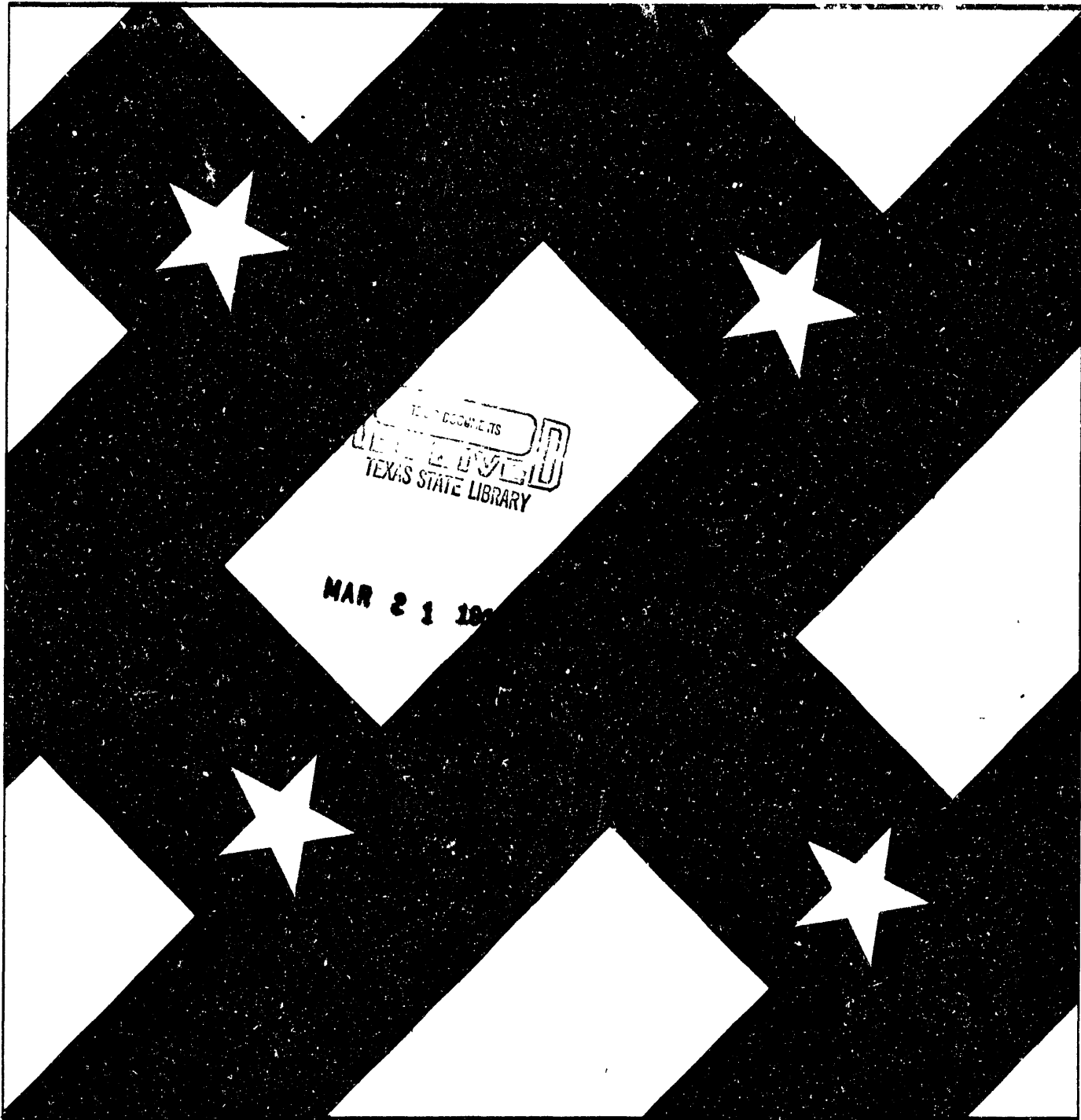


# Texas Register

Volume 10, Number 21, March 15, 1985

Pages 873 - 908



### Highlights

The **Texas Department of Community Affairs** proposes amendments and new sections concerning allocation of program funds. Earliest possible date of adoption - April 15 **page 877**

The **Texas Commission on Alcoholism** proposes amendments in a chapter concerning DWI

education program standards and procedures. Earliest possible date of adoption - April 15

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The **Texas Parks and Wildlife Department** schedules hearings concerning changes for the 1985-1986 hunting and fishing seasons

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**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State

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- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 "10 TexReg 2 issue date;" while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 TexReg 3."

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

## Texas Administrative Code

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

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

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

**TAC** stands for the *Texas Administrative Code*.

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



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# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations 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.

*(Editor's note: The following appointments have been submitted by the governor to the Senate of the 69th Legislature, 1985, for confirmation.)*

## Appointments Submitted March 5

### Texas Advisory Commission on Intergovernmental Relations

For a term to expire September 1, 1985:

Tom Vickers  
5926 Winding Ridge  
San Antonio, Texas 78239

Judge Vickers is replacing Albert Bustamante of San Antonio, who resigned.

### Texas Merit System Council

For a term to expire February 1, 1989:

Arturo Mancha  
1815 William Street  
Eagle Pass, Texas 78852

Mr. Mancha is replacing Edward P. Rodrigues of Eagle Pass, whose term expired.

### State Commission for the Blind

For a term to expire January 1, 1991:

Dr. Robert Peters  
1524 East Devine  
Tyler, Texas 75701

Dr. Peters is replacing Emmett E. Moore of Houston, whose term expired.

Issued in Austin, Texas, on March 5, 1985.

TRD-852039      Mark White  
Governor of Texas

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## Appointments Submitted March 6

### Texas Advisory Commission on Intergovernmental Relations

To represent the public for a term to expire September 1, 1989:

James D. Dannenbaum  
3908 Del Monte  
Houston, Texas 77019

Mr. Dannenbaum is being reappointed.

### Texas State Board of Plumbing Examiners

For a term to expire September 5, 1989:

Ronald Gene Goodnight  
P.O. Box 276  
Killeen, Texas 76540

Mr. Goodnight is replacing J. P. Franzen of Carrollton, whose term expired.

## Lower Colorado River Authority

For a term to expire January 1, 1991:

Jack B. Miller  
502 West Commerce  
San Saba, Texas 76877

Mr. Miller is replacing Thomas H. Dean of Cherokee, whose term expired.

## Commission on Uniform State Laws

For a term to expire September 30, 1990:

Peter K. Munson  
123 South Travis  
Sherman, Texas 75090

Mr. Munson is replacing James A. Showers of Hillsboro, whose term expired.

Issued in Austin, Texas, on March 6, 1985.

TRD-852059      Mark White  
Governor of Texas

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# Attorney General

**Description of attorney general submissions.** 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*.

## Requests for Opinions

**RQ-488.** Request from Frank Tejada, House of Representatives, State Capitol, Austin, concerning whether court costs and attorneys' fees may be excluded in determining the amount in controversy in justice and county courts.

**RQ-522.** Request from Arthur G. Hansen, Ph.D., chancellor, Texas A&M University System, College Station, concerning whether the sale of gin trash by a gin is exempt from taxation under the Agriculture Code, §141.

**RQ-524.** Request from Carl A. Parker, chairman, Senate Education Committee, Austin, concerning whether foreign nationals admitted to the U.S. under an F-1 student visa may be charged a higher tuition rate at a state university than that charged to Texas residents or to residents of another state.

**RQ-525.** Request from James Adams, director, Texas Department of Public Safety, Austin, concerning whether the Texas Department of Public Safety may, when ordered by a magistrate, take possession of and impound a vehicle under Texas Civil Statutes, Article 6701h, §4A.

**RQ-526.** Request from Julio A. Garcia, district attorney, Laredo, concerning whether a district clerk is authorized to adopt a central filing procedure under Texas Civil Statutes, Article 199a.

**RQ-527.** Request from Phillip A. Lohec, C.P.A., Galveston County auditor, Galveston, concerning whether contributions to the Federal Insurance Contributions Act under Texas Civil Statutes, Article 695h, constitute a salary supplement to a county court-at-law judge.

**RQ-528.** Request from Bill Haley, chairman, House Committee on Public Education, Austin, concerning whether a teacher employed under a continuing contract may be placed on a term contract.

**RQ-529.** Request from Gary Thompson, chairman, House Committee on County Affairs, Austin, concerning whether an employee of a housing authority may serve as a bookkeeper or consultant to another housing authority and related questions.

**RQ-530.** Request from Dale Hanna, Johnson County attorney, Cleburne, concerning the responsibility for notification of defendants in criminal cases.

**RQ-531.** Request from Bob E. Bradley, Texas State Board of Public Accountancy, Austin, concerning whether Attorney General Opinion JM-290 (1984), which con-

strues Texas Civil Statutes, Article 6252-13c, to require a licensing agency to revoke the license of any individual convicted of a felony, is applicable to certain licenses and related questions.

**RQ-532.** Request from James B. Adams, Texas Department of Public Safety, Austin, concerning whether the Texas Constitution, Article 15, §40, prohibits Texas Department of Public Safety officers from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts.

**RQ-533.** Request from Jesusa Sanchez-Vera, Jim Wells County attorney, Alice, concerning whether a veteran's county service officer may simultaneously serve as a city councilman.

**RQ-534.** Request from Roger D. Shipman, Austin, concerning whether a veterinary license is required of a veterinarian who is employed by a governmental body.

