clarifying the rules. The amendments make the rules more specific and understandable. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Punam Myer, M.D., M.P.H., Chief, Bureau of Crippled Children's Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public comments will be accepted for 30 days after these proposed rules have been published in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4419c, §8, which provide the Texas Board of Health with the authority to adopt the necessary rules to implement the Crippled Children's Services Program.

§37.90. Authorization of Services.

(a) Prior authorization. **Each time an eligible applicant is to receive any medical examination or treatment the program's central office must approve an authorization in advance.** [Prior authorization assures the provider of the program's intent to pay for specific services, if the information regarding the patient and the service is correct. The central office must be notified prior to the delivery of the service in order to encumber funds to guarantee payment.] Emergency cases should be reported to the program as soon as possible, preferably by the next working day by telephone but in no event later than 48 hours.

(b) Unauthorized claims.

(1) **Only under the following circumstances will the program consider for payment unauthorized claims from approved providers and facilities** [The program may consider unauthorized claims from approved providers if submitted within 90 days of the date of delivery of services under the following circumstances]:

(A) if the patient's eligibility for services had previously been determined but prior authorization was not obtained.

(B) if the patient's financial and medical eligibility had not been determined but the patient would have met eligibility criteria.]

(A)(C) If the patient is eligible for both Medicaid and crippled children's services and a claim is rejected by Medicaid, the program will consider payment if the claim is received in the program's central office [submitted] within 30 [90] days of the rejection. A copy of the rejection must accompany the claim. (Claims rejected by Medicaid on the basis of late billing will not be considered.)

(B) If an eligible patient is presumed by the provider to be also eligible for other third-party coverage and a claim is rejected by a third-party payor, the program will consider payment if the claim is received in the program's central office within 120 calendar days after the date of service. A copy of the rejection must accompany the claim.

(2) (No change.)

(c) (No change.)

§37.93. Services Provided.

(a) Initial examinations. With prior authorization, an initial office examination by a program approved physician or dentist will be paid by the program if such examination is to diagnose or evaluate the presence of a condition coverable by the program. **Financial [Program] eligibility must be established prior to an authorization to approved providers** [does not need to be established for the initial examination. For any treatment of conditions, eligibility must be established prior to an authorization to approved providers].

(b)-(n) (No change.)

§37.95. Payment for Authorized Services.

(a) (No change.)

(b) **Payment deadline. No claim may be considered for program payment if it reaches the program's central office later than 120 calendar days after the date of service.**

(c)[(b)] Fee schedules. The program has adopted fee schedules which apply to all authorized services. Fee schedules are revised as appropriate in relation to available funding and customary charges. Fees are established for:

(1) (No change.)

(2) Approved hospitals. Inpatient charges will be adjusted by the hospital's most recent ratio of costs to charges (RCC). This ratio cannot exceed 100%. All hospitals are required to submit within 90 days after the close of their fiscal year a sworn statement of costs and charges used to determine their current RCC [allowable under the provisions of Title XVIII and charges used to determine their current RCC]. **Allowable costs, for purposes of this program, are all ordinary and necessary operating costs related to direct medical care except bad debt allowances and courtesy discounts.** Hospitals may request revision of their RCC at any time during the year by submitting the required statement of allowable costs and charges. When requested, hospital records supporting these statements must [will] be made available for examination by duly authorized representatives of the program. All claims submitted to the program for inpatient hospitalization must be reduced by the estimated amount that will be provided by the insurance covering the patient. The ratio of costs to charges must be applied to the total bill, excluding personal items, before deducting the estimated insurance payment. If there is an adjustment after the actual insurance payment(s), a supplemental billing or a refund should be submitted to the program. A patient discharge summary or an abstract summary must be submitted with the payment voucher.

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

(d)[(c)] Medications, equipment, and supplies.

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

(e)[(d)] Contracts. Program contracts for services will be made in compliance with state law, taking into consideration geographic location, quality of service, and low bid.

(f)[(e)] Family contribution. The person legally responsible for the medical care of the applicant is obligated to bear a portion of the expense of medical or dental care if financially able. The program, after assessing

family resources, may agree to be responsible for certain expenses and expect the family to pay for other expenses. Such an understanding will be in writing, with the family provided a statement of the services for which the program will be responsible.

(g){(f)} Special clinics. The need for special clinics will be determined by the program. Payment for such services will be on a per child or per clinic cost basis.

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

Issued in Austin, Texas, on October 22, 1984

TRD-8410642 Robert A. MacLean, M.D
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:
November 30, 1984

For further information, please call (512) 458-7700.

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.)

Credit Insurance Application and Policies

059.53.02.003

The State Board of Insurance proposes an amendment to Rule 059.53.02.003, concerning policy provisions for credit life and credit accident and health insurance.

Paragraph (9) of this rule requires policies to specify that, in case a policy is terminated prior to maturity, a refund of unearned premiums will be made, except that no refund is necessary if the total amount is less than \$3.00. This provision tracks statutory language specified in the Insurance Code, Article 3.52, §8(B). However, Attorney General Opinion MW-511, 1982, in response to an opinion request from the consumer credit commissioner, opines that, for credit transactions covered by the Texas Credit Code, Subtitle 2, consumer credit chapters, all unearned credit insurance premiums must be refunded, except for amounts totaling less than \$1.00

Accordingly, the board proposes an amendment to the rule to provide that for transactions covered by the Texas Credit Code, Texas Civil Statutes, Article 5069, Chapters 3-6, 6A, 7, and 15, no cash refund shall be required if the amount thereof is less than \$1.00.

A. W. Pogue, deputy insurance commissioner, 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, because the amendment conforms the rule to extant law.

Mr. Pogue also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a rule provision which is conformed to law. 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 A. W. Pogue, Deputy Insurance Commissioner, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendment is proposed under the Insurance Code, Article 3.53, §12, pursuant to which the State Board of Insurance may, after notice and hearing, issue such rules and regulations as it deems appropriate for the supervision of Article 3.53.

.003. *Policy Provisions.* Each individual policy or group certificate of credit life insurance or credit accident and health insurance delivered or issued for delivery in this state shall, in addition to the other requirements of law, set forth:

(1)-(8) (No change.)

(9) a statement indicating that upon discharge of the indebtedness the insurance shall be terminated, but without prejudice to any claim originating prior to such termination, and that in all cases of termination prior to scheduled maturity, a refund of any unearned amount of premium paid by or charged to the debtor for insurance shall be made in accordance with the appropriate formula set forth in Rules 059.53.10.001 of this title (relating to Authority and Scope) and .006 of this title (relating to Treatment of Partial Months). Such refund shall be paid or credited to the account of the debtor, or paid to the second beneficiary, if the debtor is not living. No such refund is required if the total amount thereof is less than \$3.00 (For insurance coverage subject to Texas Civil Statutes, Article 5069, Chapters 3-6, 6A, 7, and 15, a refund must be made, except that no cash refund shall be required if the amount thereof is less than \$1.00).

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 17, 1984.

TRD-8410546 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
November 28, 1984

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

Premium Refunds

059.53.10.005

The State Board of Insurance proposes an amendment to Rule 059.53.10.005, concerning a minimum refund of unearned premiums paid by or charged to a debtor for reducing term credit life insurance, or for credit accident and health insurance on which charges to the debtor are payable by other than a single sum, and for level credit term life insurance.

The Insurance Code, Article 3.53, §8(B), provides that no refund of less than \$3.00 need be made in the event of termination of the indebtedness or the insurance prior to the scheduled maturity date of the indebtedness. However, Attorney General Opinion MW-511, 1982, in response to an opinion request from the consumer credit commissioner, opines that, for credit transactions covered by the Texas Credit Code, Texas Civil Statutes, Article 5069, Chapters 3-6, 6A, 7, and 15, all unearned credit insurance premiums must be refunded, except for amounts totaling less than \$1.00.

Accordingly, the board proposes an amendment to the rule to provide that for transactions covered by Texas Civil Statutes, Article 5069, Chapters 3-6, 6A, 7, and 15, no cash refund shall be required if the amount thereof is less than \$1.00.

A. W. Pogue, deputy insurance commissioner, 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, because the amendment conforms the rule to extant law.

Mr. Pogue also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a rule provision which is conformed to law. 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 A. W. Pogue, Deputy Insurance Commissioner, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendment is proposed under the Insurance Code, Article 3.53, §12, pursuant to which the State Board of Insurance may, after notice and hearing, issue such rules and regulations as it deems appropriate for the supervision of Article 3.53.

.005. Refunds [Less Than \$3.00]. No refund of premium need be made of an amount paid or charged to the debtor for credit insurance regulated under the Insurance Code, Article 3.53, in the event of termination of the indebtedness or the insurance prior to the scheduled maturity date of the indebtedness if the amount of such refund is less than \$3.00. (For insurance coverage subject to Texas Civil Statutes, Article 5069, Chapters 3-6, 6A, 7, and 15, a refund must be made, except that no cash refund shall be required if the amount thereof is less than \$1.00.)

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 17, 1984.

TRD-8410547 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
November 26, 1984
For further information, please call (512) 476-2950.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter C. Crude Oil Production Tax
34 TAC §3.33**

The Comptroller of Public Account proposes amendments to §3.33, concerning tax due on crude oil recovered by reclamation plants and other salvage operations. The purpose of the section is to ensure that tax is paid on all crude oil removed from Texas leases. In cases where a producer does not charge a salvager for oil removed from tank bottoms, the salvager will be responsible for the tax on this oil if it has not been paid. The amended section also details the records that a salvager must keep.

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 clarification of the oil tax law as it applies to reclamation plants. 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 oil production tax.

§3.33. Tax Due on Crude Oil Recovered by Reclamation Plants and Other Salvage Operations.

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

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

(3) Shake-out test—A test as defined and required by the Railroad Commission of Texas. In the absence of a requirement by the commission, the test shall be conducted in accordance with generally accepted industry practices. The purpose of the shake-out test is [shall be] to accurately determine the content of oil and basic sediment and water (B.S.&W.) in a given sample.

(4) Posting or posted price—A public offer to purchase crude oil, generally of a certain quality and in a specific geographic area or at a plant.

(5)[(4)] Tank bottoms—The contents of crude oil storage, measuring, or handling tanks which are below the pipeline connecting to the tanks.

(6)[(5)] Theoretical taxable volume—The volume of oil, determined by a shake-out test as defined in this section, contained in material on [removed from tank bottoms on oil- and gas-producing properties in this state, during the month, on] which no tax has been paid or withheld.

(7)[(6)] Total theoretical volume—The volume of oil, determined by a shake-out test as defined in this section, contained in all material processed through a reclamation plant during a [the] month.

(b) Tax due. The crude oil occupation tax imposed [levied] by the Texas Tax Code, §202.051, must be remitted on [applies to] all oil salvaged or reclaimed in any manner unless the tax has previously been paid. The burden of proving the tax has been paid is on the person salvaging or reclaiming the oil [produced from the earth or waters of this state, including all oil salvaged or reclaimed in any manner. The person salvaging or reclaiming the oil is responsible for remitting the tax due, if the person takes possession of the oil].

(1) Tax due on oil contained in tank bottoms or other material purchased from producers. Any person purchasing material from a producer which contains crude oil as evidenced by a shake-out test must withhold and remit the tax based upon the volume of oil indicated by the test. The taxable value is to be determined by postings for the type of material purchased, but may not be less than \$1.00 per barrel of oil.

(2) Tax due on oil salvaged from other sources. Any person salvaging and taking possession of oil from any source, other than by purchasing from producers, including removal from leases without compensation, is the producer of the oil salvaged and is liable for the tax, unless it has been previously paid. The taxable value of the oil salvaged is the value which is received by the person salvaging the oil. The volume of oil salvaged or reclaimed under this paragraph will be determined by application of the formula:

$$\frac{\text{theoretical taxable volume}}{\text{total theoretical volume}} \times \text{total volume recovered.}$$

(c) Records required to be kept. All persons salvaging or reclaiming crude oil must maintain records for four years showing the following: [Determining the taxable volume of oil salvaged or reclaimed. The volume of oil salvaged or reclaimed during the month that is subject to tax shall be determined by application of the following formula:

$$\frac{\text{[theoretical taxable volume]}}{\text{[total theoretical volume]}} \times \text{total volume recovered.]}$$

(1) the volume of reclaimed or salvaged crude oil on hand at the beginning of each month;

(2) the volume of untreated material on hand at the beginning of each month;

(3) the volume and value paid for any material purchased during each month;

(4) the source of the material;

(5) the volume and source of any other material not purchased during each month;

(6) the volume of any additives and blending material used during each month;

(7) the volume, value, and purchaser of any salvaged or reclaimed crude oil sold during each month;

(8) any other disposition of crude oil or untreated material during each month, and

(9) whether tax has been paid on any crude oil purchased.

[(d) Determining the taxable value of oil salvaged or reclaimed.

[(1) The taxable value of reclaimed oil is the market value the oil would have reasonably brought when it was removed from the property where produced. This value shall be determined from postings or contracts in the field of production. The posted price should be adjusted to compensate for the actual specific gravity of the material removed from the lease

[(2) If the field posting does not provide for the specific gravity adjustment necessary, then the adjustment may be determined from the nearest posting that does provide for a gravity adjustment.

[(3) If a person purchases both tax-paid and tax free crude oil, adequate records must be maintained to show the volume, value, source, and disposition of the material to be processed, the additives to be used, and the oil recovered.]

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 15, 1984.

TRD-8410519 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
November 26, 1984

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

Subchapter L. Motor Fuels Tax

34 TAC §3.173

The Comptroller of Public Accounts proposes amendments to §3.173, concerning refunds on gasoline and diesel fuel tax. The amendments delete the subsection dealing with the use of diesel fuel in power take-offs or auxiliary power units with no metering device. The legislature, during the recent special session, determined that a credit or refund of tax on fuel used in these devices should be allowed in accordance with guidelines to be determined by the comptroller. These guidelines will be in a separate section to be issued shortly.

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 taxpayers will be informed of the guidelines and requirements for obtaining tax refunds or credits. 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 motor fuels tax.

§3.173. Refunds on Gasoline and Diesel Fuel Tax.

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

(c) Filing forms and documentation. Each type of claim for refund must be filed on a form furnished by the comptroller and must be accompanied by supporting documentation to fully substantiate the claim, including identification of each vehicle or type of equipment in which the fuel was used. Categories of refund claims:

(1)-(6) (No change.)