**RQ-535.** Request from Oscar H. Mauzy, Senate Committee on Jurisprudence, Austin, concerning the validity of Senate Bill 84 and Senate Bill 307, providing for magistrates to hear criminal cases in district courts.

TRD-852058

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# 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. In the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a government subdivision or agency, or an association having at least 25 members.

**Symbols in proposed amendments.** 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 10. COMMUNITY DEVELOPMENT

### Part I. Texas Department of Community Affairs

#### Chapter 9. Texas Community Development Program

##### Subchapter A. Allocation of Program Funds

#### ★ 10 TAC §§9.2, 9.5, 9.6

The Texas Department of Community Affairs (TDCA) proposes amendments to §§9.2, 9.5, and 9.6, concerning the allocation of community development block grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDP).

The amendments establish the standards and procedures by which the TDCA will allocate community development project funds and emergency funds to eligible units of general local government in Texas, beginning with the expenditure of federal fiscal year 1985 funds. The amendments to §9.6(c)(1)(E) and (3) relate to the quorum requirements and scoring procedures of the regional review committees.

Douglas C. Brown, general 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.

Joseph A. Kayne, Community Development and Housing Division director, 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 equitable allocation of community development project funds and emergency funds to eligible units of general local government in Texas. 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 Douglas C. Brown, General Counsel, P.O. Box 13186, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 4413(201), §4A, which provide the TDCA with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the TDCA.

#### §9.2. Community Development Project Fund.

(a) (No change.)

(b) Funding cycle. This fund will be allocated on an annual basis to eligible units of general local government pursuant to a regional competition. Applications for funding must be received by the Texas Community Development Program by 5 p.m. on the date specified in the most recent application package for this fund [Wednesday, June 20, 1984].

(c) Allocation plan.

(1) [Over 90% of] This fund will be allocated among the 24 state planning regions established pursuant to Texas Civil Statutes, Article 1011m, by a formula based on the following factors and weights:

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

(2) (No change.)

(3) The remainder of this fund constitutes the state discretionary fund. After applications have been ranked by the regional review committees, the TDCA will screen the remaining, unfunded applications based on predetermined state community development and housing needs and priorities. Applications which are responsive to the predetermined needs and priorities will then be scored pursuant to TDCA-generated statistical scores and state program design factors. The state discretionary fund ranking will not be bound by regional review committee scores for program design.]

(d) Selection procedures.

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

(3) Each regional review committee shall hold a scoring meeting in accordance with the procedures specified in the Texas Department of Community Affairs's (TDCA) Regional Review Committee Guidebook [(March 1984)] and in accordance with the procedures and priorities previously established by each regional review committee. Each regional review committee must provide every applicant within its region with an opportunity to make a presentation before the regional review committee. The regional review com-

mittee will then score the project design factors.

(4) Following the resolution of any appeals from actions of the regional review committee as specified in §9.6 of this title (relating to Regional Review Committees), the TDCA will add scores relating to community distress, benefits to low- and moderate-income persons, local tax effort, and minority hiring [and contracting] to the regional review committees' project design scores to determine regional rankings. Scores on the factors in these four categories are derived from standardized data from the Census Bureau, other state and federal sources, or from information provided by the applicant. The TDCA will ask the regional review committees to review these figures for accuracy. [The community with the highest score for each factor within the region will receive the maximum number of points for that factor. Other applicants within the same region will receive points proportional to their score on that factor when compared to the applicant with the highest score. For example, Community A has the highest unemployment rate in the region (15%). Therefore, Community A receives the maximum number of points on that factor (50 points). Community B in the same region has an unemployment rate of 7.5%. The number of points given to Community B is figured as follows: the unemployment rate in B is divided by the unemployment rate in A, and that figure is multiplied by the maximum number of points. The resulting figure is the number of points awarded on that factor. In this example, 7.5 divided by 15 and multiplied by 50 equals 25. Therefore, on the factor related to unemployment rate, Community B would receive 25 points.]

(5)-(8) (No change.)

(e) Selection criteria. The following is an outline of the selection criteria to be used by the TDCA and the regional review committees for scoring applications under the community development project fund. **Twelve hundred and fifty [Thirteen hundred] points are available.**

(1) community distress (total—200 points). All community distress factor scores are based on the population of the applicant. **An applicant that has 125% of the average of all applicants in its region of the rate on any community distress factor will receive the maximum number of points**

available for that factor. An applicant with less than 125% of the average of all applicants in its region on a factor will receive a proportionate share of the maximum points available for that factor.

(A)-(D) (No change.)

(2) (No change.)

(3) Percentage of minorities presently employed by the applicant divided by the percentage of minority residents within the local community (total—50 points) [Minority hiring and contracting (total—100 points)]. In the event less than 2.0% of the applicant's population base is composed of minority residents[,] or the applicant does not have any permanent, minority employees, [or the applicant has not purchased any goods and services from a minority firm for a total dollar value of greater than \$1,000,] the applicant will be assigned the average score on this factor for all applicants in its state planning region. The terms used in this paragraph are defined in the current Texas Community Development Program application package. [The applicable period for the purchases of goods and services is either the most recent 12-month period or the most recently completed fiscal year of the local government.]

[(A) percentage of minorities presently employed by the applicant divided by percentage of minority residents within the local community—50;

[(B) percentage dollar awards by the applicant to minority businesses for purchases of goods and services divided by percentage of minorities in the area—50.]

(4) Local tax effort for purposes of general revenue sharing (total—100 points). This factor is derived by dividing the adjusted revenues collected by the applicant by the total personal income of the applicant. An applicant that has 125% of the average of all applicants in its region of the rate on this factor will receive the maximum number of points available for this factor. An applicant with less than 125% of the average of all applicants in its region will receive a proportionate share of the maximum points available for this factor.

(5) (No change.)

#### §9.5. Emergency Fund.

(a) General provisions. Assistance under this fund is available to units of general local government for eligible activities under the Housing and Community Development Act of 1974, Title I, as amended for the alleviation of an emergency situation. To receive emergency assistance under this program category, the situation to be addressed with Texas Community Development Program funds must be both unanticipated and beyond the control of the local government. For example, the collapse of a municipal water distribution system due to lack of regular maintenance would not qualify. If the same situation was caused by a tornado or flood, the community could apply for emergency funds. Additionally, in emergency situations, the

Texas Community Development Program dollars are to be viewed as gap financing of funds of last resort. In other words, the community may only apply to the Texas Department of Community Affairs (TDCA) for funding of those activities for which assistance from other sources is not available. [Unsolicited requests for emergency assistance will not be considered for funding.] Assistance under the emergency fund will be provided only if one of the following has occurred:

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

(b) Funding cycle. Funds for emergency projects will be awarded throughout the program year in response to emergency situations. **Unsolicited requests for emergency assistance will not be considered for funding.**

(c) (No change.)

#### §9.6. Regional Review Committees.

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

(c) General requirements. In the performance of its responsibilities, each regional review committee shall comply with all federal and state laws and regulations relating to the administration of community development block grant nonentitlement area funds, including, but not limited to, requirements of this subchapter, the scoring procedures specified in the current Regional Review Committee Guidebook, and the procedures established by the regional review committee under the Texas Community Development Program.

(1) Meetings. Each meeting held by a regional review committee shall conform to the following requirements:

(A)-(D) (No change.)

(E) A quorum of two-thirds of the current members of the regional review committee, rounded to the nearest whole [up to the next highest] number, shall be present. Any actions taken by a regional review committee in which a quorum was not present shall be voidable, provided however, that if a conflict of interest situation has required a regional review committee member to excuse himself, thus dropping the number of participating members below the two-thirds requirement, a quorum shall have been considered present.

(2) (No change.)

(3) Voting. Only appointed members of a regional review committee may vote on an action of the regional review committee, provided however, that a regional review committee member may designate an alternate to participate in the regional review committee's deliberations. Each regional review committee shall retain all ballots or other voting records used by its members. Such records shall be maintained in an accessible location and be made available for inspection by the public and the Texas Department of Community Affairs upon request for a period of one year. Each member of a regional review committee shall sign each of his or her ballots and other voting records. Each member of a

regional review committee shall score each application individually and shall sign each of his or her ballots and other voting records or scoring sheets. The average of the individual scores is the regional review committee's score on each scoring factor. Consensus scoring is not permitted.

(d)-(e) (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 March 11, 1985.

TRD-852135

Douglas C. Brown  
General Counsel  
Texas Department of  
Community Affairs

Earliest possible date of adoption:

April 15, 1985

For further information, please call  
(512) 443-4100, ext. 210.

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#### ★ 10 TAC §9.7, §9.8

The Texas Department of Community Affairs proposes new §9.7 and §9.8, concerning the allocation of community block grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDP). The new sections establish the urgent need fund and the statewide area revitalization fund pursuant to which eligible units of general local government may receive funding. The new sections govern general requirements, funding cycles, and selection procedures and criteria.

Douglas C. Brown, general 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.

Joseph A. Kayen, Community Development and Housing Division director, has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is greater opportunity for participation in the TCDP by eligible units of general local government. 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 Douglas C. Brown, General Counsel, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 4413(201), §4A, which provide the Texas Department of Community Affairs with the authority to allocate community develop-



ment block grant nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the Texas Department of Community Affairs.