[(7) Gasoline or diesel-powered motor vehicles equipped with power take-off or auxiliary power units with metering devices. A refund claim for gasoline or diesel fuel used to propel motor vehicles equipped with approved measuring or metering devices which measure or meters the fuel used in stationary operations shall support the claim with records on each vehicle so equipped reflecting:

[(A) the miles driven as shown by any type of odometer;

[(B) the gallons delivered to each vehicle; and

[(C) the gallons used as recorded by the meter or other measuring device.

[(8) Diesel-powered motor vehicles equipped with power take-off or auxiliary power units with no metering device.

[(A) A claim for refund by users who are required to pay the tax on diesel fuel used in motor vehicles equipped with a power take-off or an auxiliary power unit mounted on the motor vehicle and using the fuel supply tank of the motor vehicle shall be supported by a schedule listing:

[(i) each motor vehicle so equipped;

[(ii) the miles traveled by each vehicle as recorded by any type of odometer;

[(iii) the gallons delivered to each vehicle;

and

[(iv) the date of the delivery.

[(B) The claim may be filed for a refund not to exceed 5.0% of the total taxable diesel fuel used in this state by each vehicle so equipped when an approved measuring device is not used.]

(7)[(9)] Federal agency claim for refund on tax-paid purchase. A federal government agency may file a claim for refund on state taxes paid on gasoline and diesel fuel used exclusively by that agency. The refund claim shall include:

(A)-(B) (No change.)

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

Issued in Austin, Texas, on October 15, 1984.

TRD-8410520 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:

November 26, 1984

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

34 TAC §3.175

The Comptroller of Public Accounts proposes amendments to §3.175, concerning liquefied gas tax decal. The amendments reflect the increase in tax rates adopted by the legislature. The increases were effective August 1, 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 taxpayers will be informed of the guidelines and requirements for obtaining tax refunds or credits. 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 motor fuels tax.

§3.175. Liquefied Gas Tax Decal.

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

(c) Rate schedule.

(1) The following rate schedule (based on mileage driven the previous year) applies:

<u>Registered Gross Weight</u>	<u>Less than 5,000 Miles</u>	<u>5,000 to 9,999 Miles</u>	<u>10,000 Miles And Over</u>
Class A: Less than 4,000 pounds	\$ <u>48</u> [24]	\$ <u>96</u> [48]	\$ <u>144</u> [72]
Class B: 4,000 to 10,000 pounds	<u>54</u> [27]	<u>108</u> [54]	<u>168</u> [84]
Class C: 10,001 to 15,000 pounds	<u>78</u> [39]	<u>156</u> [78]	<u>240</u> [120]
Class D: 15,001 to 27,500 pounds	<u>84</u> [42]	<u>168</u> [84]	<u>336</u> [168]
Class E: 27,501 to 43,500 pounds	<u>114</u> [57]	<u>228</u> [114]	<u>456</u> [228]
Class F: 43,501 and over	<u>120</u> [60]	<u>240</u> [120]	<u>600</u> [300]

(2) A special use liquefied gas tax decal and tax is required for the following types of vehicles:

(A) Class T: Transit carrier vehicles operated by a transit company—\$660 [330]

(B) Class Y: Motor vehicles designed for carrying fewer than 10 passengers and used for the transportation of persons for compensation—\$408 [204]

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

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

Issued in Austin, Texas, on October 15, 1984.

TRD-8410521 Bob Bullock
Comptroller of Public Accounts

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November 15, 1984

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

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

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

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

Subchapter O. State Sales and Use Tax 34 TAC §3.303

The Comptroller of Public Accounts proposes amendments to §3.303, concerning transportation and delivery charges. The amendments are necessary because of the amendment of the definition of "sale" or "purchase" in the Texas Tax Code, § 151.005, by the legislature. The definition no longer includes segregation of tangible personal property in contemplation of a transfer of its title or possession. The time of transfer of title or possession determines when the sale takes place. Transportation charges prior to the sale are taxable whether separately stated or not. Transportation charges prior to the sale are taxable whether separately stated or not. Transportation charges after the sale are not taxable if separately stated. Since title to goods does not pass to the customer in a lease or rental, the sale is complete when possession is transferred. For this reason, all transportation charges prior to the customer taking possession of the leased or rented goods are taxable.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will

§3.303. *Transportation and Delivery Charges.*

(a) **General.** A sale is completed when either title to or possession of taxable items passes from the seller to the buyer.

(b) **Title to taxable items passes:**

(1) If a contract specifies the point at which title passes from the seller to the buyer, the contractual provisions will prevail.

(2) If the contract is silent as to the passage of title, then title passes in accordance with the Texas Business and Commerce Code, §2.319 and §2.401(b) and (c). If FOB (free on board some location) terms are used, FOB terms will determine transfer of title. If there are no FOB terms, title will pass at the point of physical delivery of the property to the buyer.

(3) A contract refers to a document which serves as evidence that the seller and the buyer agree at what point title to property passes from the seller to the buyer.

(c) **The buyer takes possession of taxable items when:**

(1) the taxable items are accepted from a seller or are accepted from a carrier; or

(2) the taxable items are delivered to a warehouse or other unrelated third party at the request of the buyer.

ing, or renting three or more taxable items in a 12-month period are "retailers" for the purposes of this section. Also, persons selling more than 10 admissions for amusement services during a 12-month period are "retailers" for the purposes of this section.

(2) Sales made by a retailer and other persons holding sales or use tax permits which are not made "in the regular course of business" are not [may qualify as] occasional sales. [but] All sales by a retailer are [presumed to be made in the regular course of business and are] subject to tax unless the sale qualifies for exemption under subsection (d) or subsection (e) of this section. [unless the contrary is established. To overcome the presumption, the retailer must show:

[(A) the type or types of items the retailer regularly sells, leases, or rents;

[(B) that the type of item sold and sought to be exempt from tax as an occasional sale is of a different type;

[(C) that the retailer did not issue a resale certificate when the item was acquired. A person who issues or has issued a valid resale certificate for the acquisition of a taxable item has represented that the item will be resold in the regular course of business and the person will be conclusively regarded as a retailer of that item. If a retailer has issued a resale certificate in error, the certificate may be withdrawn, tax remitted to the vendor, and the person will not be regarded as a retailer of the item.

[(D) that the retailer has not made more than two sales of similar items in a 12-month period. A person making the third sale of a similar item in a 12-month period will be regarded as making that sale in the regular course of business. Until an intervening 12 months has passed between sales, all subsequent sales of similar items will be considered made in the regular course of business; and

[(E) that the sale was not part of a recurring pattern or a planned series of transactions. A person who establishes a recurring pattern of sales of items or who has a planned series of sales of items will be regarded as selling, leasing, or renting those items in the regular course of business.

[(i) Example: An auctioneer sells various items of miscellaneous equipment, no two items of the same type. The auctioneer must collect tax on all sales since all sales at auctions are in the regular course of business and miscellaneous sales are a recurring pattern in the auction business.

[(ii) Example: The board of directors of a corporation votes to liquidate their production equipment. The equipment is sold piecemeal in numerous transactions. The board of directors has planned a series of sales in the regular course of business. None of the sales of obsolete equipment qualify as occasional sales, unless the requirements of subsection (d) or subsection (e) of this section are met.]

(3) Sales made by persons holding direct payment permits are not occasional sales. All sales by direct payment permit holders are subject to tax unless the sale qualifies for exemption under subsection (d) or subsection (e) of this section.

(d) Sale[, lease, or rental] of a business or an identifiable segment of a business.

(1) the sale[, lease, or rental] of the entire operating assets of a business or of a separate division, branch, or identifiable segment of a business is an occasional sale. The lease or rental of an identifiable segment does not qualify as an occasional sale.

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

(e)-(f) (No change.)

(g) Resale certificates—occasional sales—leases.

(1) When a lessor purchases a taxable item tax free for rental or lease and later sells[, leases, or rents] the item by way of an occasional sale as provided in subsection (d) or subsection (e) of this section, then the lessor owes tax on the amount by which the lessor's purchase price exceeds the amount of rent, if any, upon which tax has been collected and reported from the prior rental or lease of the item.

(2) If the item was exempt from sales tax when originally purchased by the lessor or if tax was paid on the full purchase price at the time of purchase by the lessor, then the lessor does not incur sales tax liability on the original purchase price when sold by way of an occasional sale as provided in subsection (d) or subsection (e) of this section.

(3) (No change.)

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

Issued in Austin, Texas, on October 19, 1984

TRD-8410601 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
November 26, 1984

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

Subchapter Q. Franchise Tax

34 TAC §3.399

The Comptroller of Public Accounts proposes amendments to §3.399, concerning franchise tax exemptions. The amendments incorporate a change made to the Franchise Tax Act by the legislature during the recent special session. The exemption of banks from franchise tax was repealed effective May 1, 1985.

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 notified of the guidelines and requirements for obtaining tax refunds or credits. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 8. Home Energy Assistance Program

The Texas Department of Human Resources (DHR) proposes new §§ 1-8.8 and the repeal of §§ 8.907-8.911 and §§ 8.3501-8.3507, regarding the Home Energy Assistance Program (HEAP).

The Omnibus Budget Reconciliation Act of 1981 authorized the Low Income Home Energy Assistance Program (LIHEAP) to assist needy families with the high cost of heating and cooling their homes. The DHR has administered HEAP since 1981 and has operated the program based on separate rules for heating and cooling assistance. The DHR is proposing to update and consolidate the rules to expedite public review and comment and to simplify administration. Only recipients of aid to families with dependent children (AFDC), supplemental security income (SSI), food stamps, or Veterans Administration (VA) income-tested clients are considered for HEAP assistance.

The Energy Crisis Intervention Program (ECIP), also funded by the LIHEAP block grant, is intended to assist eligible persons who experience imminent termination of or insufficient energy for heating and cooling. The department transfers funds to the Texas Department of Community Affairs for use in that program. The DHR will send a HEAP application/questionnaire in January and June to active AFDC, SSI, and food stamp recipients whose income meets the program's requirements. Households receiving VA benefits must request an application from the DHR's HEAP regional coordinator in January (for heating assistance) and June (for cooling assistance). The DHR will use the form to evaluate eligibility factors such as household composition and vulnerability and to identify the household's energy suppliers.

The eligibility requirements and household responsibilities are included in the proposed rules. Since 1981, eligible households have received warrants which were payable to a household member. In response to public concerns that benefits were not always spent for energy costs, DHR tested a vendor payment system during the cooling assistance phase of the 1984 program. If evaluation shows the test results were successful, DHR will implement the vendor payment process statewide in January 1985, whereby warrants will be payable to the household's utility supplier. For example: Lighting and Power Company for: recipient's name, recipient's street address, city, state zip code

The DHR will advise recipients of these warrants to send them to their fuel supplier during their normal payment cycle. To the extent practicable, payments will be made to the household's primary heating fuel supplier in the winter and the primary cooling fuel supplier in the summer. In the winter, warrants for house-

holds whose heating costs (natural gas or liquified petroleum gas) are included in the rent will be payable to the household's electric supplier. In the summer, warrants for households whose cooling costs are included in the rent will be payable to the household's heating fuel supplier. The recipient will not need to endorse these warrants because only the utility supplier can negotiate them. Energy suppliers will apply the sum of the warrant to the household's bill, and either bill the recipient for the remaining balance or apply a credit for the next month. Households whose complete fuel costs are paid as an undesignated portion of their rent will receive benefits directly. The participation requirements and responsibilities of the utility suppliers are included in the proposed rules.

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

Mr. Hawes also has determined that for each year of the first five years the rules are in effect the anticipated public benefit is assistance to low-income households to help them meet utility costs. Approximately 309,724 households will receive heating assistance, and 312,821 households will receive cooling assistance during 1985, excluding VA households. There is no anticipated economic cost to individuals required to comply with the proposed rules.

The DHR will hold a hearing to accept public comment on the proposed rules at 9 a.m. on November 15, 1984, in the DHR boardroom, 701 West 51st Street, Austin. Written comments may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—661, Texas Department of Human Resources, P.O. Box 2960, Mail Code 153-E, Austin, Texas 78769.

Program Requirements

40 TAC §§ 1-8.8

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

§8.1. *Categorical Designation.*

(a) To qualify for HEAP heating assistance, the household must apply and be certified by December 31 for January AFDC, SSI or food stamp benefits or receive Veterans Administration (VA) benefits under 38 United States Code §§415, 521, 541, or 542, or under the Veterans and Survivors Improvement Act of 1978, §306, in January.

(b) To qualify for HEAP cooling assistance, the household must apply and be certified by May 31 for June AFDC, SSI or food stamp benefits or receive VA benefits under 38 United States Code §§415, 521, 541, or 542 or under the Veterans and Survivors Improvement Act of 1978, §306, in June.

§8.2. Income Criteria.

(a) The household's income is its gross income (without any deductions) as determined by the household's AFDC, SSI, food stamp or VA worker. To meet the income requirement for HEAP assistance, a household's income may not exceed 75% of the 1981 Bureau of Labor Statistics' family budget at the lower level of living standard as updated annually to reflect the change in the cost of living measured by the national consumer price index for urban wage earners and clerical workers. For state fiscal year 1985, the maximum income eligibility guidelines are:

Family Size	Income Limit
1	\$ 371
2	608
3	835
4	1,030
5	1,216
6	1,422

(b) The income limits will be announced in the *Texas Register* each fall.

§8.3. Vulnerability.

(a) To qualify for HEAP assistance, the household must be vulnerable to increases in the cost of home energy. Households that reside in privately owned rental housing meet the requirement even if all or part of their cost of utilities is included in their rent payment.

(b) Residents of certain types of public and subsidized housing are not eligible because they are protected from energy cost increases through subsidies by federal, state, or local governments.

(c) To comply with the vulnerability requirement, persons who live in public and subsidized housing must either be billed directly by a utility company or pay the total cost to the landlord.

§8.4. Rights and Responsibilities of Households.

(a) Households applying for and receiving HEAP assistance have the following rights and responsibilities:

(1) to complete an application/questionnaire and return it to DHR within the time limit specified on the application/questionnaire. The return date may not be less than 12 days from the date mailed.

(2) to return any money DHR determines to be an overpayment. The DHR must notify the household of its right to contest the determination.

(3) to provide information necessary to establish eligibility if the household has access to the requested information.

(4) to provide the names of their fuel suppliers, as appropriate. Failure to comply will result in denial.

(b) Aid to families with dependent children, SSI, and food stamp households that are potentially eligible for HEAP assistance may receive an application automatically from DHR. Households that do not receive an application may request one from the HEAP regional coordinator.

(c) Households receiving VA benefits must request an application from DHR's HEAP regional coordinator in January (for heating assistance) and June (for cooling assistance).