#### §9.7 Urgent Need Fund.

(a) General Provisions. Assistance under this fund will be provided only to eliminate existing conditions which pose a serious and immediate threat to the health or welfare of the residents of the applicant where other financial resources are not available to meet such conditions. A unit of general local government that wishes to receive assistance under this fund must submit an application, as provided by the Texas Department of Community Affairs (TDCA), to the Community Development and Housing Division of the TDCA. There is no application deadline. An applicant may not submit an application under this fund and also under the community development project fund or the statewide area revitalization fund during the same program year if the proposed activity under each application is the same or substantially similar. An applicant may submit only one application under this fund in any one program year. The TDCA may negotiate the level of funding to be provided to an applicant and the scope of work to be performed by the applicant.

(b) Threshold requirements. In addition to the requirements set forth in §9.1(g) of this title (relating to General Provisions), each of the following requirements must be satisfied in order to be eligible for funding under this fund:

(1) the condition which gives rise to the application must have occurred or become critical no more than 18 months before the date the application is received by the TDCA;

(2) the condition addressed in the application must have directly resulted in a human fatality within the jurisdiction of the applicant, documented illness or injury by the Texas Department of Health within the jurisdiction of the applicant, or contamination of a type or level which is generally known to cause death or illness to humans; and

(3) the applicant must provide the TDCA with evidence that the applicant is unable to finance the proposed activity with local funds and that no other sources of funding are available.

#### §9.8 Statewide Area Revitalization Fund.

(a) General provisions. This fund covers multiple-activity projects which serve a limited geographic area or neighborhood. In order to be eligible to apply for funding, at least 25% of the total Texas Community Development Program (TCDP) funds requested must be dedicated to housing assistance. An applicant may submit an application under this fund if and only if the applicant has not submitted an application under either the community development project fund or the urgent need fund during

the same program year. Joint applications will only be considered for funding if none of the participating local governments submitted applications under either the community development project fund or the urgent need fund during the same program year.

(b) Funding cycle. This fund will be allocated on an annual basis to eligible units of general local government on a statewide competitive basis. Applications for funding must be received by the Texas Department of Community Affairs (TDCA) by 5 p.m. on the date specified in the most recent application package for this fund.

(c) Selection procedures.

(1) On or before the application deadline, each eligible unit of general local government may submit one application for funding under the statewide area revitalization fund. Copies of the application must be provided to the applicant's regional review committee and the TDCA.

(2) Upon receipt of an application, the TDCA staff will perform an initial review to determine whether the application is complete and whether all proposed activities are eligible for funding, if ranked. The results of this initial review will be provided to the applicant and appropriate regional review committee. In those instances where the TDCA staff determines that the application is either incomplete or that the activities are ineligible for funding, the applicant may correct any deficiencies in the application as long as the corrected application is received by the TDCA by the deadline specified in subsection (b) of this section.

(3) The members of a technical review committee appointed by the executive director of the TDCA will then score selection factors relating to project design in an open meeting. Review of these factors will be based solely on information contained in the application.

(4) Within five working days after the date of the scoring session by the technical review committee, an applicant may submit a written appeal to the director of the TDCA's Community Development and Housing Division. An appeal may be based only on a specific procedural error alleged to have been committed by the technical review committee. Within 10 working days after the date the appeal was received, the director of the Community Development and Housing Division will notify the applicant that either:

(A) the applicant's appeal is sustained and the appropriate adjustment is made to the applicant's score; or

(B) the appeal is rejected, stating the reason for the rejection.

(5) The TDCA will then add scores relating to community distress, benefits to low- and moderate-income persons, local tax effort, and minority hiring to the project design scores to determine statewide rankings. Scores on the factors in these four

categories are derived from standardized data from the Census Bureau, other federal or state sources, or from information provided by the applicant.

(6) Following a final technical review, the TDCA staff will make funding recommendations to the State Review Committee.

(7) The funding recommendations of the State Review Committee are then provided to the executive director of the TDCA.

(8) The executive director of the TDCA will then submit final recommendations for the project awards to the governor for final review and announcement of the contract awards.

(9) Upon announcement of contract awards by the governor, the TDCA staff will begin working with recipients to execute the contract agreements. While the award must be based on the information provided in the application, the TDCA may negotiate any element of the contract with the recipient as long as the contract amount is not increased and the level of benefits described in the application is not decreased. The level of benefits may be negotiated only when the project is partially funded.

(d) Selection Criteria. The following is an outline of the selection criteria to be used by the TDCA for scoring applications under the statewide area revitalization fund. Twelve hundred fifty points are available.

(1) Community Distress (total—200 points). All community distress scores are based on the population of the applicant. An applicant that has 125% of the average of all applicants of the rate on any community distress factor will receive the maximum number of points available on that factor. An applicant with less than 125% of the average of all applicants in its region on a factor will receive a proportionate share of the maximum points available for that factor;

(A) percentage of persons living in poverty—50;

(B) per capita income—50;

(C) percentage of housing units without some or all plumbing—50;

(D) unemployment rate—50.

(2) Percentage of the TCDP Funds that directly benefit low- and moderate-income persons (total—400 points). This factor score is based only on those residents of the applicant that are determined to be direct beneficiaries of the applicant's proposed activities, as defined by the TDCA in its current application package for this fund.

(3) Percentage of minorities presently employed by the applicant divided by the percentage of minority residents within the local community (total—50 points). In the event less than 2.0% of the applicant's population base is composed of minority residents or the applicant does not have any permanent, minority employees, the applicant will be assigned the average

score on this factor for all applicants in its state planning region. The terms used in this paragraph are defined in the current application package.

(4) Local tax effort for purposes of general revenue sharing (total—100 points). This factor is derived by dividing the adjusted revenues collected by the applicant by the total personal income of the applicant. An applicant that has 125% of the average of all applicants of the rate on this factor will receive the maximum number of points available on this factor. An applicant with less than 125% of the average of all applicants in its region will receive a proportionate share of the maximum points available for this factor.

(5) Project design (total—500 points). Each activity within the application will be scored on project design criteria and weighted according to the proportion of Texas Community Development Program funds required for that activity in comparison to the total TCDP funds requested.

(A) Severity of need (total—300 points).

(i) New services—300. Scoring will be based on the current level of services provided in the revitalization area. An activity will be considered a new service if it is offered in an area that is currently un-served by that type of activity.

(ii) Expansion of existing services—200. An activity will be considered as an expansion of an existing service if there is an increase in capacity of the level of service to be offered as a result of the proposed activity.

(iii) Replacement or repair of existing services—100. An activity will be considered as a replacement or repair of an existing service if the proposed activity does not increase capacity or the level of service over what was available prior to the proposed activity.

(B) Resolution of the problem (total—200 points).

(i) Local participation—100. An applicant that provides an additional 25% funding for eligible activities in the revitalization area, regardless of source of funding, will receive the maximum points. An applicant providing less than 25% will receive a proportionate share of the maximum points.

(ii) Impact of revitalization effort on households in the revitalization area—100. The range of activities that benefit residents of each household in the revitalization area will be considered. For example, a revitalization effort where each household benefits from housing assistance, water/sewer improvements, and street improvements would receive more points than a project where households only received housing assistance and street improvements.

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 March 11, 1985.

TRD-852136

Douglas C. Brown  
General Counsel  
Texas Department of  
Community Affairs

Earliest possible date of adoption:  
April 15, 1985

For further information, please call  
(512) 443-4100, ext. 210.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part III. Texas Commission on Alcoholism

#### Chapter 153. DWI Education Program Standards and Procedures

##### General Provisions

§ 40 TAC §§153.1, 153.6, 153.7

The Texas Commission on Alcoholism (TCA) proposes amendments to §§153.1, 153.6, and 153.7, concerning the transfer of approval/disapproval authority over applications for certification and waiver requests for DWI education programs from the commission's governing board to the standing committee comprised of representatives from the four approving agencies, including the TCA, State Department of Highways and Public Transportation (SDHPT), Texas Adult Probation Commission (TAPC), and the Texas Department of Public Safety (DPS). The TCA governing board will assume the function of hearing appeals on DWI programs denied certification or waivers.

Larry Goodman, Fiscal and Administrative Services administrator, 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. Goodman 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 that the certification and waiver request responsibilities relating to DWI education programs will be divided equally among the four approving agencies and the TCA's statewide DWI education program director, with the TCA continuing to perform the administrative duties involved in this process. 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 Robby Duffield, Director, State-wide DWI Education Program, Texas Commission on Alcoholism, 1705 Guadalupe Street, Austin, Texas 78701.

The amendments are proposed under the Code of Criminal Procedure, Article 42.13, §6c, which provides the TCA with the authority to publish the rules and regulations for approved DWI education programs and the authority to coordinate and monitor the approved educational programs.

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

**DWI Certification Committee**—A standing committee comprised of at least one representative of each of the four approving agencies: The Texas Commission on Alcoholism (TCA), the Texas Department of Public Safety (DPS), the State Department of Highways and Public Transportation (SDHPT), the Texas Adult Probation Commission (TAPC); and the TCA's statewide DWI Education Program director, whose purposes are [purpose is] to approve or disapprove applications for program certification and waiver requests [provide input for actions and decisions] promulgated by the Code of Criminal Procedure, Article 42.13, §6c, and [shall] serve as a resource for recommendation on appeals to the commission's governing board.

**Commission**—The Texas Commission on Alcoholism, which will publish the jointly approved rules and regulations which apply to the DWI education programs, process all applications for certification/recertification and waiver requests, and monitor and coordinate the educational programs.

**Governing board**—The Texas Commission on Alcoholism's policy-making body, whose purpose is to make decisions on appeals made by the educational programs whose certifications are denied, revoked, or not renewed and to make decisions on appeals made by programs which are denied waivers.

§153.6. *Denial or Revocation of Certification.*

(a) The DWI Certification Committee [Commission] may deny, revoke, or refuse to issue or renew a program's certification if the applicant or holder of the certification fails to comply with the provisions of this Act or with the rules, regulations, and standards of the commission adopted under this Act.

(b) Any agency, organization, or individual who is denied program certification or whose certification is revoked or not renewed or whose waiver request is denied is entitled to a hearing before the commission on the question of the issuance of the certification or waiver decision; and is entitled to notice of the date [days], time, and

place of the hearing not later than 21 days before the date of the hearing. A request for a hearing must be made during the 30-day period following the date on which notice was mailed to the applicant or the certification holder [informing them, received notice] that the certification was denied or that it was to be revoked or refused renewal or that the waiver request was denied.

(c)-(e) (No change.)

**§153.7. Exceptions from the Provisions of the Standards.** In programs where specific standards cannot be complied with because of alleged difficulty or hardship, exceptions to specific provisions of the standards may

be made where clearly justified if the intent of the certification standard is met and the effective and efficient operation of the program is not seriously affected. To request an exception, the program shall submit a written request to the commission stating name, address, and phone number of the program; section or number of standard which will be affected; and action that staff or program will provide to replace or offset the particular exception request. Approval or disapproval of the request for exception will be determined by the DWI Certification Committee [Commission and standing committee] and communicated [returned] in writing to the party requesting the exception.

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 March 5, 1985.

TRD-852078

Ross Newby  
Executive Director  
Texas Commission on  
Alcoholism

Earliest possible date of adoption:

April 15, 1985

For further information, please call  
(512) 475-2577.

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# Adopted Rules

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.

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources

#### Chapter 2. Medically Needy Program Requirements

##### Program Requirements

★40 TAC §§2.1002, 2.1004, 2.1006, 2.1008, 2.1010, 2.1012, 2.1014, 2.1016

The Texas Department of Human Resources (DHR) adopts new §§2.1002, 2.1004, 2.1006, 2.1008, 2.1010, 2.1012, 2.1014, and 2.1016, without changes to the proposed text published in the January 1, 1985, issue of the *Texas Register* (10 TexReg 24).

The new sections extend Medicaid coverage to eligible pregnant women, dependent children, caretakers of dependent children, and children in two-parent families who are not deprived of parental support.

The department is adopting the rules in an effort to provide medical care for children, caretakers, and pregnant women in low-income families as well as to reduce long-term medical costs because of continuing coverage from early childhood.

No comments were received regarding the adoption of the new sections.

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

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

Issued in Austin, Texas, on March 7, 1985.

TRD-852066      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: March 28, 1985  
Proposal publication date: January 1, 1985  
For further information, please call  
(512) 450-3766.

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#### Chapter 4. Medicaid Program—Children and Pregnant Women

The Texas Department of Human Resources (DHR) adopts new §§4.1002, 4.1004, 4.1006, 4.1008, 4.1010, 4.1012, 4.1014, and 4.2002, without changes to the proposed text published in the January 1, 1985, issue of the *Texas Register* (10 TexReg 24).

Medicaid coverage will be available to eligible pregnant women, both single and in two-parent families; certain newborn children whose mothers receive Medicaid; and children in two-parent families who are not deprived of parental support. The programs are the result of DHR's initiatives to extend Medicaid coverage and of federal mandates in the Deficit Reduction Act of 1984.

The comment period on the proposed rules ended February 1, 1985. One comment was received from Lutheran Social Services of Texas, Inc., Austin, supporting and encouraging adoption of the new rules to allow Medicaid coverage for single, pregnant women.

##### Eligibility Requirements

★40 TAC §§4.1002, 4.1004, 4.1006, 4.1008, 4.1010, 4.1012, 4.1014

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

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

Issued in Austin, Texas, on March 7, 1985.

TRD-852061      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: March 28, 1985  
Proposal publication date: January 1, 1985  
For further information, please call  
(512) 450-3766.

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#### Case Management

★40 TAC §4.2002

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

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

Issued in Austin, Texas, on March 7, 1985.

TRD-852062      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: March 28, 1985  
Proposal publication date: January 1, 1985  
For further information, please call  
(512) 450-3766.

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#### Chapter 16. ICF/SNF

The Texas Department of Human Resources adopts an amendment to §16.1101 and new §16.1511, with changes to the proposed text published in the November 16, 1984, issue of the *Texas Register* (9 TexReg 5913). The amendment to §16.3805 is adopted without changes and will not be republished.

The amendments and new section require all Medicaid-contracted beds in Texas to meet the definition of the Social Security Act, §1861(j)(1), as determined by the Health Care Financing Administration (HCFA). The text of the adopted sections has been revised for clarity. The amendments and new section require all Medicaid-contracted beds in Texas' nursing facilities to be found by the HCFA to meet the Social Security Act, §1861(j)(1), to participate in the Medicaid Program.

Requiring all Medicaid-contracted beds in Texas' nursing facilities to be found by the HCFA to meet the Social Security Act, §1861(j)(1), is justified because the department anticipates that adhering to a minimum overall staff-to-patient ratio will contribute to improved quality of care for nursing facility patients.

With this change in policy, nursing facilities which are found by the HCFA to meet the §1861(j)(1) status will have to provide to recipient-patients durable medical equipment (DME) which formerly has been billed to Medicare. Nursing facility providers will now include the cost of DME in their cost reports as a separate line item and reimbursement will be under the department's cost-related reimbursement methodology.

Four written comments were received during the comment period. In addition, 11 verbal comments were made at a public hearing held December 11, 1984, in Austin. All of the comments, including those from the Texas Health Care Association; Sherwood Health Care, Inc.; Med-Mart, Inc.; Retama Manor, Texas Association of Medical Equipment Dealers (TAMED); and MSC Associates; were opposed to the adoption of the amendments and new section.

The following is a summary of the comments received and the department's response to each comment.

One commenter stated that these sections shatter the pride and dignity of our senior citizens by taking away their security of ownership of DME.

Since a large percentage of DME in nursing facilities is rented equipment, the question of ownership, in reality, does not exist. These sections do not alter the requirement for nursing facilities to provide DME when ordered by the attending physician. Nursing facility providers will now include the cost of DME in their cost reports as a separate line item, and reimbursement will be under the department's cost-related reimbursement methodology instead of being billed to Medicare. Nursing facilities cannot charge Medicaid patients for this equipment unless a patient desires DME for his full-time use as a convenience rather than as a documented need prescribed by the attending physician.

One commenter stated that the "spell of illness" under the Medicare Program, Title XVIII, would be eliminated in intermediate care facilities.

The "spell of illness" is not effected by the sections. The HCFA ruling, in Section E, dated March 22, 1984, clarifies that a stay in an ICF will allow a break in a beneficiary's Medicare "spell of illness."

One commenter stated that efficient management was penalized by this rule.

The department disagrees with this comment. Based on an analysis of the 1982 cost reports submitted by providers, the department estimates that less than 100 providers will not meet the §1861(j)(1) staffing ratio criteria as defined in the June 1, 1984, letter (84-13) from the

HCFA. The additional annual cost to the Texas Medicaid Program for these facilities to comply with the staffing ratio criteria of §1861(j)(1) is estimated to be a \$ .02 increase in the daily rate.

Compliance with the §1861(j)(1) staffing ratios will result in nursing facilities providing DME to recipient-patients as required by the ICF/SNF standards for participation. The cost of DME will be an allowable cost which will be included on providers' cost reports and in the cost base used to propose reimbursement rates to the Texas Board of Human Resources. Based on an analysis of the 1982 cost reports and data supplied by the HCFA and the Office of Health Care Services within the department, the department estimates that the fiscal impact of the inclusion of DME in the cost base will be an approximate \$ .14 increase in the daily rate. This results in a total increase in the daily rate of \$ .16 to fully comply with the §1861(j)(1) requirement. The 1985 rates include a rate factor, calculated on the 1983 cost report data base, for this rule change.

One commenter stated that the staffing ratio to determine §1861(j)(1) status would be impossible for some facilities to meet.

The staffing ratio is calculated according to the ratio of nursing personnel to average patient census. Personnel engaged in direct patient care are included in calculating the average staffing. In some situations, a facility's dietary and housekeeping staff may also be used as nursing service personnel and should be included in the §1861(j)(1) calculation to the extent that they are used. The 1-to-15 staffing ratio is considered a minimum staffing level. Facilities that fall below this staffing ratio may have serious difficulty in meeting the nursing and other needs of their patients.

Several commenters questioned the state's problem of dual reimbursement for DME by both Medicare and Medicaid.

In determining Medicaid rates, facilities submit annual cost reports. Currently, those facilities meeting §1861(j)(1) status include the costs of DME in their annual cost reports. Those facilities that utilize Medicare to provide DME do not include the DME costs in their annual cost reports. By mandating that all Medicaid-contracted beds in Texas' nursing facilities be found by the HCFA to meet the §1861(j)(1) status, the question of dual reimbursement is eliminated.

Several commenters questioned the cost effectiveness of this rule.