§8.5. Responsibilities of Energy Suppliers. Energy suppliers participating in the HEAP vendor payment process have the following responsibilities:

(1) to not discriminate against recipients of HEAP benefits either in the cost of goods supplied or the service provided;

(2) to complete a vendor agreement and return it to DHR before warrants can be made payable to them.

§8.6. Benefit Amount.

(a) For heating assistance, households receive an amount that is based on the average cost of natural gas in each Texas county determined by population.

(b) For cooling assistance, households receive an amount that is based on the average cost of electricity.

(c) The DHR uses the household's gross income to determine the benefit level.

§8.7. Outreach. The DHR will make public any information about eligibility requirements and benefits of the HEAP heating and cooling programs. The DHR will release public service announcements regarding operation of the program.

§8.8. Appeals. Households may request a fair hearing if their application for HEAP assistance is denied or not acted on promptly. Households must request the fair hearing within 90 days from the effective date of the action or alleged inaction. Appeal procedures are addressed in Chapter 79 of this title (relating to Legal Services).

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

Issued in Austin, Texas, on October 22, 1984.

TRD-8410638 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 28, 1984

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



Program Administration

40 TAC §§8.907-8.911

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin).

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

§8.907. Eligibility Requirements.

§8.908. Household Responsibility.

§8.909. Benefit Amount.

§8.910. *Confidentiality.*
§8.911. *Appeals.*

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 22, 1984.

TRD-8410639 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 26, 1984
For further information, please call (512) 450-3766.

HEAP Cooling Program

40 TAC §§8.3501-8.3507

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in

the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

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

§8.3501. *Categorical Designation.*
§8.3502. *Income.*
§8.3503. *Vulnerability.*
§8.3504. *Household Rights and Responsibilities.*
§8.3505. *Benefit Amount.*
§8.3506. *Outreach.*
§8.3507. *Appeals.*

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 22, 1984.

TRD-8410640 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 26, 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 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 TAC title and part.)

Powers and Duties Transfer of Securities under Certain Agreements

059.01.18.001, .003, .005, .011, .015, .017

The State Board of Insurance adopts amendments to Rule 059.01.18.001, with changes to the proposed text published in the July 3, 1984, issue of the *Texas Register* (9 TexReg 3697). Rules 059.01.18.003, .005, .011, .015, and .017 are adopted without changes and will not be republished.

These rules specify requirements for the transfer of securities owned by an insurer under a written agreement with a registered securities broker. The amendments to the rules are primarily editorial and non-substantive or are clarifications. References to board orders throughout the rules are replaced with appropriate rule citations. Certain provisions are deleted from Rule 059.01.18.011 because they are already part of the instructions in annual statement blanks. The only change in these rules from the proposal is in Rule 059.01.18.001, in which a citation to the Insurance Code, Article 21.39-B, is clarified.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 1.15, pursuant to which the State Board of Insurance is authorized to examine insurance companies; and Texas Civil Statutes, Article 6252-13a, §4, pursuant to which the State Board of Insurance may enact procedural rules necessary or appropriate for it to carry out its statutory function.

.001. Purpose. Notwithstanding any rule adopted under authority of the Insurance Code, Article 21.39-B, an insurer may enter into a written agreement with a registered securities broker for the purpose of transferring securities owned by the insurer to such broker in accordance with the terms of these rules.

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 17, 1984

TRD-8410552

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 8, 1984
Proposal publication date: July 3, 1984
For further information, please call (512) 475-2950.



**Rating and Policy Forms
Filing of Rating Information**

059.05.15.101, .102

The State Board of Insurance adopts amendments to Rule 059.05.15.101, with changes to the proposed text published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2744). Rule 059.05.15.102 is adopted without changes and will not be republished.

Rules 059.05.15.101 and .102 adopt procedures respecting (a) rate filings under the Insurance Code, Chapter 5, Subchapter B. An (a) rate filing is a filing for board approval of a rate for a risk for which there is no standard and uniform rate. These rules specify procedures for the filing of (a) rates, the revision of (a) rate filings, the continuation of effectiveness of (a) rate filings, and the applicability of expense modifications to (a) rated exposures.

A substantive change in the rules is the deletion of the requirement for reaffirmation application in Rule .001(d) and (e) and Rule .102(c). The only other substantive change is that the charge for material accompanying an (a) rate filing is increased from \$1.00 to \$1.50. The other changes are nonsubstantive and editorial in nature.

There is one change from the rules as proposed. In Rule 059.05.14 101(a), the word "the" is inserted in an appropriate place in the second sentence.

No comments were received regarding adoption of the amendments

The amendments are adopted under the Insurance Code, Article 5.15, pursuant to which the board reviews (a) rate filing of coverage regulated under the Insurance Code, Chapter 5, Subchapter B; pursuant to the board's authority under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, to adopt procedural rules necessary or appropriate for it to carry out its statutory duties; and under the Insurance Code, Article 4.07, pursuant to which the board may make appropriate charges for rating information.

.001. Approval of (a) Rate Filings.

(a) The Insurance Code, Chapter 5, Subchapter B, does not vest in the State Board of Insurance authority to make rates. Thus, it is improper for company representatives, agents, or others to call on the General Liability Section of the Casualty Insurance Division for suggested (a) rates.

(b) All (a) rate applications must indicate the rate or rates the insurer proposes to charge and a complete description of the (a) rated exposures and pertinent data for such rate or rates. In the event the information accompanying the application is not considered sufficient to justify the proposed rates, the submission will be disapproved or the submitting insurer will be permitted to supply additional data.

(c) After (a) rates are established, such rates shall not be revised prior to their expiration as provided in these rules until the insurer that established the (a) rates is noti-

fied and given a chance to be heard as contemplated by Subchapter B.

(d) Approved (a) rates may be revised provided information is furnished establishing to the satisfaction of the State Board of Insurance that the (a) rates approved for the risk do not meet the standards as set out in the statute.

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 17, 1984.

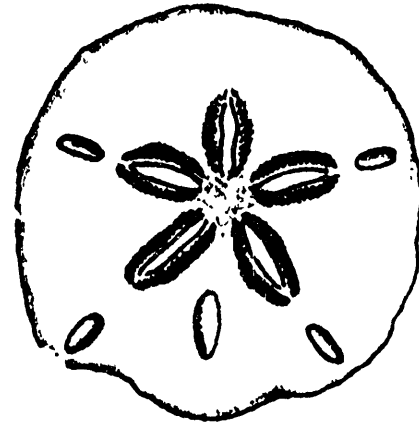
TRD-8410553

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 8, 1984

Proposal publication date: May 18, 1984

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



**General Provisions
Insurance Holding Company System
Regulations II**

059.21.49.102

The State Board of Insurance adopts the repeal of Rule 059.21.49.102, without change, to the proposal published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3299).

Rule 059.21.49.102 provides that the citation of the Insurance Code, Article 21.49, in Rule 059.21.49.101 should be amended to read the Insurance Code, Article 21.49-1. Simultaneously with this repeal, Rule 059.21.49.001 is revised and renumbered. The use of Article 21.49-1 is incorporated into that revision. This repeal will therefore not change any present practice or requirement of the board.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 21.49-1, § 11, which authorizes the State Board

of Insurance to adopt rules to carry out the provisions of that law.

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 17, 1984.

TRD-8410554 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 8, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

Rules to Implement the Amusement Ride Safety Inspection and Insurance Act

059.21.53.001-.007

The State Board of Insurance adopts new Rules 059.21.53.001-.007, without changes to the proposed text published in the September 18, 1984, issue of the *Texas Register* (9 TexReg 4905).

These new rules implement the Amusement Ride Safety Inspection and Insurance Act. The rules were previously adopted on an emergency basis and became effective on May 15, 1984. An amendment to emergency Rule 059.21.53.004 was adopted and became effective on August 31, 1984.

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

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

No comments were received regarding adoption of the new rules.

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

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 19, 1984.

TRD-8410606 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 9, 1984
Proposal publication date: September 18, 1984
For further information, please call (512) 475-2950.

Stipulated Premium Insurance Companies Requirements and Procedures for Stipulated Premium Insurance Companies

059.22.01.101, .102

The State Board of Insurance adopts amendments to Rules 059.22.01.101 and .102, without changes to the proposed text published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3299).

Rule 059.22.01.101 relates to the reinsurance of a company regulated under the insurance Code, Chapter 14, into a stipulated premium insurance company; Rule 059.22.01.102, adopts certain requirements for life insurance policy forms. The amendments are minor, nonsubstantive, and editorial only. No requirement or procedure of the board is being changed as a result of the amendments.

The rules also are being reformatted and renumbered. Heretofore, Rules 059.22.01.101 and .102 were combined in Rule 059.22.01.001. The rules are now divided into two rules corresponding with "Rule I. Establishment and Maintenance of Permissive Deficiency Reserve" and "Rule II. Life Policy Forms." In addition, the numbering of various subsections and paragraphs and the format of the rules in general are conformed to *Texas Register* style.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Chapter 22, pursuant to which stipulated premium companies are regulated, under the Insurance Code, Article 22.13, which specifies various requirements for stipulated premium company policy forms; the Insurance Code, Article 22.15, pursuant to which a company regulated by the Insurance Code, Chap-

ter 14, may be reinsured into a stipulated premium company; and Texas Civil Statutes, Article 6252-13a, pursuant to which the board may enact rules in accordance with *Texas Register* formatting requirements.

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 17, 1984.

TRD-8410555 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 8, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

State Board of Insurance Exempt Filings

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

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

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

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

The State Board of Insurance has approved a filing by PMI Mortgage Insurance Company of new and revised rates for various owner occupied mortgage guaranty insurance premium plans

The increased rates are necessary due primarily to two developments. The significant increase in mortgage insurance claims and the emergence of the adjustable rate mortgage (ARM) as the dominant form of mortgage instrument in 1983 and early 1984. An overall rating modification is necessary to bring the current rate structure in line with the nature of the risks currently being written. The increase in claims is attributable in part to the effects of the last recession which ended in late 1982 and primarily is a result of fundamental changes in the structure of mortgage financing, such as deregulation of financial institutions, a decline in the market share of the portfolio lenders, the proliferation of creative financing techniques, and increased interest rate volatility.

The impact of these changes has been to increase the probability that a mortgage will go to claim. The risk of borrowers' defaulting on mortgage instruments which feature buydowns, discounts, interest rate concessions, graduated payment features, adjustable rate features, and negative amortization are greater than the risk of defaulting on the traditional fixed rate 30-year amortized loan. The new and innovative non-fixed payment mortgage instruments have introduced

risks that were not present in the fixed rate amortized instruments upon which our current structure is predicated. The increased risk on nonfixed payment mortgage loans is in addition to the normal risk of defaults from prevailing economic factors, such as high interest rates, high unemployment, and depression of real estate values.

This filing is effective November 15, 1984.

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

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

TRD-8410548 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 15, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has approved a filing by the Surety Association of America of a revision in rates for license deputy bonds.

The Texas Parks and Wildlife Department requires a surety bond from individuals or corporations to obtain authorization to sell hunting and fishing licenses. Since 1960, these bonds have been subject to the general public official bond rate of \$3.50 per thousand per annum. These bonds are more akin to license and permit bonds and the obligations are, for all intents and purposes, financial guarantees, the rate for which is \$20 per thousand per annum. Consequently, many companies do not regard the current rate assigned to these bonds as a commensurate charge for the hazards assumed under the bonds and are reluctant to provide the coverage. The average loss ratio for the latest five-year period is over 54%, while latest expense figures indicate an expense ratio of 68.7% for surety with the expense ratio for these bonds being a few percentage points higher. The combined loss ratio is well over 100%

Effective for the 1984-1985 license year, the Texas Parks and Wildlife Department has increased the minimum license deputy bond from \$2,000 to \$5,000. Since the minimum \$5,000 bond increases a surety's

exposure to loss more than a \$2,000 bond, more companies may be constrained to restrict their writing of these bonds.

This filing proposes a \$7.50 per thousand per annum rate in lieu of the present \$3.50 per thousand per annum.

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

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

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

TRD-8410549 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 11, 1984

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

The State Board of Insurance has approved the following standard and uniform manual rules, rates, rating plans, classification plans and policy and endorsement forms for certain lines of insurance regulated under the Insurance Code, Chapter 5, Subchapter B: the Surety Association of America *Rate Manual of Fidelity, Forgery, and Surety Bonds*; the Surety Association of America standard forms of blanket and forgery bonds; the Surety Association of America rating plans; Cumis Insurance Society Credit Union Discovery Bond Program (including manual rules, rates, and forms); Insurance Services Office *Commercial Lines Manual*, Division 3, crime, and Division 7, glass (including manual rules, rates, and forms); Chubb Group Financial Institution Electronic and Computer Crime Program (including rules, rates, and forms); Integrity Insurance Company Leased Vehicle Residual Value Protection Program (including rates and forms); PMI Mortgage Insurance Company Mortgage Guaranty Pool Insurance Program (including forms and rates), PMI Insurance Company Home Equity/Home Improvement Credit Pool Program; American Credit Indemnity Company of New York Commercial Credit Insurance Program; Insurance Services Office experience rating plans for glass and theft insurance, composite rating plan for automobile, general liability, glass, and theft insurance, and the net retrospective rating plan D, rating supplement for general liability, glass and theft insurance; Foremost Insurance Company Alternate Private Credit Insurance Program; Seaboard Surety Company negotiable and nonnegotiable securities forwarding indemnity bonds, first class, certified, registered, and mail rates; PMI Insurance Company home equity/home improvement credit insurance endorsement forms; Aetna Casualty and Surety Company Specific Excess Securities Bond Program; American Centennial Insurance Company home improvement credit insurance endorsement; American Centennial home equity credit insurance endorsement; MGIC In-

demnity Corporation Special Hazard Credit Insurance Program (including forms and rates); Transamerica Insurance Company application investigation rider for blanket fidelity bonds; St. Paul Fire and Marine Insurance Company employee dishonesty claim expense coverage on fidelity bonds (including rules, rates, and forms); MGIC Indemnity Corporation mortgage servicer/administrator performance bond form and rate; Surety Association of America mobile home installers bond form and rate, Lawyers Surety Corporation Builders Association bond form and rate; Independent Bankers Association of Texas Self-Insurance Trust for Banks Program respecting the Insurance Code, Article 21.49-6; Foremost Insurance Company Personal Theft Insurance Program (including rules, forms, and rates); Commercial Loan Insurance Corporation Commercial Mortgage Guaranty Insurance Program (including forms, rules, and rates), Federal Insurance Company Kidnap/Ransom and Extortion Insurance Program (including rules, rates, and forms); National Union Fire Insurance Company of Pittsburgh, Pennsylvania limited partnership financial guarantee bond (including forms and rates); Surety Association of America invention development service bond (including form and rate); St. Paul Companies miscellaneous surety depository bonds rates; MGIC Indemnity Corporation limited real estate partnerships loan performance guarantee bonds, Aetna Insurance Group comprehensive 3-D and blanket crime policies Endorsement 607; Lawyers Surety Corporation business services bond form; Travelers Indemnity Company bank depository bond rate; Western Surety Company public employees blanket bond municipal utility district agents rider; Commercial Union Insurance Company withdrawal policy; Surety Association of America fire detection and alarm devices sales and installation bond form and rate; The Hartford Group assumption certificate for liability of the Canadian exposure of fidelity bonds, comprehensive 3-D, and blanket crime policies written for a U.S.A. insured by the filing companies; Integrity Insurance Company Nonleased Vehicle Residual Value Protection Program, MGIC Indemnity Corporation loan performance guarantee bond for mortgage guaranty pool insurance form and rate Midland Insurance Company Tenant Security Deposit Bond Program (including forms and rates).