The department is aware that a rate adjustment is necessary for facilities to provide the required DME. The 1985 rates include an increase in the daily rate of

\$ .16 to fully comply with this requirement. The department anticipates that some cost savings will occur as a result of this rule. Items, such as walkers and wheelchairs, have useful lives of several years. When nursing facilities purchase these items and include the costs in their cost reports, the resulting state and federal share of the rates paid for these items is considered much less than the amounts currently being paid on the rental of these items using Medicare Part B benefits.

Several commenters expressed concern that patients with Medicare benefits (both private pay and Medicaid) would be denied their benefits for the payment of oxygen.

The department is aware that Medicare benefits for oxygen will be eliminated with this rule. When oxygen is ordered by the attending physician, it will be necessary for the patient to pay for this item.

One commenter stated that these rules should not be adopted because the criteria used by the HCFA in making the final determination of §1861(j)(1) status of nursing facilities were held to be invalid as a matter of law by the court in the Kron case (*Aileen Kron et al v. Heckler*, U.S. District Court, Eastern District of Louisiana, 83-1332, September 1983).

The department is aware that the court stated that it could find no justification for the Department of Health and Human Services secretary's classification scheme which applies two inconsistent sets of standards to define and implement the same statutory term, "skilled nursing facility." The HCFA, however, continues to use this criteria to reclassify ICFs as skilled nursing facilities in Texas. On October 5, 1984, another case was filed in the U.S. District Court (*Miller v. Heckler*, TY-84-453-CA (E.D.Tex.)) challenging the HCFA's use of this criteria to deny Medicare Part B benefits or payment for DME to Medicare beneficiaries living in ICFs that were reclassified based on the challenged criteria. The department is adopting the amendments and new section with the intention that it will repeal them if the court holds for the plaintiffs in the Miller case.

## Terms

### ★ 40 TAC §16.1101

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

§16.1101. *Definitions.* The following words and terms, when used in these sec-

tions, shall have the following meanings, unless the context clearly indicates otherwise:

**1861(j)(1) beds**—Beds in a nursing facility found by the Health Care Financing Administration (HCFA) to meet the Social Security Act, §1861(j)(1), status.

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 March 7, 1985.

TRD-852063      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: April 1, 1985  
Proposal publication date: November 16, 1984  
For further information, please call  
(512) 450-3766.

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### Compliance with State and Local Laws

★40 TAC §16.1511

The new section is adopted under the Human Resources Code, Title 2, Chapter 22

and Chapter 32, which authorizes the department to administer public assistance programs.

**§16.1511. Additional Participation Requirements.** All Medicaid-contracted beds in Texas' nursing facilities must be found by the HCFA to meet the status of the Social Security Act, §1861(j)(1), to participate in the Medicaid Program.

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

Issued in Austin, Texas, on March 7, 1985.

TRD-852064      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: April 1, 1985  
Proposal publication date: November 16, 1984  
For further information, please call  
(512) 450-3766.

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### Services and Supplies Included in the Vendor Payment

★40 TAC §16.3805

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on March 7, 1985.

TRD-852065      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: April 1, 1985  
Proposal publication date: November 16, 1984  
For further information, please call  
(512) 450-3766.

# 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. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

**Emergency meetings and agendas.** Any of the governmental entities named above must have notice of an emergency meeting, 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.

**Posting of open meeting notices.** 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, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

## Anatomical Board of the State of Texas

**Monday, April 8, 1985, 10:15 a.m.** The Anatomical Board of the State of Texas will meet at the offices of the Department of Human Anatomy, School of Medicine, Texas A&M University, College Station. Items on the agenda include approval of the minutes, reports of the secretary and the treasurer, the 1983-1984 and the 1984-1985 cadaver procurement and use reports, sunset/legislative progress, consideration of draft proposed rule changes, the 1986 meeting site, and a tour of the facilities.

**Contact:** Dr. Glenn V. Russell, University of Texas Medical Branch, Galveston, Texas 77550, (409) 761-1146.

**Filed:** March 11, 1985, 9:20 a.m.  
TRD-852134

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## Texas Aeronautics Commission

**Tuesday, March 19, 1985, 1:30 p.m.** The Texas Aeronautics Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda summary, the commission will consider the Air Carrier Administration report and the director's report. The commission also will meet in executive session to discuss personnel matters.

**Contact:** Thomas L. Butler, 410 East Fifth Street, Austin, Texas 78711, (512) 476-9262.

**Filed:** March 8, 1985, 1:52 p.m.  
TRD-852102

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## State Banking Board

**Tuesday, March 19, 1985, 2 p.m.** The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. Items on the agenda include a charter application for First Bank and Trust, New Boston; interim charter applications for new Marble Falls State Bank, Marble Falls, new Turtle Creek Bank, Dallas, and new Richardson Bank,

Richardson; and a motion for rehearing for Prairie State Bank, Grand Prairie. The board also will meet in executive session to discuss pending litigation.

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

**Filed:** March 11, 1985, 2:55 p.m.  
TRD-852154

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## Battleship Texas Advisory Board

**Saturday, March 23, 1985, 1 p.m.** The Battleship Texas Advisory Board will meet at the Battleship Texas, 3527 Battleground Road, La Porte. Items on the agenda include approval of the minutes, an update on the architectural report, approval and engagement of services of a fund raising firm, and adoption of a contract agreement pending the attorney general's review. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f), to discuss a contractual agreement between the board and a fund raising firm.

**Contact:** D. G. Hair, 1003 Eastlake, Houston, Texas 77073, (713) 947-8089 or (713) 230-2300, ext. 361.

**Filed:** March 11, 1985, 9:24 a.m.  
TRD-852132

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## Texas County and District Retirement System

**Friday, March 22, 1985, 9 a.m.** The Board of Trustees of the Texas County and District Retirement System will meet at the Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda summary, the board will consider the December 11 and 12, 1984, minutes; consider and pass on applications for service retirement benefits and disability retirement benefits; review and act on reports from the actuary, legal counsel, investment counsel, and director; and set the date for the June meeting.

**Contact:** J. Robert Brown, 400 West 14th Street, Austin, Texas 78701, (512) 476-6651.

**Filed:** March 11, 1985, 3:43 p.m.  
TRD-852164

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## Texas State Board of Dental Examiners

**Thursday-Saturday, March 14-16, 1985, 8 a.m. daily.** The Texas State Board of Dental Examiners made an emergency addition to the agenda of a meeting held in Castillian Rooms A, B, and C, Shamrock Hilton Hotel, 6900 South Main Street, Houston. The addition concerned a request of Dr. Thomas F. Lee, Jr., for review of probationary status. The emergency status was necessary because Dr. Lee requested the lifting of his probationary status due to his failing practice.

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

**Filed:** March 8, 1985, 9:24 a.m.  
TRD-852079

**Thursday-Saturday, March 14-16, 1985, 8 a.m. daily.** The Texas State Board of Dental Examiners made an emergency addition to the agenda of a meeting held in Castillian Rooms A-C, Shamrock Hilton Hotel, 6900 South Main, Houston. The addition concerned an executive session to discuss threatened litigation. The emergency status was necessary because the board just received this information and felt it necessary to discuss this item as soon as possible.

**Contact:** William S. Nail, 413 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443.

**Filed:** March 11, 1985, 1:54 p.m.  
TRD-852143

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## Texas Education Agency

**Friday, March 8, 1985, 1:30 p.m.** The Committee of the Whole of the State Board of

Education of the Texas Education Agency (TEA) made an emergency addition to the agenda of a meeting held in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. The addition concerned a status report and discussion of legislation. The emergency status was necessary to enable the board to be briefed on the current status of legislation.

**Contact:** W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** March 7, 1985, 1:17 p.m.  
TRD-852060

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### Texas Employment Commission

**Tuesday, March 19, 1985, 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 12, 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:** March 11, 1985, 3:14 p.m.  
TRD-852163

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### Office of the Governor

**Thursday and Friday, March 21 and 22, 1985, 8:30 a.m. and 9 a.m. respectively.** The Job Injury Interagency Council and Advisory Committee of the Office of the Governor will meet jointly at the J. H. Winters Building, 701 West 51st Street, on Thursday, and at the Texas Employment Commission Building, 12th and Trinity Streets, Austin, on Friday. According to the agenda, on Thursday the council and committee will conduct panel discussions on occupational health and diseases. On Friday, the council and committee will discuss the future direction of the council and recommendations regarding occupational diseases.

**Contact:** Luis F. B. Plascencia, P.O. Box 13561, Austin, Texas, (512) 475-1147.

**Filed:** March 7, 1985, 4:59 p.m.  
TRD-852077

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### Texas Department of Health

**Saturday, March 16, 1985.** Committees of the Texas Board of Health of the Texas Department of Health (TDH) and the full board will meet on the third floor, Hyatt Regency Hotel Downtown, 1200 Louisiana

Street, Houston. Times, rooms, committees, and agendas follow.

**8 a.m.** In the Redbud Room, the Personnel Committee will consider appointments to the Texas Emergency Medical Services Advisory Council and Municipal Solid Waste Management and Resource Advisory Council and a request for extension of employment beyond age 70.

**8:15 a.m.** In the Redbud Room, the Environmental Health Committee will consider a resolution concerning the effects of asbestos in state buildings.

**8:30 a.m.** In the Redbud Room, the Legislative Committee will hear an update on the activities of the 69th Legislature.