These current manual rules, rates, rating plans, classification plans, and policy and endorsement forms have been heretofore approved under previous board orders. These programs are now reapproved under the Insurance Code, Article 5.97, enacted by House Bill 1487, 68th Legislature, 1983, as an alternative to the Administrative Procedure and Texas Register Act.

There is no change to any present procedure or requirement of the board. This action does not affect the board's previous action in approving current manual rules, rates, rating plans, classification plans, and policy and endorsement forms, and such action is expressly affirmed.

This approval is effective November 15, 1984.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the require-

ments of the Administrative Procedure and Texas Register Act.

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

TRD-8410557 James W Norman
Chief Clerk
State Board of Insurance

Effective date, November 15, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has approved the following standard and uniform manual rules, rates, rating plans, classification plans, and policy and endorsement forms for certain lines of insurance regulated under the Insurance Code, Chapter 5, Subchapter B:

- (1) *Commercial Lines Manual*, Divisions 2, 4, and 6—manuals of liability insurance including boiler and machinery and guide (a) rates (includes manual rules, rates, the general liability experience rating plan, and classification plans);
- (2) standard provisions for general liability insurance (includes endorsement forms and boiler and machinery policy forms and endorsements);
- (3) composite rating plan for general liability insurance;
- (4) general liability insurance endorsements and guide (a) rates for governmental units;
- (5) general liability insurance simplified single limit rating plan;
- (6) nuclear energy liability insurance program (including policy forms and endorsement);
- (7) boiler and machinery insurance premium adjustment rating plan;
- (8) liquor liability insurance host coverage guide (a) rate;
- (9) abstractors professional liability insurance program;
- (10) adjusters professional liability insurance program;
- (11) rating plan respecting an extension of coverage for general liability insurance in the event of an occurrence, claim, or lawsuit;
- (12) burial vault liability insurance program;
- (13) camp operators liability insurance program;
- (14) captive agents errors and omissions insurance program;
- (15) cemetery professional omissions insurance program;
- (16) credit union errors and omissions insurance program;
- (17) custom house brokers and freight forwarders errors and omissions insurance program;
- (18) data processors errors and omissions insurance program;
- (19) educators professional liability insurance program;
- (20) employee benefit liability insurance program;
- (21) employer's comprehensive notary public errors and omissions insurance program;

- (22) fiduciaries errors and omissions insurance program;
- (23) hunting club insurance program;
- (24) insurance agents errors and omissions insurance program;
- (25) life underwriters errors and omissions insurance program;
- (26) mortgage and fiduciary insurance policy, rules, and rates;
- (27) morticians errors and omissions insurance program;
- (28) notary public errors and omissions insurance program;
- (29) pension and welfare fund fiduciary responsibility insurance program;
- (30) premium financing company errors and omissions insurance program;
- (31) professional golfers liability insurance program;
- (32) real estate appraisers errors and omissions insurance program;
- (33) rifle and gun club insurance program;
- (34) registered representatives errors and omissions insurance program;
- (35) waterbed liability insurance program;
- (36) trust department errors and omissions insurance program;
- (37) travel agents errors and omissions program;
- (38) title insurance agents errors and omissions insurance program; and
- (39) real estate dealers errors and omissions insurance program.

The current manual rules, rates, rating plans, classification plans, and policy and endorsement forms have been heretofore approved under previous board orders. These programs are reapproved under the Insurance Code, Article 5.97, which was enacted by House Bill 1487, 68th Legislature, 1983, as an alternative to the Administrative Procedure and Texas Register Act. There is no change to any present procedure or requirement of the board. This action does not affect the board's previous action in approving current manual rules, rates, rating plans, classification plans, and policy and endorsement forms, and such action is expressly affirmed.

This filing is effective November 15, 1984.

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

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

TRD-8410556 James W Norman
Chief Clerk
State Board of Insurance

Effective date, November 15, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has approved current manual rules, rates, and forms for rain insurance,

household floaters insurance, mobile home dealers insurance, and oil and gas lease property insurance coverage regulated under the Insurance Code, Article 5.53. The purpose of this action is to approve, under the Insurance Code, Article 5.97, the current manual rules, rates, and forms. Article 5.97 was enacted by House Bill 1487, 68th Legislature, 1983, as an alternative to the Administrative Procedure and Texas Register Act. This action is a reapproval. It will not change any present procedure or requirement of the board. It does not affect the board's previous action in approving current manual rules, rates, and forms, and such action is expressly affirmed.

This filing is effective on November 15, 1984.

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

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

TRD-8410558 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 15, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has approved current manual rules, rates, and forms for inland marine insurance and crop-hail insurance regulated under the

Insurance Code, Article 5.53. The purpose of this action is to approve, under the Insurance Code, Article 5.97, the current manual rules, rates, and forms. Article 5.97 was enacted by House Bill 1487, 68th Legislature, 1983, as an alternative to the Administrative Procedure and Texas Register Act.

This is a reapproval. The board's action will not change any present procedure or requirement of the board. It does not affect the board's previous action in approving current manual rules, rates, and forms, and such action is expressly affirmed. The manual rules, rates, and forms approved are Division Eight, Inland Marine, *Texas Commercial Lines Manual* (including rules, rates, and forms); the personal inland marine manual (including rules, rates, and forms); manual rules and rates for crop-hail insurance; and policy and endorsement forms for crop-hail insurance.

This approval is effective on November 15, 1984.

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

Issued in Austin, Texas, on October 18, 1984

TRD-8410559 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 15, 1984
For further information, please call (512) 475-2950.

Open Meetings

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

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

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

Texas Department on Aging

Thursday, November 8, 1984, 9 a.m. The Texas Board on Aging of the Texas Department on Aging will meet in the boardroom, fifth floor, 210 Barton Springs Road, Austin. Items on the agenda include approval of the September 25, 1984, minutes; the October 25, 1984, Citizens Advisory Council report, the silver-haired legislature update; sunset legislation, budget hearings and a report concerning funding for 1985, the final 1985 calendar, and the policy concerning prayer in senior centers.

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

Filed: October 22, 1984, 4:30 p.m.
TRD-8410663

Texas Board of Architectural Examiners

Friday, November 2, 1984, 9 a.m. The Texas Board of Architectural Examiners will meet in Room 108, Main Level, West Hall, Albert Thomas Convention Center, 612 Smith Street, Houston. Items on the agenda include approval of the minutes,

reinstatements, revocation hearings concerning architects, reciprocal licensing, examinations, alleged violations, rules and regulations, legislation, the future board meeting, and official state business.

Contact: Robert H Norris, AIA, 8213 Shoal Creek Boulevard, #107, Austin Texas 78758, (512) 458-1363.

Filed: October 18, 1984, 2:10 p.m.
TRD-8410560

Texas State Board of Examiners of Professional Counselors

Saturday, October 27, 1984, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet at the auditorium, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve the August 11, 1984, minutes; consider licensure applications and procedures, including reviews of disapproved files (applicants with disapproved files may appear for review of their applications), testimony and comments received at the October 25, 1984, public hearing, complaints against licensees,

and committee appointments; discuss matters relating to the administration, grading, and construction of the licensure examination and other matters relating to the licensure and regulation of professional counselors, consider adoption of final rules amending the fee schedule and relating to fees, final rules relating to the qualifications and fitness of applicants, and final rules relating to continuing education requirements; and set the next meeting date.

Contact: Daniel L Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: October 19, 1984, 4:08 p.m.
TRD-8410620

Criminal Justice Policy Council

Friday, November 2, 1984, 9 a.m. The Commission on Sentencing Practices and Procedures of the Criminal Justice Policy Council will meet in the State Senate Chambers, State Capitol, Austin. Items on the agenda include the goals of sentencing, the costs of sentencing, and a work session for commission members.

Contact: Barbara Slaughter, Sam Houston Building, Room 410, 201 East 14th Street,

Austin, Texas 78711, (512) 475-1281 or 475-2150.

Filed: October 22, 1984, 10:58 a.m.
TRD-8410648

Texas Commission for the Deaf

Monday, October 29, 1984, 1:30 p.m. The Texas Commission for the Deaf will meet at 510 South Congress Avenue, Austin. Items on the agenda include action on the previous meeting minutes, election of commission officers, a report from the Board for Evaluation of Interpreters, a report on DEAFNET activities, director and staff reports, public comment, and the chairman's report. The commission also will meet in executive session to consider personnel matters.

Contact: Fred R. Tammen, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 475-2492

Filed: October 19, 1984, 3:56 p.m.
TRD-8410619



Texas State Board of Dental Examiners

Thursday-Saturday, November 29-December 1, 1984, 8 a.m. daily. The Texas State Board of Dental Examiners will meet at the Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda summary, the board will conduct disciplinary hearings; clarify root planing; review a failing grade made by an applicant on a September 1984 exam; hear the request of Dr. Sellingsloh for an attorney general's opinion; hear a committee report on licensure by reciprocity and/or credentials; make a final consideration of previously proposed amendments to §109.211, concerning unprofessional, dishonorable, and immoral conduct, §107.38, concerning reporters and transcripts, and §109.144, concerning records and their transfer; and dis-

cuss motions for rehearings and a request for reinstatement of a dental license.

Contact: William S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443.

Filed: October 22, 1984, 9:50 a.m.
TRD-8410635

Texas Employment Commission

Friday, October 26, 1984, 9 a.m. The Advisory Council of the Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the council will approve the prior meeting notes, hear committee reports, discuss proposed legislative issues, and consider a report to the legislature and the tentative date and agenda items for the next meeting.

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

Filed: October 18, 1984, 4:21 p.m.
TRD-8410577

Tuesday, October 30, 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 and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 44, and set the date of the next meeting.

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

Filed: October 22, 1984, 4:15 p.m.
TRD-8410659

Office of the Governor

Tuesday, October 23, 1984, 10 a.m. The Agricultural Workers Subcommittee of the Job Injury Advisory Committee of the Office of the Governor met in emergency session in the conference room, seventh floor, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the subcommittee reviewed the recommendations of the Governor's Task Force on the Prevention of Rural Injury and developed recommendations for the advisory commit-

tee. The emergency status was necessary to have recommendations ready for the advisory committee to review and make its recommendations to the Interagency Council by the end of November.

Contact: Luis F. B. Plascencia, P.O. Box 13561, Austin, Texas, (512) 475-6156.

Filed: October 18, 1984, 4:08 p.m.
TRD-8410575

Texas Department of Health

Saturday, October 27, 1984, 9:30 a.m. The Hospital Licensing Advisory Council of the Texas Department of Health will meet in Room S101, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve the April 30, 1984, minutes and discuss birthing centers, ambulatory surgical centers, current information concerning the development of a state fire code, a Task Force Committee report on hospital licensing standards, and subject matter for the next council meeting.

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

Filed: October 19, 1984, 4:09 p.m.
TRD-8410621

Texas Health Facilities Commission

Thursday, November 1, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need
Rivendell Children and Youth Center,
Bulverde
AH84-0215-096

Motions for Rehearing/Reconsideration
Forest Central Surgi-Center, Dallas
AS83-0706-024
North Texas Day Surgery Center, Dallas
AS83-0927-180
Day Surgery Center of East Central
Dallas, Dallas
AS83-0720-045
Baylor Health Services, Inc., Dallas
AS83-0808-088
First Texas Medical Hospital, Denton
AH83-1024-219
Westgate Hospital and Medical Center,
Denton
AS83-1121-389

Texas Register

Memorial Hospital of Garland, Garland
AS84-0103-004
Youthcare Center, Port Arthur
AH83-1228-470

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

Filed: October 22, 1984, 8:36 a.m.
TRD-8410628

State Board of Insurance

Tuesday, October 23, 1984, 10 a.m. The State Board of Insurance made an emergency addition to the agenda of a meeting held in Room 414, 1110 San Jacinto Street, Austin. The addition concerned consideration of final action on proposed Rule 059.01.15.271, as published at 9 TexReg 4854. The emergency status was necessary to have rules in effect by November 15, 1984, when quarterly prepayments of premium taxes are due.

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

Filed: October 22, 1984, 9:49 a.m.
TRD-8410637

The Commissioners Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin Days, times, rooms, and dockets follow.

Tuesday, October 30, 1984, 9 a.m. In Room 342, Docket 7831—a reinsurance agreement whereby Garza Burial Association, Weslaco, will be reinsured by Bankers and Farmers Life Insurance Company, Waco.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: October 22, 1984, 4:14 p.m.
TRD-8410660

Tuesday, October 30, 1984, 9 a.m. In Room 353, Docket 7677—whether certain acts or transactions between Houston National Life Insurance Company and Finis Teeter and Gene Estilette should be set aside, rescinded, revoked, reversed, and rendered void.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78711, (512) 475-4353.

Filed: October 22, 1984, 4:14 p.m.
TRD-8410661

Friday, November 2, 1984, 1:30 p.m. In Room 342, Docket 7837—application of

Timothy Ray Munn, Tyler, for a solicitor for a local recording agent's license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78711, (512) 475-2287.

Filed: October 22, 1984, 4:14 p.m.
TRD-8410662

Tuesday, October 30, 1984. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Times and agendas follow.

9 a.m. The board will consider final action concerning new Rules 059.27.04.001-.007, 059.41.43.100-.107, .109-.113, .115, .116, .118-.122, and .124-.127, 059.03.75.001-.007, 059.03.48.001 and .002, 059.41.92.501-.507, and .601 and .620; amendment of Rules 059.05.26.101 and .102; repeal of Rules 059.05.33.001, 059.05.81.001, 059.05.36.001-.003 and .006, 059.05.25.003-.007 and .010, 059.05.77.001-.003, 059.05.55.001, 059.05.57.001, 059.05.58.001 and .002, 059.05.01.001 and .005, 059.05.06.001, and .003, 059.05.19.001-.005 and .009-.013, 059.05.05.001-.005, 059.05.26.003, and 059.05.43.001 and .002; action on proposed Rules 059.27.06.001-.007; withdrawal of a proposed amendment to Rule 059.09.07.003; and adoption of current standard and uniform manual rules, rating plans, classification plans, and/or policy and endorsement forms for property and casualty insurance regulated under the Insurance Code, Chapter 5, Subchapters A, B, C, and/or D, and Articles 5.77, 5.81, 5.96 and/or 5.97.

10 a.m. The board will consider reports of the commissioner and the fire marshal (both including personnel matters) and board orders concerning several different matters.

2 p.m. The board will consider the proposed employers liability exclusion and prejudgment interest endorsement for the Texas commercial multiperil policy; proposed rules, rates, and forms for commercial fine arts coverage under the Texas commercial multiperil policy; final action concerning agenda items 40-84 and 55 (A to J)-84 from the fire and allied lines hearing based on recommendations by the Texas Townhouse Committee; and a proposed amendment to the Texas general basis schedules to reference standards used for the installation of automatic sprinkler systems.

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

Filed: October 22, 1984, 3:26 p.m.
TRD-8410655-8410657

Legislative Audit Committee

Friday, October 26, 1984, 8 a.m. The Legislative Audit Committee will meet in Room 309, State Capitol, Austin. Items on the agenda include receipt and committee action on a management study report and other business that may come before the committee.

Contact: George W. McNeil, P.O. Box 12067, Austin, Texas 78711, (512) 475-4115.

Filed: October 18, 1984, 2:34 p.m.
TRD-8410566

Library Systems Act Advisory Board

Wednesday-Friday, November 7-9, 1984, 1 p.m. daily. The Library Systems Act Advisory Board will meet at the Sheraton Crest Hotel, 111 East First Street, Austin. According to the agenda, the board will participate in the Texas System Advisory Council conference.

Contact: Patricia Smith, P.O. Box 12927, Austin, Texas 78711, (512) 475-4119.

Filed: October 19, 1984, 9:26 a.m.
TRD-8410582

Texas National Guard Armory Board

Friday, November 2, 1984, 10 a.m. The Texas National Guard Armory Board will meet in the conference room, Building 64, Camp Mabry, Austin. According to the agenda summary, the board will consider administrative and fiscal matters and facility construction, remodeling, and renovation.

Contact: Donald J. Kerr, P.O. Box 5218, Austin, Texas 78763-5218, (512) 451-6394.

Filed: October 23, 1984, 9:22 a.m.
TRD-8410666

Board of Pardons and Paroles

Thursday, October 25, 1984, 9:30 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered a request by representatives of condemned felon Thomas A. Bare-

foot, Execution Number 621, for a 60-day reprieve of execution. The emergency status was necessary because Barefoot was scheduled to be executed before sunrise on October 30, 1984.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: October 19, 1984, 2:08 p.m.
TRD-8410604

The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. Days, times, and agendas follow.

Monday-Friday, October 29-November 2, 1984, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member board panel will receive, review, and consider information and reports concerning prisoners/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 78758, (512) 459-2713.

Filed: October 19, 1984, 10:32 a.m.
TRD-8410584

Tuesday, October 30, 1984, 1:30 p.m. 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; other reprieves, remissions, and executive clemency actions; and the case of Jessie Villarreal, Execution Number 534, concerning a commutation of sentence to life imprisonment.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: October 19, 1984, 10:32 a.m.
TRD-8410585

Texas State Board of Public Accountancy

Tuesday, October 23, 1984, 2 p.m. The Entry and Reentry Screening Committee of the Texas State Board of Public Accountancy met in an emergency rescheduled session in Suite 1700, 2121 San Jacinto, Dallas. Items on the agenda included consideration of applications for reinstatement of CPA certificates and nonroutine applications under §§12-14 and review of convictions reported by licensees on their 1984 renewal notices, information relating the Texas Department of Public Safety criminal background inves-

tigation reports, and swearing-in ceremony plans. The emergency status was necessary because committee recommendations required board action at its October 25 and 26, 1984 meeting, and the committee chairman was unable to be present for the October 25, 1984, meeting. The meeting originally was scheduled for October 25, 1984.

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

Filed: October 18, 1984, 2:11 p.m.
TRD-8410561



Public Utility Commission of Texas

Friday, October 19, 1984, 10 a.m. The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division conducted a prehearing conference in Docket 5905—application of Southwestern Bell Telephone Company for authority to implement private coin service. The emergency status was necessary due to a statutory deadline.

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

Filed: October 18, 1984, 3:19 p.m.
TRD-8410570

Wednesday, October 24, 1984, 6 p.m. The Hearings Division of the Public Utility Commission of Texas met in emergency session in the Rockwall City Council chambers, 205 West Rusk, Rockwall. According to the agenda, the division conducted a public meeting to take comments on extended area service. The emergency status was necessary because this was the only date on which the commissioners could attend.

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

Filed: October 18, 1984, 3:19 p.m.
TRD-8410571

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 26, 1984, 10 a.m. A prehearing conference in Docket 5954—inquiry into offering extended area service in the City of Rockwall.

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

Filed: October 18, 1984, 3:20 p.m.
TRD-8410572

Thursday, November 1, 1984, 10 a.m. A prehearing conference in Docket 5854—petition of Herman Walker to terminate water service in Waco

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

Filed: October 23, 1984, 9:24 a.m.
TRD-8410667

Thursday, November 1, 1984, 1:30 p.m. A prehearing conference in Docket 5858—application of General Telephone Company of the Southwest for the addition of the Penelope special rate area in the Malone exchange.

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

Filed: October 18, 1984, 2:10 p.m.
TRD-8410552

Friday, November 2, 1984, 9 a.m. A rate hearing in Docket 5960—customer protest concerning a \$43(h) rate increase by Vos Water Company in Bexar County.

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

Filed: October 23, 1984, 9:24 a.m.
TRD-8410668

Friday, November 9, 1984, 10 a.m. A prehearing conference in Docket 5907—application of Hickory Water Works for a certificate of convenience and necessity within Atascosa County.

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

Filed: October 18, 1984, 2:10 p.m.
TRD-8410563

Friday, November 9, 1984, 1:30 p.m. A prehearing conference in Docket 5935—application of Central Texas Telephone Cooperative, Inc., for a nonoptional service up-

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grade within San Saba, Llano, Coryell, Hamilton, Lampasas, and Mills Counties.

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

Filed: October 19, 1984, 2:26 p.m.
TRD-8410605

Monday, November 19, 1984, 1:30 p.m. A second prehearing conference in Docket 5871—application of the City of Cedar Park to amend a water and sewer certificate of convenience and necessity within Travis County and Williamson County

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

Filed: October 18, 1984, 2:10 p.m.
TRD-8410564

Monday, November 26, 1984, 10 a.m. A final prehearing conference in Docket 5905—application of Southwestern Bell Telephone Company for authority to implement private coin service

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

Filed: October 19, 1984, 9:26 a.m.
TRD-8410581

Monday, January 28, 1984, 10 a.m. A hearing on the merits in Docket 5926—application of Southwestern Bell Telephone Company to establish feature group E access service for radio and cellular common carriers

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

Filed: October 23, 1984, 9:24 a.m.
TRD-8410669

Railroad Commission of Texas

Monday, October 29, 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 19, 1984, 10:41 a.m.
TRD-8410586

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 19, 1984, 10:41 a.m.
TRD-8410587

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 19, 1984, 10:41 a.m.
TRD-8410588

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 19, 1984, 10:39 a.m.
TRD-8410589

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 19, 1984, 10:41 a.m.
TRD-8410590

The I P-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 19, 1984, 10:41 a.m.
TRD-8410591

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 19, 1984, 10:42 a.m.
TRD-8410592

Additions to the previous agenda.

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

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

Filed: October 19, 1984, 10:40 a.m.
TRD-8410593

Consideration of oil and gas Docket 7C-79,134—Iverson Exploration, Inc., MIPA, JKT (Canyon) Field, Schleicher County,

(protested); oil and gas Docket 8A-83,515—application of Taubert & Steed to consider temporary field rules for the "NA" (Tannehill), "WM" (1st Tannehill), "WM" (2nd Tannehill) and "WM" (3rd Tannehill) Fields, King County, and oil and gas Docket 9-82,593—motion of the commission to determine the effectiveness of the temporary field rules for the Bellevue, N (Congl. Oil) Field, Clay County.

Contact: Sandy Joseph, John Moore, or Billy Thomas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1308

Filed: October 19, 1984, 10:39 a.m.
TRD-8410594

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 19, 1984, 10:40 a.m.
TRD-8410595

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 19, 1984, 10:40 a.m.
TRD-8410596

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 Lile, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: October 19, 1984, 10:41 a.m.
TRD-8410597

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters, and consideration of the approval of self-bonding of the Sabine Mining Company at its South Hallsville Mine operating under Permit 13 in Harrison County.

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

Filed: October 19, 1984, 10:41 a.m.
TRD-8410598

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 19, 1984, 10:40 a.m.
TRD-8410599

Texas Rehabilitation Commission

Wednesday, October 24, 1984, 2 p.m. The Employment Subcommittee of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission met in emergency session in Room 104, 158 East Riverside Drive, Austin. According to the agenda, the subcommittee planned for the employment conference, including establishment of the conference format and identification of topics for conference presentations. The emergency status was necessary because this is the only time a quorum could meet.

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

Filed: October 22, 1984, 3:41 p.m.
TRD-8410658

Texas Savings and Loan Department

Thursday, November 1, 1984, 9 a.m. The Texas Savings and Loan Department rescheduled a meeting to be held at 1004 Lavaca Street, Austin. According to the agenda summary, the department will conduct a hearing to accumulate a record of evidence in regard to the applications for branch offices of San Antonio Savings Association, San Antonio, Bexar County, from which record the commissioner shall determine whether to grant or deny the applications. The meeting originally was scheduled for October 1, 1984, as published at 9 TexReg 5062.

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

Filed: October 19, 1984, 4:28 p.m.
TRD-8410625

State Securities Board

Tuesday, October 30, 1984, 9 a.m. The Securities Commissioner of the State Securities Board will conduct a hearing at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will determine whether a cease and desist order should be issued prohibiting the sale of securities issued by Ventura Energy, Inc.; Bob L. Whiteside; and Barnett R. Carthey.

Contact: Jim Ellisor, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: October 18, 1984, 11:50 a.m.
TRD-8410551

Texas Sesquicentennial Commission

Friday, November 30, 1984, 9:30 a.m. The Texas Sesquicentennial Commission will meet in Parlor B, Sheraton Crest Hotel, 111 East Street, Austin. Items on the agenda include approval of the third quarterly meeting minutes, a report of the Texas/South Australia Bi-State Foundation, the director's report, applications for sanctioning regarding communities/counties and associations, private sector logo applications, a promotional and commemorative product report, a proposed rule adoption, and other business. The commission also may meet in executive session if necessary.

Contact: Randy M. Lee, P.O. Box 1986, Austin, Texas 78767, (512) 475-5726.

Filed: October 18, 1984, 2:09 p.m.
TRD-8410565

Stephen F. Austin State University

Committees of the Board of Regents of Stephen F. Austin State University (SFA) and the full board will meet in Room 307, Austin Building, SFA campus, Nacogdoches. Days, times, and agenda summaries follow

Monday, October 29, 1984, 1:30 p.m. The committees will consider approval of the minutes, personnel items, approval of name changes for academic departments, approval of the budget, and approval of construction contracts

Tuesday, October 30, 1984, 9 a.m. The Board of Regents will approve the minutes, name changes for academic departments, budget adjustments, and construction of contracts, and consider personnel items.

Contact: Dr. William R. Johnson, Box 6078, Nacogdoches, Texas 75962, (409) 569-2201.

Filed: October 18, 1984, 2:11 p.m.
TRD-8410567, 8410568

Structural Pest Control Board

Friday, November 9, 1984, 8 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will approve the August 17, 1984, minutes; hear the executive director's complete report; set dates for the 1985 exams; and conduct hearings concerning David L. Wilson, doing business as

Chase Pest Control, Roy P. Paul, doing business as Pest Murder, Inc., and Bette Young.

Contact: David A. Ivie, Building C, Suite 250, 1300 East Anderson Lane, Austin, Texas 78752, (512) 835-4066.

Filed: October 22, 1984, 9:49 a.m.
TRD-8410636

University Interscholastic League

Tuesday, October 23, 1984, Noon. The State Executive Committee of the University Interscholastic League met in Room 3102, Thompson Conference Center, University of Texas campus, Austin. According to the agenda summary, the committee conducted a waiver review hearing; considered requests for official interpretations; and considered new business, including recommendations with regard to one-act play contest withdrawals during the 1983-1984 school year.

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: October 19, 1984, 4:36 p.m.
TRD-8410626

Texas Water Commission

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

Tuesday, October 30, 1984, 10 a.m. In Room 118, the commission will consider water district bond issues, use of surplus funds, water quality proposed permits, amendments, minor amendments, renewals, extension of time application, an amendment to a certificate of adjudication, water use applications, and the filing and setting of hearing dates

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

Filed: October 19, 1984, 3 p.m.
TRD-8410607

Wednesday, October 31, 1984, 9 a.m. In Room 118, the commission will conduct a hearing to determine whether an emergency authorization to discharge partially treated domestic sewage granted by the executive director on August 22, 1984, to the Texas Department of Corrections, Ramsey II Unit, P.O. Box 99 N/C, Huntsville, Texas 77340, should be affirmed, modified, or set

aside by the commission. The authorization permitted the Texas Department of Corrections, Ramsey II Unit, to bypass a clarifier unit of its sewage treatment facility and to discharge partially treated domestic sewage at a volume not to exceed an average flow of 350,000 gallons per day. The emergency authorization by the executive director was needed to make necessary and unforeseen repairs to the clarifier at the applicant's sewage treatment facility

Addition to the previous agenda:

The commission will conduct a hearing to determine whether an emergency authorization for bypass granted by the executive director of the Texas Department of Water Resources on July 6, 1984, to the City of Overton, P. O. Box 277, Overton, Texas 75684, should be affirmed, modified, or set aside by the commission. The authorization permitted the City of Overton to discharge 300,000 gallons per day of partially treated domestic sewage into a temporary holding pond for treatment prior to chlorination. The applicant has stated that the emergency order by the executive director was necessary because of unforeseeable repairs which had to be made to treat domestic sewage received at the facility. The partially treated domestic sewage is discharged into Little Rabbit Creek, thence to Rabbit Creek, thence to the Sabine River in Segment 0505 of the Sabine River Basin.