**9 a.m.** In the Dogwood Room, the board will hear an update on the Texas Public Health Association; approve the February 12, 1985, minutes, resolutions for John L. Bradley, M.D., Edith Mazurek, and Davis W. Taylor, and a resolution for mandatory seat belt legislation; hear a report on the activities of Public Health Region 11; consider proposed amendments to rules concerning licensure of dietitians, a rule on fees for clinical health services, the proposed repeal of existing rules on fees for Title XX family planning services, rules for laboratory fees-for-service on water analyses, and rules concerning migrant labor housing facilities; consider final adoption of the *Women, Infants, and Children Policies and Procedures Manual*, and the emergency management service rules concerning the training program and course approval and rules concerning certification and recertification of course coordinator, program instructor, and examiner; hear the commissioner's report; consider an emergency rule for laboratory fee-for-service for HTLV—III serology; hear a Legislative Committee report on an update of the activities of the 69th Legislature, an Environmental Health Committee report on consideration of a resolution concerning the effects of asbestos in state buildings, a Budget Committee report on approval of a revised 1985 operating budget for the San Antonio State Chest Hospital, a Personnel Committee report on appointment to the Texas Emergency Medical Services Advisory Council, appointments to the Municipal Solid Waste Management and Resource Recovery Advisory Council, and a request for extension of employment beyond age 70, and hear announcements and comments which require no board action; and consider a meeting date for April 1985. The board also will meet in executive session.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** March 8, 1985, 3:56 p.m.  
TRD-852117-852120

**Sunday, March 24, 1985, 9:30 a.m.** The Texas Radiation Advisory Board of the

TDH will meet in the conference room, 1212 East Anderson Lane, Austin. According to the agenda summary, the board will approve the minutes; hear reports from the Executive Committee, the Medical Committee, the Industrial Radiography Task Team, the Radioactive Waste Task Team, the Public Information Committee, and the Sunset Task Team; consider an update on rules and a regulatory guide; discuss program activities in general and of the Division of Compliance and Inspection, the Division of Environmental Programs, and the Division of Licensing, Registration, and Standards; and determine the next meeting date and location. The board also will meet in executive session.

**Contact:** David M. Cochran, P.E., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7541.

**Filed:** March 8, 1985, 3:57 p.m.  
TRD-852121

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### State Board of Insurance

The Commissioner's 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, March 19, 1985, 9 a.m.** In Room 342, Docket 7966—application of Sparkey Malcolm Hardee, Bryan, for a legal reserve life insurance agent's license.

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

**Filed:** March 11, 1985, 3:02 p.m.  
TRD-852155

**Tuesday, March 19, 1985, 1:30 p.m.** In Room 342, Docket 7958—whether disciplinary action should be taken against California Pacific Life Insurance Company, San Rafael, California, which holds a certificate of authority.

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

**Filed:** March 11, 1985, 3:02 p.m.  
TRD-852156

**Tuesday, March 19, 1985, 3 p.m.** In Room 342, Docket 7959—whether disciplinary action should be taken against Entrepreneurial Life Insurance Company, Dallas, which holds a certificate of authority.

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

**Filed:** March 11, 1985, 3:02 p.m.  
TRD-852157

**Wednesday, March 20, 1985, 9 a.m.** In Room 353, Docket 7941—whether disciplinary action should be taken against Jo Anne Day Rodriguez, El Paso, who holds a Group I legal reserve life insurance agent's license and a solicitor for local recording agent's license.



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

Filed: March 11, 1985, 3:02 p.m.  
TRD-852158

**Wednesday, March 20, 1985, 1:30 p.m.** In Room 353, Docket 7986—consideration of the proposed plan of merger of Transamerica Occidental Life Insurance Company of Texas, Hye, into Transamerica Occidental Life Insurance Company, Los Angeles, California.

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

Filed: March 11, 1985, 3:02 p.m.  
TRD-852159

**Thursday, March 21, 1985, 9 a.m.** In Room 342, Docket 7949—whether disciplinary action should be taken against Raynaldo Mendez, Jr., doing business as Ray Mendez, Jr., Insurance Agency, Corpus Christi, who holds a Group II health and accident insurance agent's license and a local recording agent's license.

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

Filed: March 11, 1985, 3:02 p.m.  
TRD-852160

**Friday, March 22, 1985, 1:30 p.m.** In Room 342, Docket 7928—whether disciplinary action should be taken against Alex Thomas Fender, Richardson, who holds a Group II insurance agent's license.

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

Filed: March 11, 1985, 3:02 p.m.  
TRD-852161

**Monday, March 25, 1985, 9 a.m.** In Room 353, Docket 7987—application of Emin Ernest Kuhn, Colleyville, for a Group II life, health, and accident insurance agent's license.

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

Filed: March 11, 1985, 3:02 p.m.  
TRD-852162

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### Texas Board of Irrigators

**Wednesday, March 13, 1985, 9:30 a.m.** The Texas Board of Irrigators made an emergency addition to the agenda of a meeting held in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned an executive session to consider contemplated litigation in the matter of Roy Broom. The emergency status was necessary to inform the board of imminent litigation.

Contact: Joyce Watson, Stephen F. Austin Building, Room 431, 1700 North Congress Avenue, Austin, Texas, (512) 475-8161.

Filed: March 7, 1985, 4:15 p.m.  
TRD-852183

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### Lamar University

**Thursday, March 14, 1985.** Committees of the Board of Regents of Lamar University (LU) and the full board met at the Gray Library, Lamar University, Beaumont. Times, rooms, committees, and agendas follow.

**8 a.m.** In the Lamar Room, the Finance/Audit Committee, Building and Grounds Committee, and Development/Public Relations Committee considered jointly approval of the January 1985 monthly financial report for the Lamar University System; approval of a fee structure for outside users of the computer assisted design system; room and board rates and student service fee rates for 1986-1987 for LU-Beaumont; a recommendation to lease racketball courts for LU-Orange; bids on various roofing projects for LU-Beaumont; an alarm system for Montagne Center; a recommendation to engage an architect for the LU-Beaumont master plan 1985-1995 update, a recommendation for renovation of the art building, elevators in the liberal arts/education buildings, refurbishment of Brooks-Shivers Hall, and one wing of Plummer Hall, LU-Beaumont; a recommendation to name the band hall and dedicate the Red Room of Montagne Center; a recommendation to engage an architect for repairs to the pier at LU-Orange; and a recommendation of the LU Foundation that bylaws be amended to establish an executive committee. The committees also met in executive session.

**8:45 a.m.** In the Lamar Room, the Academic Affairs Committee considered new standards for teacher education certification for LU-Beaumont and considered interim tenure and promotion procedures for LU-Orange and LU-Port Arthur. The committee also met in executive session.

**9:15 a.m.** In the Lamar Room, the Personnel Committee and Academic Affairs and Athletic Committees met jointly in executive session to consider personnel contracts, summer 1985 development leaves, and a recommendation to create the position of assistant vice-president for personnel at LU-Beaumont.

**10 a.m.** In the Spindletop Room, the board approved the February 1, 1985, minutes; heard the chancellor's report and announcements; considered approval of Finance/Audit Committee recommendations, Building and Grounds Committee recommendations, Development/Public Relations Committee recommendations, Academic Affairs Committee recommendations, and Personnel Committee recommendations. The board also met in executive session.

Contact: George McLaughlin, P.O. Box 11915, Beaumont, Texas 77710, (409) 880-2304.

Filed: March 8, 1985, 9:41 a.m.  
TRD-852082-852085

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### Texas Merit System Council

**Thursday and Friday, March 21 and 22, 1985, 9 a.m. daily.** The Texas Merit System Council will meet at 507 Brown Building, Austin. According to the agenda, the council will conduct an appeal hearing and discuss legislation affecting the council.

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

Filed: March 11, 1985, 9:20 a.m.  
TRD-852133

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### Texas Mohair Producers Board

**Thursday, March 21, 1985, 10 a.m.** The Texas Mohair Producers Board of the Texas Department of Agriculture will meet at the San Angelo Country Club, Country Club Road, San Angelo. According to the agenda summary, the board will hear the financial report and the market report, consider a grower program concerning the wool and mohair research laboratory, and consider the Hamanaka Mohair Trophy competition concerning the BMS award/angora performance test.

Contact: Robert M. Paschal, P.O. Box 5337, San Angelo, Texas 76902, (915) 655-3161.

Filed: March 12, 1985, 9:28 a.m.  
TRD-852179

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### Board of Pardons and Paroles

**Monday-Friday, March 18-22, 1985, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday.** A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: March 8, 1985, 10:34 a.m.  
TRD-852086

**Tuesday, March 19, 1985, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons) including full pardons and restoration of civil rights of citizenship; emergency medical reprieves;

commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

**Filed:** March 8, 1985, 10:34 a.m.  
TRD-852087

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### State Pension Review Board

**Wednesday, March 20, 1985, 8:30 a.m.** The Legislative Advisory Committee of the State Pension Review Board will meet in Room G-35-B, State Capitol, Austin. According to the agenda, the committee will discuss upcoming legislation.

**Contact:** Benette Meadows, P.O. Box 13498, Austin, Texas 78711, (512) 475-8332.

**Filed:** March 11, 1985, 10:39 a.m.  
TRD-852137

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### Public Utility Commission of Texas

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

**Wednesday, April 3, 1985, 1:30 p.m.** A rescheduled prehearing conference in Docket 5944—complaint of Pinehurst Homeowners Association against Chacko Thomas and Associates, Inc. The prehearing conference originally was scheduled for March 4, 1985, as published at 10 TexReg 755.