Contact: Kenneth Petersen, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: October 19, 1984, 3 p.m.
TRD-8410608, 8410609

Thursday, November 8, 1984, 10 a.m. In Room 124A, the commission will consider an application of Doyle Hickerson for proposed water quality Permit 11931-02 to authorize discharge of an average flow of 2.5 million gallons per day of treated wastewater effluent from its Upper Gilleland Creek Central Plant, Travis County, Colorado River Basin; and an application of J. D. Wiant for proposed water quality Permit 12589-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the proposed Falcon Crest Wastewater Treatment Plant, Cameron County, Nueces-Rio Grande Coastal Basin.

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

Filed: October 19, 1984, 3 p.m.
TRD-8410610

Tuesday, November 20, 1984, 3 p.m. In Room 118, the commission will consider

Application 4445 of the Guadalupe-Blanco River Authority for a Water Code, §11.121 permit to divert and use water spilled from, passed through, or released from storage in Canyon Reservoir on the Guadalupe River for the purpose of hydroelectric power generation. Also to be considered is an application by Andrew B. Kasnetz for proposed water quality Permit 12846-01 to authorize discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 32,000 gallons per day from the proposed Hickory Creek Mobile Estates Wastewater Treatment Plant, Denton County, Trinity River Basin.

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

Filed: October 19, 1984, 3:01 p.m.
TRD-8410611

Tuesday, November 27, 1984, 2 p.m. In Room 118, the commission will consider applications of Trail Dust Steak House, Inc., for an amendment to Permit 11613-01, Trinity River Basin, Denton County; Unimin Corporation for renewal of Permit 01401, Brazos River Basin, Somervell County; Application 239A of The Northern Trust Company as trustee of Trust 2-45216 (Goodland Farms) for an amendment to Permit 228, Brazos River Basin; and Application 4469 of The Northern Trust Company as trustee of Trust 2-49284 (Brazos Barton Farm) for a §11.121 permit, Brazos River Basin, Robertson County.

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

Filed: October 19, 1984, 3:01 p.m.
TRD-8410612

Wednesday, November 28, 1984, 10 a.m. In Room 515, the commission will receive evidence to determine whether Permit 11974-01 issued to Happy Country Homes of Texas, Inc., Route 3, Box 26-A, Rockwall, Texas 75087, which authorizes a discharge of treated domestic wastewater effluent at a volume not exceed an average flow of 125,000 gallons per day from the sewage treatment facilities which are located approximately 400 feet south of the Rockwall Lake dam and approximately 400 feet northwest of the point FM Road 3097 crosses Buffalo Creek in Rockwall County should be renewed. The executive director of the Texas Department of Water Resources has recommended that the application for renewal be denied.

Contact: Lee Ann Newberry Jones, P.O. Box 13087, Austin, Texas 78711, (512) 475-1339.

Filed: October 19, 1984, 3:01 p.m.
TRD-8410613

Wednesday, November 28, 1984, 2 p.m. In Room 118, the commission will conduct a hearing on a petition for conversion of Howard County Water Control and Improvement District 1 into a municipal utility district.

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

Filed: October 18, 1984, 10:07 a.m.
TRD-8410550

Thursday, November 29, 1984, 9 a.m. The Texas Water Commission will meet in the commissioners courtroom, Brazoria County Courthouse, Angleton. According to the agenda summary, the commission will consider an application of Vern Norman, P.O. Box 1046, Pearland, Texas 77581, to the Texas Department of Water Resources for proposed Permit 12978-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the proposed Sommersetshire Estates Wastewater Treatment Plant, which is to serve the needs of a mobile home park.

Addition to the previous agenda:

The commission will consider an amended application of Frankie Oliver, P.O. Box 1507, Brazoria, Texas 77422, to the Texas Department of Water Resources for proposed Permit 12836-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day from the proposed Royal Oak Subdivision Sewage Treatment Plant, which is to serve a proposed residential subdivision.

Contact: Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: October 19, 1984, 3:01 p.m.
TRD-8410614, 8410615

Monday, December 10, 1984, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing concerning Application 1975G of the Upper Neches River Municipal Water Authority seeking an amendment to Permit 1832 to increase the total amount of water authorized to be used each year by 18,000 acre-feet for industrial uses in Anderson County and the transbasin diversion of additional acre-feet from the Neches River Basin for use in the Trinity River Basin; to authorize use of unappropriated flows of the Neches River supplemented as

needed from releases from Lake Palestine to provide 46,000 acre-feet of water per annum for municipal and industrial use; and to authorize construction and maintenance of an off-channel reservoir for storage and subsequent withdrawal of an additional 18,000 acre-feet of water.

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

Filed: October 19, 1984, 3:02 p.m.
TRD-8410616

Regional Agencies Meetings Filed October 18

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on October 29, 1984, at 7:30 p.m. The board also will meet at the same location on October 30, 1984, at 7:30 p.m. Information may be obtained from Clifton L. Kessler, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The North Central Texas Council of Governments, Executive Board, met in Room 908, El Centro College, Main and Lamar Streets, Dallas, on October 25, 1984, at 1:30 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300.

TRD-8410574

Meetings Filed October 19

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, met in the boardroom, 1430 Collier Street, Austin, on October 23, 1984, at 7:30 a.m. The Finance and Control Committee met at the same location on October 24, 1984, at noon. The Board of Trustees Personnel Committee met at the same location on October 24, 1984, at 5:30 p.m. The Board of Trustees met at the same location on October 25, 1984, at 7 a.m. Information may be obtained from Glenda Boyle or Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Coastal Bend Council of Governments will meet at 901 Leopard, Corpus Christi, on October 26, 1984, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469.

The Dallas Area Rapid Transit, Board, met at 601 Pacific Avenue, Dallas, on October 23, 1984, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Deep East Texas Council of Governments, Board of Directors, met at the Newton County Senior Citizens Center, Newton, on October 25, 1984, at 1:30 p.m. Information may be obtained from Rhonda Ruckel, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

The Golden Crescent Regional Planning Commission, Board of Directors, will meet in the Americana Room, Interfirst Bank, 1908 North Laurent, Victoria, on October 31, 1984, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Hays County Central Appraisal District, Board of Review, met at the Courthouse Annex, San Marcos, on October 25, 1984, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on October 25, 1984, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Suite 707, 1701 West Highway 83, McAllen, Texas 78501, (512) 682-3481.

The Nortex Regional Planning Commission, Executive Committee, made emergency additions to the agenda of a meeting held in the Clipper Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on October 25, 1984, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Central Appraisal District of Rockwall County, Appraisal Review Board, met at 106 North San Jacinto, Rockwall, on October 23, 1984, at 9 a.m. Information may be obtained from Eugene "Bo" Daffin, 106 North San Jacinto Street, Rockwall, Texas 75087, (214) 722-2034.

The Tarrant Appraisal District, Board of Directors, met in Suite 300, 1701 River Run, Fort Worth, on October 25, 1984, at 10 a.m. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-8522.

TRD-8410580

Meetings Filed October 22

The Capital Area Rural Transportation System, Board of Directors, met in the conference room, 2520 IH 35 South, Austin, on October 25, 1984, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2520 IH 35 South, Austin, Texas, (512) 443-0904.

The Region VII Education Service Center, Board of Directors, met at 100 North Middle Street, Mount Pleasant, on October 25, 1984, at 7 p.m. Information may be obtained from Scott Ferguson, 100 North Middle Street, Mount Pleasant, Texas 75455.

The Edwards County Appraisal District, Board of Directors, will meet at the new county office building, Rocksprings, on November 3, 1984, at 9 a.m. Information may be obtained from Jack Weldon, P.O. Box 378, Rocksprings, Texas 78880.

The Hale County Appraisal District, Board of Directors, will meet at 302 West Eighth Street, Plainview, on October 29, 1984, at 7:30 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth, Plainview, Texas 79072, (806) 293-4226.

The Heart of Texas Council of Governments, Executive Committee, met at 320 Franklin, Waco, on October 25, 1984, at 12:30 p.m. Information may be obtained from Mary McDow, 320 Franklin, Waco, Texas 76701, (817) 756-6631.

The Jack County Appraisal District, Board of Directors, met in a rescheduled emergency session in the Los Creek Office Building, 258 South Main, Jacksboro, on October 23, 1984, at 7 p.m. Information may be obtained from Doris G. Ray or Linda Williams, 258 South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Middle Rio Grande Development Council, Texas Review and Comment System, will meet in the commissioners courtroom, Maverick County Courthouse, Eagle Pass, on October 30, 1984, at 1:30 p.m. Information may be obtained from Oralia Saldua, Del Rio National Bank, Room 307, Del Rio, Texas 78840, (512) 774-4949

The San Antonio River Industrial Development Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on October 26, 1984, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, 100 East Guenther Street, San Antonio, Texas 78204, (512) 227-1373.

Texas Register

The West Central Texas Municipal Water District met in Room 320, Cypress Building, 174 Cypress Street, Abilene, on October 25, 1984, at 9 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

TRD-8410630

Meeting Filed October 23

The Bexar Appraisal District, Appraisal Review Board, will meet in emergency session at 535 South Main, San Antonio, on October 26, 1984, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

TRD-8410664



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

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

In Addition

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

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

On October 2, 1984, the banking commissioner received an application to acquire control of the Union of Texas Bancshares, Inc. (Union Bank of Houston), Houston, by Carl J. Lind, Jr., M.D., and Adam Wolski, M.D., both of Houston.

On October 19, 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 19, 1984.

TRD-8410632 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: October 22, 1984

For further information, please call (512) 475-4451.

Texas Department of Community Affairs Contract Awards

The Texas Department of Community Affairs announces that the following units of general local government have each been selected as a contract recipient for community development project funds under the Texas Community Development Program established pursuant to Texas Civil

Statutes, Article 4413(201), §4A. Although the proposed amount of funding for each contract is indicated, a contract is not effective until executed by the unit of general local government and the executive director of the Texas Department of Community Affairs. The cities or counties and amounts of funding are: Pleasanton, \$238,336; Dilley, \$106,892; Pearsall, \$500,000; Marion, \$481,744; Seguin, \$199,000; Kenedy, \$195,631; Runge, \$440,650; Stockdale, \$82,000; Somerville, \$194,025; Navasota, \$322,010; Hearne, \$83,225; Brenham, \$155,000; Burton, \$212,439; Bastrop, \$380,300; Flatonia, \$260,000; San Marcos, \$271,240; Manor, \$236,500; Georgetown, \$424,100; Belton, \$336,153; Milano, \$292,600; San Saba, \$455,500; Paint Rock, \$240,531; Menard, \$150,000; Sutton County, \$205,500; Lufkin, \$220,000; Nacogdoches, \$232,770; Corrigan, \$305,300; Goodrich, \$187,073; Polk County, \$410,000; Sabine County, \$305,000; Groveton, \$198,423; Trinity, \$228,000; Calhoun County, \$259,000; Port Lavaca, \$255,273; Nixon, \$500,000; Rosebud, \$350,000; Hubbard, \$250,000; Malone, \$190,000; Coolidge, \$102,500; Mart, \$199,000; Alvin, \$420,000; Columbus, \$495,333; Kendleton, \$325,000; Hitchcock, \$500,000; Ames, \$500,000; Matagorda County, \$500,000; Montgomery, \$267,000; Brookshire, \$500,000; Asherton, \$118,411; Big Wells, \$68,411; Carrizo Springs, \$68,411; Brackettville, \$82,600; Cotulla, \$98,474; Eagle Pass, \$276,934; Maverick County, \$276,934; Camp Wood, \$121,358; Real County, \$57,930; Uvalde County, \$239,421; Crystal City, \$200,000; Zavala County, \$76,177; Ferris, \$171,210; Celeste, \$167,000; Commerce, \$500,000; Greenville, \$350,000; Wolfe City, \$184,000; Alvarado, \$292,000; Grandview, \$170,000; Forney, \$300,000; Kemp, \$457,000; Terrell, \$395,000; Blooming Grove, \$65,045; Navarro County, \$278,620; Holliday, \$160,000; Childress, \$53,136; Henrietta, \$100,000; Paducah, \$175,879; Electra, \$261,150; Vernon, \$185,000; Quitaque, \$234,800; Groom, \$224,543; Dodson, \$142,900; Vega, \$166,361; Texhoma, \$284,100; Shamrock, \$221,950; Lamesa, \$250,000; Big Spring, \$380,400; Balmorhea, \$247,417; Grandfalls, \$293,000; Hardin County, \$390,000; Kountze, \$199,000; Silsbee, \$200,000; Pinehurst, \$355,000; Crosby County, \$75,305; Dickens County, \$170,853;

Spur, \$252,000; Post, \$145,000; Hale Center, \$62,690; Plainview, \$207,000; Olton, \$231,000; Matador, \$212,200; Brownfield, \$208,700; Plains, \$255,000; La Grulla, \$112,121; Roma, \$306,131; Starr County, \$500,000; Gainesville, \$223,000; Honey Grove, \$126,667; Ladonia, \$132,000; Savoy, \$135,000; Trenton, \$97,000; Ranger, \$319,700; Knox City, \$307,921; Colorado City, \$415,000; Sweetwater, \$232,000; Alpine, \$262,446; Van Horn, \$131,128; Marfa, \$238,400; Presidio, \$125,626; Cameron County, \$500,000; La Feria, \$250,000; Rio Hondo, \$245,000; Santa Rosa, \$250,000; Alton, \$489,360; Edcouch, \$250,000; Elsa, \$500,000; Hidalgo, \$200,000; La Villa, \$500,000; Weslaco, \$124,345; Athens, \$165,000; Brownsboro, \$211,257; Gilmer, \$304,000; Harrison County, \$294,000; Palestine, \$227,750; Pittsburg, \$190,000; Trinidad, \$187,746; Bowie County, \$350,000; Cass County, \$304,300; Daingerfield, \$130,000; Domino, \$183,620; Lamar County, \$500,000; Mount Pleasant, \$159,700; Brooks County, \$500,000; San Patricio County, \$500,000; Sinton, \$361,236; Val Verde County, \$341,915; Jim Hogg County, \$306,131; Webb County, \$306,122; Zapata County, \$306,131; and El Paso County, \$500,000. Grand total: \$38,824,121.

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

TRD-8410624 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: October 19, 1984
For further information, please call (512) 443-4100,
ext. 210.

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 10/01/84-12/31/84	21.19%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/84-12/31/84	21.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/84-12/31/84	19.32%	N/A
Judgment Rate— Article 1.05, §2 11/01/84-11/30/84	10.32%	10.32%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on October 22, 1984.

TRD-8410631 Sam Kelley
Consumer Credit Commissioner

Filed: October 22, 1984
For further information, please call (512) 475-2111.

Office of Consumer Credit Commissioner

Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 10/29/84-11/04/84	19.25%	19.25%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 10/01/84-10/31/84	21.00%	21.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 10/01/84-12/31/84	21.00%	N/A

State Board of Examiners of Professional Counselors Public Hearing

Pursuant to Texas Civil Statutes, Article 4512g, and the rules and regulations adopted thereunder by the Texas State Board of Examiners of Professional Counselors, notice is given that the Complaint Committee of the Texas State Board of Examiners of Professional Counselors has recommended revocation of the license of Mark E. Hoagland on the grounds set out in a complaint filed by the committee through its attorney of record.

Pursuant to the previously mentioned statute, the regulations thereunder, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, a hearing on this matter will be held at 10:30 a.m. on Monday, December 17, 1984, in Suite 101, 5830 Alpha Road, Dallas.

Mr. Hoagland is advised that he shall have the opportunity to appear and be represented by counsel, to present testimony by witnesses and other evidence and to cross-

examine opposing witnesses. Following such hearing, a proposal for decision will be made by the undersigned hearing examiner to the Texas State Board of Examiners of Professional Counselors and all parties shall be given an opportunity, as provided by law, to review and file exceptions and briefs to the said proposal for decision prior to the final decision on this matter.

This notice was issued on October 10, 1984, for Louis Parker, Ph.D., Chairman, Texas State Board of Examiners of Professional Counselors, by Gail McDonald, hearing examiner.

Issued in Austin, Texas, on October 19, 1984

TRD-8410643 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 22, 1984
For further information, please call (512) 458-7511.

ments to 22 TAC §711.5, concerning guidelines for obtaining approval for four types of pre-professional experience and internship programs in the profession of dietetics. The amendments were published in the August 14, 1984, issue of the *Texas Register* (9 TexReg 4408).

Comments on the proposal will be accepted until 5 p.m. on Friday, November 9, 1984, and should be addressed to Donna S. Hardin, Executive Secretary, Texas State Board of Examiners of Dietitians, 1100 West 49th Street, Austin, Texas 78756-3183, (512) 458-7501.

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

TRD-8410644 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 22, 1984
For further information, please call (512) 458-7501.

Court Reporters Certification Board Certification of Court Reporters

Following examination of applicants on October 12, 1984, the Court Reporters Certification Board has certified to the Supreme Court that the following persons are qualified in the method indicated to practice shorthand reporting pursuant to Texas Civil Statutes, Article 2324b, §12(e).

Oral Stenography

Ann West Newton—Longview

Machine Shorthand

Brian Francis Dominski—Memphis, Tennessee

Donna Victoria DuMouchel—Cleburne

Janette Lynn Gibbard—Beaumont

Brenda Kay Hall—Baytown

Desiree Deanna Heflin—Houston

Frances B. Ivey—Fort Worth

Chryal Ann Leonard—Dallas

Stephanie Denise McMillian—Dallas

Julie Ann New—Arlington

Michelle Nienstedt—Houston

Cheryl Lynn Pierce—Dallas

Priscilla T. Shutic—Slidell, Louisiana

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

TRD-8410633 Jim Hutcheson
General Counsel
Court Reporters
Certification Board

Filed: October 22, 1984
For further information, please call (512) 475-3404.

State Board of Examiners of Dietitians Extension of Public Comment Period

The Texas State Board of Examiners of Dietitians has extended the public comment period on proposed amend-

Texas Department of Health Opportunity for Public Hearing

The City of Loraine has filed Application No. 1724 with the department for a permit to operate a proposed Type III municipal solid waste disposal site to be located adjacent to and northeast of Loraine, 0.2 mile north of the intersection of IH 20 and FM Road 644, thence 0.3 mile east of the intersection of a county road and FM Road 644 and adjacent to the north side of a county road, in Mitchell County.

The site consists of approximately five acres of land and is to receive daily approximately 3.7 tons of solid wastes under the regulatory jurisdiction of the Texas Department of Health.

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

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the request, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application.

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

Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by

the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 4 headquarters, Commerce Plaza Office Building, 1290 South Willis, Suite 100, Abilene; (915) 695-7170.

Issued in Austin, Texas, on October 19, 1984

TRD-8410646 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 22, 1984

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

Public Hearings

The Texas Department of Health will conduct a public hearing on Application 1736 of Energy Advancement, Inc., to operate a proposed Type V municipal solid waste processing site (incineration facility) to be located within the city limits of Lockhart, 2,000 feet west of the intersection of U.S. Highway 183 and County Road 220 and 1,200 feet south of County Road 220 and within the Lockhart landfill site, in Caldwell County. The proposed facility will incinerate solid waste for the generation of electricity.

The hearing will be held at 1:30 p.m. on Monday, November 19, 1984, in the council chamber, City Hall, Lockhart.

Issued in Austin, Texas, on October 19, 1984

TRD-8410647 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 22, 1984

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

The department will conduct a hearing as the Texas radiation control agency pursuant to Texas Civil Statutes, Article 6252-13a (Administrative Procedure and Texas Register Act), Article 4590f (Texas Radiation Control Act), the *Texas Regulations for the Control of Radiation* and the Texas Department of Health formal hearing procedures to allow registrant Jon Brecht, D.D.S., holder of Certificate of Registration 9-08867, of Seguin, Guadalupe County, to show cause why his registration should not be suspended or revoked because of the alleged items of noncompliance set out in the following complaint.

The hearing will be held at 10 a.m. on Tuesday, November 20, 1984, in Room T-604, Texas Department of Health, 1100 West 49th Street, Austin.

All persons having an interest in or to be affected by this matter shall have an opportunity to appear, offer testi-

mony and other evidence, call and cross-examine witnesses and be represented by legal counsel. The cost of a written hearing transcript may be assessed against one or more of the designated parties.

This notice was issued on October 12, 1984, for David K. Lacker, M.S., Chief, Bureau of Radiation Control, Texas Department of Health, by R. V. Smith, hearing examiner.

The Matter of
JON BRECHT, D.D.S.,
Before the Texas Department of Health

Complaint

The Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health, through its division director, makes the following complaint against Jon Brecht, D.D.S. (the registrant), 211 South River Street, Seguin, holder of Certificate of Registration 9-08867.

I. The *Texas Regulations for Control of Radiation*, §21.202, require that persons who operate sources of radiation, such as an x-ray machine, or who are in areas restricted for radiation protection purposes, must be provided personnel monitoring by the registrant of those machines.

On March 29, 1983, personnel in the registrant's facility, who were either in restricted areas or were operating sources of radiation, were not provided personnel monitoring.

II. The *Texas Regulations for Control of Radiation*, §32.3(b)(2) and 22.11(a), require that the registrant have written operating and safety procedures to provide guidance and instruction to persons operating sources of radiation and further that a copy of these procedures be posted.

On March 29, 1983, the procedures required were not available and were not posted.

III. The *Texas Regulations for Control of Radiation*, §22.11(c), require that the registrant post an agency Form 22-1, notice to employees, so that employees can see the document on their way to and from their place of work. This notice is to inform employees in the facility of the requirements for personnel monitoring and the records of such monitoring which should be available to the employees.

On March 29, 1983, the notice of employees was not posted as required.

On June 25, 1984, by certified mail return receipt requested, the agency requested the registrant to attend an enforcement conference with agency representatives on July 19, 1984, at the office of the Bureau of Radiation Control, in Austin, pursuant to *Texas Regulations for Control of Radiation*, §13.8(b).

The registrant failed to acknowledge or appear.

The registrant's violations of the *Texas Regulations for Control of Radiation*, and his failure to correct deficiencies constitute a threat to the health and safety of his employees and his patients.

Therefore, an administrative hearing, duly noticed, is requested for the purpose of having the registrant show cause why his registration should not be suspended or revoked.

The complaint was signed by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, on September 17, 1984.

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

TRD-8410645 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 22, 1984
For further information, please call (512) 835-7000.

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

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

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Real Properties and Beverly Enterprises, doing
business as Leisure Lodge—Bryan, Bryan
AN83-0706-023R(100984)
PFR—Petition for reissuance of Certificate of
Need AN83-0706-023, which authorized the certifi-

cate holder to offer skilled nursing services through the reclassification of 26 ICF-III beds to skilled.

St. Luke's Episcopal and Texas Children's
Hospitals, Houston
AH81-0811-011A(100284)

CN/AMD—Request for an amendment of Certificate of Need AH81-0811-011, as amended by AH81-0811-011A(020183), which authorized the certificate holder to purchase a digital angiography system to replace an existing angiography unit, and to make minor renovations in the Angio Room I to accommodate the new system. The certificate holder requests an increase in square footage from 1,070 to 1,216, a total net increase of 146 square feet; an extension of the completion deadline from September 30, 1984, to June 1, 1985; and a decrease in the project cost from \$1,606,031 to \$1,430,985.

Galveston Hospice Group, Inc., Galveston
AH84-1005-648

DR—Request for a declaratory ruling that a certificate of need is not required for Galveston Hospice Group, Inc., to enter into contracts with area hospitals to provide acute care for hospice patients during episodes of acute pain or for management of other acute/chronic symptoms which are resistant to resolution in the home to gain Medicare certification and state licensure as a hospice. An arrangement would be made whereby two or more area hospitals would provide one or two beds each on an "as-available" basis for hospice patients requiring such acute hospital care. The beds would not necessarily be in a designated area or unit, nor would their use be limited only to hospice patients.

Issued in Austin, Texas, on October 22, 1984

TRD-8410627 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: October 22, 1984
For further information, please call (512) 475-6940.



Correction of Error

A notice of applications submitted by the Texas Health Facilities Commission contained an error as published in the October 16, 1984, issue of the *Texas Register* (9 Tex-Reg 5401).

The first two sentences of the second paragraph should read:

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 10 days after the date of this publication of notice. If the 10th 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.

development consisting of approximately 304 units to be located on approximately 11 acres located on the north side of Forest Lane, approximately ¼ mile southwest of the intersection of Forest Lane and Audelia Road, Dallas, Dallas County.

(2) \$15,237,500 for the benefit of a Texas limited partnership (to be formed) having Daseke Corporation as a general partner, to provide financing for a multifamily residential development consisting of approximately 372 units to be located on approximately 11 acres located to the west side of Greenville Avenue, approximately 1/8 mile south of the intersection of LBJ Freeway and Greenville Avenue, Dallas, Dallas County.

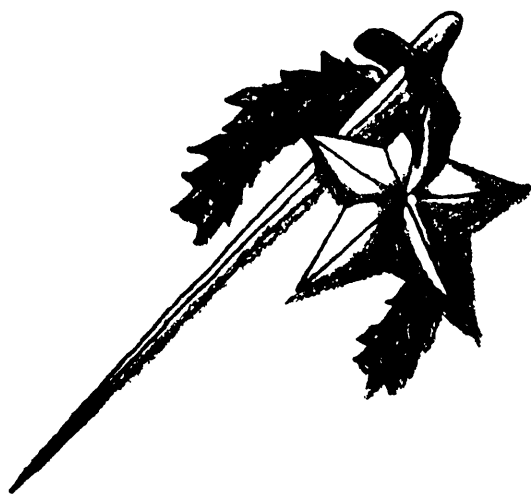
All interested persons are invited to attend the hearings to express their views on the projects and the proposed issuance of the bonds. For details, contact Stan Kantrowitz, General Counsel, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812 or (800) 792-1119.

Persons who intend to appear at the hearings and express views are encouraged to contact Mr. Kantrowitz before the hearings. Any interested persons unable to attend the hearings may submit their views in writing to Mr. Kantrowitz before the hearings. All written comments will be made available for review by all parties attending the public hearings.

Issued in Austin, Texas, on October 22, 1984.

TRD-8410629 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed October 22, 1984
For further information, please call (512) 475-0812
or (800) 792-1119.



Houston-Galveston Area Council Consultant Proposal Request

This request for consultant services is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Houston-Galveston Area Council is requesting written proposals for consultant services related to the Waller

County thoroughfare development plan. The duration of this study is six months. The total amount allocated for this contract is \$32,000.

The proposals will be evaluated upon:

- (1) comprehension of study requirements and important characteristics of approach and methodology;
- (2) qualifications of personnel assigned;
- (3) management of task budget; and
- (4) previous related work experience.

A detailed scope of work and guidelines for the proposal's content can be obtained by contacting Frank C. Yu, P.E., Chief Engineer, Houston-Galveston Area Council, P.O. Box 22777, Houston, Texas 77227-9972, (713) 993-4583. The submittal deadline for proposals is November 30, 1984.

Issued in Houston, Texas, on October 16, 1984

TRD-8410634 Jack Steele
Executive Director
Houston-Galveston Area Council

Filed: October 22, 1984
For further information, please call (713) 627-3200.

Texas Department of Human Resources Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources furnishes this notice of consultant contract award. The consultant proposal request was published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4604).

Description of Service. The purpose of the contract is to plan, organize, and conduct data collection (including computer data entry) and related training for a research project in progress. The contract includes expanding and updating an existing data base and related software via remote computer terminals across the state. The subject of the research project is the system of licensed residential programs for children in Texas.

Name of Consultant. The consultant selected is Sue S. Wilson, 4501 South Third Street, Austin, Texas 78745.

Total Value and Term of the Contract. The contract began on October 1, 1984, and will end on August 31, 1985. Payments under the contract shall not exceed \$22,520.

Due Date. The consultant's reports are to be delivered to the Program Specialist for the Continuum of Care System, Protective Services for Families and Children Branch, Texas Department of Human Resources, not later than August 31, 1985.

Issued in Austin, Texas, on October 19, 1984

TRD-8410618 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: October 19, 1984
For further information, please call (512) 450-3766.

**Texas Savings and Loan
Department
Application to Establish Remote
Service Units**

Application has been filed with the savings and loan commissioner of Texas by First Southwest Savings Association, for approval to establish and operate a remote service unit in Tyler, Smith County

First Southwest Savings Association will utilize remote service units offered to the public by other financial institutions and currently will not offer a remote service unit.

The applicant association asserts that security of the association's funds and that of its account holders will be maintained, and the proposed service will be a substantial convenience to the public.