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

**Filed:** March 7, 1985, 2:46 p.m.  
TRD-852069

**Friday, April 5, 1985, 10 a.m.** A prehearing conference in Docket 5969—Consumers Union of U.S., Inc.; Public Citizen/Texas; Texas Acorn; Gray Panthers of Austin; and Jim Mattox, Attorney General of the State of Texas; against Southwestern Bell Telephone Company and Southwestern Bell Corporation.

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

**Filed:** March 8, 1985, 2:52 p.m.  
TRD-852114

**Friday, April 5, 1985, 1 p.m.** A rescheduled informal meeting in Docket 6123—proposed rate change by Keen Drilling Company, doing business as Hidden Coves, pursuant to §43(h). The meeting originally was scheduled for March 4, 1985, as published at 10 TexReg 665.

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

**Filed:** March 7, 1985, 2:45 p.m.  
TRD-852071

**Monday, April 15, 1985, 10 a.m.** A hearing on the merits in Docket 6008—complaint of South Grayson Water Supply Corporation against the City of Anna.

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

**Filed:** March 11, 1985, 2:47 p.m.  
TRD-852153

**Wednesday, April 17, 1985, 9:30 a.m.** A prehearing conference in Docket 6146—application of Southwestern Bell Telephone Company for revisions to its general exchange tariff regarding introduction of ESSX-400 and obsolescence of Centrex II and Centrex III services.

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

**Filed:** March 7, 1985, 2:45 p.m.  
TRD-852070

**Wednesday, May 15, 1985, 10 a.m.** A rescheduled hearing on the merits in Docket 5926—application of Southwestern Bell Telephone Company to establish Feature Group E (FGE) access service for radio and cellular common carriers.

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

**Filed:** March 8, 1985, 2:51 p.m.  
TRD-852115

**Wednesday, May 29, 1985, 1 p.m.** A hearing on the merits in Docket 6120—complaint of Charles Martin against Kirk Water Supply for disruption of service.

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

**Filed:** March 7, 1985, 2:46 p.m.  
TRD-852068

**Thursday, July 25, 1985, 10 a.m.** A hearing on the merits in Docket 5751—application of Suetrak USA Company, Inc., for a certificate of convenience and necessity to provide water utility service within Denton County.

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

**Filed:** March 8, 1985, 9:24 a.m.  
TRD-852080

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### State Purchasing and General Services Commission

**Wednesday, March 13, 1985, 1 p.m.** The State Purchasing and General Services Commission met in emergency session at Atlantic Aviation, Hobby Airport, 7930 Airport Boulevard, Houston. Items on the agenda included review and approval of consolidation of leases for the Houston area, review of house committee action on the budget, a briefing on the Capitol Complex Telephone System, a status report on pending legislation, and setting the time and date for the next meeting. The commission also met in executive session to interview available applicants for the position of executive director. The emergency status was necessary to review and approve bid specifications for consolidation of leases in Houston which expire August 31, 1985.

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

**Filed:** March 11, 1985, 3:42 p.m.  
TRD-852165

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### Railroad Commission of Texas

**Monday, March 11, 1984, 9 a.m.** The Railroad Commission of Texas considered emergency items for division meetings held in Room 309, 1124 IH 35 South, Austin. Division items follow.

The commission considered an Oil and Gas Division matter concerning whether to use state funds to plug an abandoned well on the J.W.A. Landslide Lease, Humble Field, Harris County. The emergency status was necessary because the well was leaking salt-water into a public water supply for the City of Houston. This could cause pollution which could harm the public's health, safety, and welfare.

**Contact:** Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1301.

**Filed:** March 8, 1985, 5:29 p.m.  
TRD-852126

The commission considered various matters falling within the Transportation Division's regulatory jurisdiction. The emergency status was necessary because the matters were properly posted for conference on March 4, 1985, and were passed.

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

**Filed:** March 8, 1985, 11:56 a.m.  
TRD-852097

**Monday, March 18, 1985, 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:** March 8, 1985, 11:57 a.m.  
TRD-852094

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:** March 8, 1985, 11:55 a.m.  
TRD-852092

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:** March 8, 1985, 11:55 a.m.  
TRD-852090

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:** March 8, 1985, 11:56 a.m.  
TRD-852099

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:** March 8, 1985, 11:56 a.m.  
TRD-852098

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters; and various matters within the division's jurisdiction, including adoption of 16 TAC §§13.2, 13.84, 13.86, 13.88-13.90, and 13.95-13.99 of the compressed natural gas rules relating to examination, licensing, and insurance requirements, the publication of new §§9.65-9.67 of the LP-gas safety rules which provide uniform distances for storage containers, maximum capacities for installations, and uniform protection guidelines, the publication of new §9.3, which outlines the categories of licensees, the publication of amended §9.17, covering registration of LP-gas transports, and the publication of §9.31, concerning odorization of LP-gas.

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

**Filed:** March 8, 1985, 11:54 a.m.  
TRD-852089

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:** March 8, 1985, 11:55 a.m.  
TRD-852100

Addition to the previous agenda:

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

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

**Filed:** March 8, 1985, 11:56 a.m.  
TRD-852101

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

**Contact:** Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

**Filed:** March 8, 1985, 11:57 a.m.  
TRD-852093

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:** March 8, 1985, 11:57 a.m.  
TRD-852096

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 Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

**Filed:** March 8, 1985, 11:55 a.m.  
TRD-852091

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; and consideration of acceptance of performance bond and approval of transfer from Continental Oil Company, Conquista Project, Permit 008, Site 16, to Chevron U.S.A., Inc., Permit 024.

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

**Filed:** March 8, 1985, 11:57 a.m.  
TRD-852095

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:** March 8, 1985, 11:57 a.m.  
TRD-852088

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**Texas Rehabilitation Commission**  
Wednesday and Thursday, March 20 and 21, 1985, 9 a.m. and 8 a.m. respectively. The Governor's Committee for Disabled

Persons of the Texas Rehabilitation Commission will meet at La Mansion Del Norte, 37 Northeast Loop 410, San Antonio. According to the agenda summary, on Wednesday the committee will approve the minutes; hear the chairperson's comments, the executive director's report, the governor's office liaison's comments, and ex officio agency reports; consider community programs; and participate in the disabled Hispanic conference. On Thursday, the committee will continue participation in the disabled Hispanic conference and conduct a postconference evaluation.

**Contact:** Virginia Roberts, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8272.

**Filed:** March 11, 1985, 1:32 p.m.  
TRD-852142

**Thursday, March 21, 1985, 10 a.m.** The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission (TRC) will meet via conference call originating from Room 163, 118 East Riverside Drive, Austin. Items on the agenda include state legislative activities and other committee discussion items.

**Tuesday, March 26, 1985, 11 a.m.** The Executive Committee of the Texas Planning Council for Developmental Disabilities of the TRC will meet in Room 163, 118 East Riverside Drive, Austin. Items on the agenda include discussion of committee activities and responsibilities and other committee discussion items.

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

**Filed:** March 12, 1985, 9:30 a.m.  
TRD-852180, 852181

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### **Texas Savings and Loan Department**

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

**Monday, March 25, 1985, 2 p.m.** The department will accumulate a record of evidence regarding the application of new Village Savings Association, Houston, and Village Savings Association, Houston, to merge, from which record the commission shall determine whether to grant or deny the application.

**Wednesday, March 27, 1985, 9 a.m.** The department will accumulate a record of evidence regarding the application of Live Oak Savings Association for a charter to be located at 1107 Main Street, Georgetown, Williamson County, from which record the commissioner shall determine whether to grant or deny the application.

**Monday, April 1, 1985, 10 a.m.** The department will call all applications on the agenda and, if no protest is registered and existing when called, further hearing will be dispensed. If a protest is registered and existing when called, hearing on the application(s) will be continued to a later date.

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

**Filed:** March 8, 1985, 4:24 p.m.  
TRD-852123-852125

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### Texas Water Commission

**Monday, March 11, 1985, 2 p.m.** The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered an application of the Lower Colorado River Authority for a contractual amendment to water use Permit 1259 for the filing and setting of a hearing date. The emergency status was necessary since the commission considered procedural matters and future hearings, if any, relating to the Stacy Dam Project on this date.

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

**Filed:** March 11, 1985, 11:48 a.m.  
TRD-852141

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

**Tuesday, March 19, 1985, 10 a.m.** In Room 118, the commission will consider water district bond issues, release from escrow, use of surplus funds, setting a creation hearing, water quality proposed permits, amendments and renewals, certificates of adjudication, and the filing and setting of hearing dates.

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

**Filed:** March 7, 1985, 2:02 p.m.  
TRD-852067

**Wednesday-Friday, March 20-22, 1985, 9:30 a.m. daily.** In Room 124A, the commission will conduct hearings on contests to the preliminary determination of water rights claims in the Brazos IV Segment of the Brazos River Basin.

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

**Filed:** March 11, 1985, 3:27 p.m.  
TRD-852166

**Wednesday, March 20, 1985, 2 p.m.** In Room 118, the commission will consider Application 4508 of Gottfried Fricherr Von Lueninck, Robertson County, Brazos River Basin; an application by Cameron County FWSD 1 for an amendment to Certificate of Adjudication 23-182, Cameron County;

and an application by Cameron County FWSD 1 for amendment to Certificate of Adjudication 23-138, as amended, Cameron County.

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

**Filed:** March 8, 1985, 2:27 p.m.  
TRD-852106

**Thursday and Friday, March 21 and 22, 1985, 9:30 a.m. daily.** In Room 152, the commission will conduct a hearing on contests to the preliminary determination of water right claims in the Cypress Creek Basin.