Anyone desiring to protest the application must file a written protest with the commissioner within 10 days following this notice. The commissioner may dispense with a hearing.

This application is filed pursuant to 7 TAC §§53.11-53.16 of the rules and regulations for savings and loan associations. Such rules are on file with the Office of the Secretary of State, Texas Register, or may be seen at the department's offices at 1004 Lavaca Street, Austin.

Issued in Austin, Texas, on October 15, 1984.

TRD-8410569 L L Bowman III
Commissioner
Texas Savings and Loan
Department

Filed: October 18, 1984
For further information, please call (512) 475-7991.



**Applications for Change of Control of
Associations**

Texas Civil Statutes, Article 852a, §11 20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner

On October 18, 1984, the savings and loan commissioner received an application for approval of the acquisition

of control of Laredo Savings and Loan Association, Laredo, by Ricardo E. Longoria, 3701 Ocampo, Nuevo Laredo, Tamps. Mexico.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

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

TRD-8410623 Russell R Oliver
General Counsel
Texas Savings and Loan
Department

Filed: October 19, 1984
For further information, please call (512) 475-7991

On October 19, 1984, the savings and loan commissioner received an application for approval of the acquisition of control of Irving Savings and Loan Association, Irving, by Tommy L. Goff, P. O. Box 463, Colleyville, Texas 76034.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on October 19, 1984

TRD-8410622 Russell R Oliver
General Counsel
Texas Savings and Loan
Department

Filed: October 19, 1984
For further information, please call (512) 475-7991.

**Texas Tourist Development
Agency
Consultant Proposal Request**

In accord with the provision of Texas Civil Statutes, Article 6252-11c, the Texas Tourist Development Agency (TTDA) invites consultant proposals to conduct a nationwide travel survey in selected U.S. cities. The research will serve as a follow-up tracking study to the baseline Texas attitude research project that was conducted in February 1984 prior to the implementation of the TTDA 1984 advertising campaign

The purpose of this follow-up study is to track and measure changes relative to the baseline data. It will measure quantitatively and qualitatively the consumer's image of Texas as a vacation destination, the impact of advertising on imagery, actual visitation patterns, and the impact of lifestyle on travel behavior. To fulfill comparative needs, the format for this follow-up study should parallel that of the February 1984 baseline database

The consultant will contract with TTDA, its advertising agency, or other designee for several services, including, but not limited to, the following:

(1) designing a questionnaire for use in interviews with each respondent. The form will be developed in conjunction with TTDA or its designee;

(2) constructing a random sample from the population of the cities listed in the following paragraph. The sample should include only census tracts or zip code areas where household income is at or above \$25,000 according to the most recent Census Bureau estimates;

(3) conducting all fieldwork for the survey by telephone. The sample shall include a minimum of 1,000 respondents, 125 from each of the following eight ADIs: Atlanta, Chicago, Denver, Kansas City, Los Angeles, New York, New Orleans, and St. Petersburg/Tampa. The interviewing should be conducted by supervisors and interviewers directly employed by the consultants to maintain control over the section of the questionnaire based on proprietary information, i.e., psychographics;

(4) tabulating all responses by in-house computer services, and providing cross-tabulation analysis by key demographic and psychographic variables. The consultant will be expected to retain a copy of the database in-house for secondary interpretation upon demand and to furnish additional copies of the database in the form of both printouts and diskettes for use of the TTDA and its designees,

(5) interpreting the data and preparing a report of findings, including an executive summary. The report must be delivered in final form within 30 days of questionnaire approval by the TTDA and shall be accompanied by 15 hard copies of the executive summary, report, cross-tabulations, and free responses for dissemination to the TTDA board and its advertising agency.

Selection of the consultant will be based upon all factors deemed relevant by the TTDA. In addition to the previously noted duties to be performed, the following qualifications are important and will be given preference by the agency in awarding the bid. Each bidder should address these factors and submit documentation evidencing the bidder's claims with respect to these factors:

(1) principal corporate headquarters located in the State of Texas,

(2) engaged primarily in public attitudes research with special expertise in designing, conducting, and interpreting telephone surveys,

(3) experience in travel research, including knowledge of previous public opinion surveys of Texas as a travel destination and familiarity with past research conducted on behalf of the TTDA by the United States Travel Data Center and Pannell Kerr Forsyth,

(4) expertise in applying research methods to the development of marketing plans and advertising campaigns for the private sector as well as governmental entities;

(5) previous experience in working the psychographic research tools, specifically the measures developed and defined by the VALS Program at the Stanford Research Institute, and assurance that such psychographic data is highly sensitive, proprietary, and confidential;

(6) demonstrated software and hardware computer capability on premises, to analyze the data with sophistication, accuracy, and speed. Availability of said on-premises hardware and software to the TTDA or its designee for supplemental analysis and cross-tabulations;

(7) capacity of the consultant organization to directly supervise all phases of the research operation and control the quality of data collection;

(8) availability of the consultant's principals to meet personally with the TTDA or its designee or its advertising agency as the work progresses;

(9) ability to make effective written and oral presentations of the finished work on at least three separate occasions at at least three separate locations within the State of Texas at no additional cost and the willingness to make additional presentations upon demand.

Each applicant should submit evidence of its ability to comply with all of the foregoing duties and qualifications and should specify the proposed fee to be charged over the life of the contract.

Contact Person. Interested persons should contact Frank Hildebrand, Executive Director, Texas Tourist Development Agency, P.O. Box 12008, Austin, Texas 78711, (512) 475-4326.

Closing Date. Written proposals must be received in the TTDA offices by 10 a.m. on Friday, November 9, 1984.

The TTDA reserves the right to reject any or all bids. Any questions regarding the foregoing invitation should be directed in writing to the previously noted address.

Issued in Austin, Texas, on October 18, 1984

TRD-8410583 Frank Hildebrand
Executive Director
Texas Tourist Development
Agency

Filed: October 19, 1984

For further information, please call (512) 475-4326.

Veterans Land Board Consultant Proposal Request

The Veterans Land Board (the board) is currently using the services of a private consultant as administrator of the Housing Assistance Program. However, the consultant has only contracted to act as administrator for the first \$250 million in bond sales. To ensure the continued stability of the program, the board would like one individual or company to act as administrator for the entire \$500 million in authorized bonds.

Therefore, pursuant to Texas Civil Statutes, Article 6252-11c, the board invites proposals from interested individuals and companies to serve as administrator of the Veterans Housing Assistance Program (the program). Under the program, the board issues tax-exempt general obligation bonds of the State of Texas to provide funds to purchase mortgage loans originated and serviced by mortgage lending institutions throughout the State of Texas. These mortgage loans are made to eligible Texas veterans in a maximum amount of \$20,000 and must be used to finance the purchase of owner-occupied residential housing. There will be second notes associated with the board's loan for the balance of the purchase price.

The duties of the administrator will include the following:

(1) soliciting participation in the program by Texas mortgage lenders, real estate professionals, and veterans. This may require extensive travel to conduct meetings to distribute information and answer questions. It may be necessary to maintain toll-free telephone information facilities, locate offices in various parts of the state, publish newsletters, and engage in any other activities which will facilitate and encourage participation in the program;

(2) reviewing the application to participate by each interested lender and recommend approval or disapproval to the board. This will include designing the application form and drafting the application guidelines, as well as the participation guidelines, and distributing them to interested applicants upon request. The administrator's recommendation must be received by the board within 20 days of the date the applicant submits its application to the administrator. The recommendation must be in sufficient detail to permit the board to make its decision and all recommendations must be accompanied by supporting documentation;

(3) conducting, at least annually, a review of the performance of all participating lenders and recommending to the board whether the approval of a lender should be revoked. This may include on-site inspections of participating institutions and continual monitoring of loan activities. The recommendations of the administrator must be submitted to the board by the first day of January each year. Recommendations that approval of an institution's approval be revoked must be accompanied by documentation supporting the recommendation;

(4) drafting for the board's review and approval the contract between the board and the approved participating lenders. This will include responsibility to ensure that all contracts are properly executed and forwarded to the board for safekeeping. The administrator must enforce the contract and speedily resolve contract disputes whenever possible. It may be necessary for the administrator to conduct an on-site inspection to verify that contract provisions are being satisfied;

(5) providing advice and documentation as required by the board to conduct its bond sales. All requests by the board for advice and/or documentation will be provided within 30 days of request,

(6) reviewing title and loan papers for the board and recommending purchase or rejection of loans by the board. It will be necessary for the administrator to process up to 2,000 loans per month with a total average processing time of not more than 30 working days,

(7) monitoring participating lending institutions to assure ongoing compliance with program guidelines, rules, and contract terms governing the loan origination, servicing activities of the lenders; and assuring compliance with all provisions of the Veterans Housing Assistance Act (Natural Resources Code, Chapter 162) and rules of the Veterans' Land Board. This includes monitoring the actual fees, expenses, and interest rates charged to veterans in connection with the board's loan and the loan by the lender. This may involve on-site inspections and contracts at frequent intervals with participating lending institutions, as well as auditing of book and records. It will also require that the administrator demonstrate knowledge of both statewide and local conditions, practices, fees, expenses, and interest rates, and be able to

determine whether the usual and customary fees, expenses, and interest rates for the local area are being exceeded;

(8) consulting with the board as needed on all matters relating to the prevalent practices of the residential mortgage lending industry. The administrator must have a demonstrable knowledge of these practices;

(9) consulting with the appropriate state and federal authorities and undertaking all work necessary to maintain continued approval of the program by VA, FHA, FNMA, FHLMC, etc,

(10) drafting all forms, written guidelines, and brochures needed to explain program requirements to the participating lending institutions,

(11) accepting the assignments of all servicing agreements upon request by any participating lending institutions if necessary to ensure that all loans made by the board shall have a continuing servicer,

(12) making monthly, quarterly, and annual reports to the board sufficient to permit the board to conform with all requirements of the Legislative Budget Board. Reports must be submitted to the board within 10 working days of the end of the reporting period;

(13) storing all loan paperwork associated with each loan made by the board (up to a total of 25,000 account files) for safekeeping during the entire course of the loan, if requested by the board;

(14) providing all data processing services needed by the program, including tracking the progress of all loans during processing, maintaining records of all loans which have been closed, and tracking the performance of all lenders. The administrator shall place at its expense at least one terminal in the offices of the Veterans' Land Board in Austin. If the board should ever establish branch offices of the board in other cities, the administrator shall, at its expense, place at least one terminal in each of up to six such branch offices. Each of these terminals shall be capable of providing the user full access to any information regarding the status of any pending or closed loan;

(15) acting as a clearing house for all paperwork associated with the board's loan. The administrator may need to establish regional offices to provide the supervision and other services required to interact with the participating lending institutions. This function would include the administration of a mortgage cancellation insurance program sponsored by the Veterans' Land Board; and

(16) providing an auditor's report by a certified public accounting firm of the administrator records relating to the program

Selection of the administrator will be based upon factors deemed relevant by the board, but the following requirements are of high importance and will be given preference by the board in awarding the bid

(1) principal corporate headquarters located in the State of Texas,

(2) demonstrated software and hardware computer capability to track at least 25,000 loans and up to 1,800 mortgage lenders,

(3) a commitment to act as administrator throughout the life of the bonds (a minimum of 20 years), without the right to resign;

(4) a net worth of the applicant or its parent of at least \$50 million; and

(5) engaged in mortgage lending operations continuously in the State of Texas for at least five years, and servicing a mortgage loan portfolio in the United States of at least \$500 million.

Each applicant should submit evidence of its compliance with the foregoing criteria and should specify the proposed fees it would charge over the life of the program (at least 20 years) for its services as administrator.

Proposals must be submitted on or before 10 p.m. on November 15, 1984, to the Veterans' Land Board, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, Attention: Mike Lopez.

The board has previously engaged the Lomas & Nettleton Company (Lomas) as administrator of the program. The board anticipates that Lomas will submit a proposal, and unless a material difference is perceived in bids received, the board will continue to engage Lomas as the administrator. The board reserves the right to reject any or all bids.

Any questions regarding the foregoing invitation should be directed in writing to the previously specified address.

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

TRD-8410542 Garry Mauro
 Chairman
 Veterans Land Board

Filed: October 18, 1984
For further information, please call (512) 475-5661.

**Office of the Secretary of State
Public Information**

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.

**ORDER FORM FOR FILING GUIDE FOR CORPORATIONS,
LIMITED PARTNERSHIP, & ASSUMED NAME DOCUMENTS**

Please send me _____ copies of the Filing Guide for Corporation, Limited Partnership, and Assumed Name Documents. I have enclosed \$_____ (\$10.50 per Filing Guide to cover cost, postage and sales tax)

The Filing Guide should be mailed to

This order form should be delivered or mailed to the Corporations Section at the following address.

Corporations Section
Statutory Filings Division
Office of the Secretary of State
P O Box 13697
Austin, Texas 78711-3697

Please allow one week to ten days for processing



Please send me more information about the TEXAS ADMINISTRATIVE CODE, including prices for individual titles and update services, and any available discounts and terms.

**HART
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SYSTEMS**
P.O. Box 9802 #588
Austin, TX 78766
(512) 454-3822

Name _____

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The TEXAS ADMINISTRATIVE CODE

The official and completely revised compilation of the rules of Texas administrative agencies will be available by the end of 1984 as the companion publication to the TEXAS REGISTER. The full set comprises 15 titles in a convenient 8 1/2" by 11" loose-leaf format and includes all new three-ring binders and reference tabs. The set comes complete with an Index of Agencies, Tables of Contents, Complete Title Contents, Tables of Authorities, Authority Notes, Source Notes, Cross References, Editor's Notes, and Full Annotations to Court Cases and Attorney General Opinions.

The CODE is sold in complete sets or by individual title. The Quarterly Update Service is also available to ensure that your new CODE is accurate, dependable, and current.

The TEXAS ADMINISTRATIVE CODE is published by Hart Information Systems (a subsidiary of Hart Graphics in Austin) under the editorial direction of the Office of the Secretary of State. Please call or write today for additional information.

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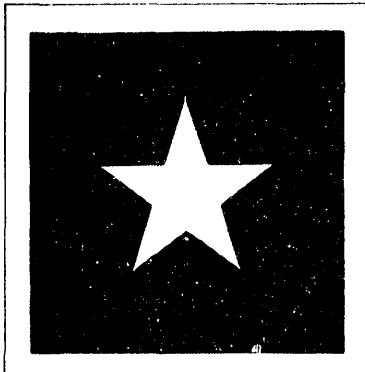
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