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

**Filed:** March 11, 1985, 3:27 p.m.  
TRD-852167

**Thursday, March 21, 1985, 10 a.m.** In Room 124A, the commission will consider the application of the City of Cooper, 101 Northwest First Street, Cooper, Texas 75432, to the Texas Department of Water Resources for a renewal of Temporary Order 84-10E to authorize the discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of three million gallons per day (six million daily maximum) from its domestic sewage treatment plant located approximately 1,900 feet southeast of the intersection of FM Road 1528 and FM Road 1880, south of the City of Cooper, in Delta County. The applicant has stated that such a request is necessary due to construction delays.

**Contact:** John Vay, P.O. Box 13087, Austin, Texas 78711, (512) 475-7845.

**Filed:** March 8, 1985, 2:27 p.m.  
TRD-852107

#### Addition to the previous agenda:

The commission will conduct a hearing to determine whether Emergency Order 85-5E, granted by the commission on March 1, 1985, to Celanese Water Soluble Polymers, 201 Harrison Street, Vernon, Texas 76384, should be affirmed, modified, or set aside. The order authorizes the discharge of treated process wastewater commingled with treated utility and sanitary wastewater at existing Outfall 001 in compliance with its existing Texas Department of Water Resources wastewater discharge Permit 02537 subject to two additional conditions. First, compliance with the effluent limitations for organic nitrogen established by the permit for Outfall 001 is excused. Instead, Celanese shall monitor Outfall 001 for organic nitrogen pursuant to the monitoring and sampling procedures established by the permit and report organic nitrogen levels to the Texas Department of Water Resources. Second, Celanese shall continue to perform the stream study required by Part III, §C, of its existing permit, and organic nitrogen shall

be included among the parameters monitored.

**Contact:** Claire Patterson, P.O. Box 13087, Austin, Texas 78701, (512) 475-6943.

**Filed:** March 11, 1985, 11:21 a.m.  
TRD-852139

**Tuesday, March 26, 1985, 2 p.m.** In Room 118, the commission will consider Application 4520 by T. C. Connell and Diane Connell, Brazos River Basin, Bell County; Application 4519 by Roy H. Cullen, trustee, et al, Colorado River Basin, Colorado County; an application by the City of Falls City for an amendment to Permit 10398-01, San Antonio River Basin, Karnes County; and an application by Randy Morine Development, Inc. for proposed Permit 12938-01, Colorado River Basin, Travis County.

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

**Filed:** March 8, 1985, 2:26 p.m.  
TRD-852108

**Wednesday, March 27, 1985, 2 p.m.** In Room 118, the commission will consider the adjudication of claims of water rights in the Texas tributaries of the Lower Rio Grande Segment of the Rio Grande Basin and the adjudication of water right in the San Antonio-Nueces Coastal Basin.

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

**Filed:** March 8, 1985, 2:26 p.m.  
TRD-852109

**Thursday, April 18, 1985, 9:30 a.m.** The Texas Water Commission will meet in the council chambers, 116 West Bridge, Granbury. According to the agenda summary, the commission will consider the following applications to the Texas Department of Water Resources.

Application of C. F. Sealey, Route 2, Box 141B, Granbury, Texas 76048, for proposed Permit 13025-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 60,000 gallons per day from the Sealey Ridge Sewage Treatment Plant, which the applicant proposes to construct in two stages to serve a proposed residential development.

Application of Hood County Utilities, 112 Westover, Granbury, Texas 76048, for proposed Permit 13022-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 88,000 gallons per day from the proposed Blue Water Shores Wastewater Treatment Plant, which is to provide wastewater collection and treatment facilities for a development of residences and recreational vehicles.

**Contact:** Robert A. Caine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1339.

Filed: March 8, 1985, 2:27 p.m.  
TRD-852110, 852111

**Thursday, April 18, 1985, 9:30 a.m.** The Texas Water Commission will meet in Room 305, Amarillo City Hall, 500 South Johnson, Amarillo. According to the agenda summary, the commission will consider an application by the City of Amarillo, Hollywood Road Plant, P.O. Box 1971, Amarillo, Texas, to the Texas Department of Water Resources for an amendment to Permit 10392-03 which authorizes the disposal of treated domestic wastewater effluent by irrigation at a volume not to exceed eight million gallons per day average. The amendment would add provisions for disposal of digested sludge on city-owned agricultural land adjacent to the plant site at a rate not to exceed 10 tons of dry solids per acre per year. Application rates for the irrigated land shall not exceed 3.9 acre-feet per acre per year. No discharge of pollutants into the waters of the state is authorized by this permit.

Contact: Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: March 8, 1985, 2:27 p.m.  
TRD-852112

**Friday, April 19, 1985, 10 a.m.** The Texas Water Commission will meet in the district courtroom, Fayette County Courthouse, La Grange. According to the agenda summary, the commission will consider an application of the Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767, to the Texas Department of Water Resources for proposed Permit 02743 to authorize an intermittent discharge of wastewater effluent from the Cummins Creek Mine at a volume variable with rainfall. The applicant proposes to discharge wastewater from post-mining areas and retention ponds in the active mining areas, and from aquifer dewatering/depressurization.

Contact: Douglas P. Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: March 8, 1985, 3:20 p.m.  
TRD-852116

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## Regional Agencies Meetings Filed March 7

**The Concho Valley Council of Governments, Executive Committee**, met at 5002 Knickerbocker Road, San Angelo, on March 13, 1985, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76905.

**The Dallas Area Rapid Transit Authority, Real Estate Committee**, met in emergency session at 601 Pacific Avenue, Dallas, on March 7, 1985, at 2:30 p.m. The Service Plan/Work Program submitted an emergency revised agenda for a meeting held at the same location on March 8, 1985, at 2 p.m. The Legal Committee met at the same location on March 12, 1985, at 8 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202.

TRD-852057

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## Meetings Filed March 8

**The Bexar Appraisal District, Appraisal Review Board**, will meet at 535 South Main, San Antonio, on March 29, 1985, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Dallas Area Rapid Transit, Budget and Finance Committee**, met at 601 Pacific Avenue, Dallas, on March 11, 1985, at 4 p.m. The Special Needs Committee met at the same location on March 12, 1985, at 4:30 p.m. The Personnel Committee met at the same location on March 12, 1985, at 5:30 p.m. The Board met at the same location on March 12, 1985, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

**The East Texas Council of Governments, Executive Committee**, met at 3800 Stone Road, Kilgore, on March 14, 1985, at 2:15 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

**The Gonzales County Appraisal District, Board of Directors**, met at 928 St. Paul Street, Gonzales, on March 14, 1985, at 5 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Hickory Underground Water Conservation District 1, Board**, met at 1708 South Bridge, Brady, on March 14, 1985, at 7 p.m. Information may be obtained from Rick Illgner, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

**The Tarrant Appraisal District, Board of Directors**, met in Suite 300, 1701 River Run, Fort Worth, on March 14, 1985, 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-852081

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## Meetings Filed March 11

**The Region XVII Education Service Center, Board of Directors**, will meet at 4000 22nd Place, Lubbock, on April 2, 1985, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

**The Ellis County Tax Appraisal District** met at 406 Sycamore Street, Waxahachie, on March 14, 1985, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Fannin County Appraisal District, Board of Directors**, met in emergency session at the Peeler Building, 401 North Main, Bonham, on March 12, 1985, at 7 p.m. Information may be obtained from Joe Hart, Peeler Building, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

**The Gray County Appraisal District, Board of Directors**, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on March 14, 1985, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

**The Hays County Central Appraisal District, Board of Review**, will meet at the courthouse annex, San Marcos, on March 21, 1985, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666.

**The Hockley County Appraisal District, Board of Directors**, will meet at 913 Austin Street, Levelland, on March 18, 1985, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-3654.

**The Hunt County Tax Appraisal District, Board of Directors**, met in the boardroom, 4815-B King Street, Greenville, on March 14, 1985, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

**The Appraisal District of Jones County, Board of Directors**, will meet at 1137 East Court Plaza, Anson, on March 21, 1985, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

**The Liberty County Central Appraisal District, Appraisal Review Board, will meet at 1820 Sam Houston, Liberty, on March 22, 1985, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas, 77575, (409) 336-6771.**

**The Texas Municipal Power Agency, Board of Directors, met at the Administrative Building, Gibbons Creek Electric Station, FM Road 244, 2½ miles north of Carlos, on March 14, 1985, at 10:15 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.**

**The West Texas Council of Governments, Board of Directors, will meet in the confer-**

**ence room, eighth floor, Two Civic Center Plaza, El Paso, on March 15, 1985, at 9:30 a.m. M.S.T. Information may be obtained from Cecile C. Gamez, Two Civic Center Plaza, El Paso, Texas 79999, (915) 541-4689.**

**The Wise County Appraisal District, Appraisal Review Board, met at 206 South State, Decatur, on March 14, 1985, at 10:30 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.**

TRD-852127

### Meeting Filed March 12

**The Capital Area Planning Council, Executive Committee, will meet at the Quality Inn South, 2200 IH 35 South, Austin, on March 19, 1985, at 1:45 p.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Suite 100, Austin, Texas, (512) 443-7653.**

TRD-852178

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# The Legislature

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor during each legislative session and the status of these bills. A bill will be listed after the bill has passed both the House and the Senate and again when the Governor acts upon it.

## Bills Submitted to the Governor

March 7

**SB 2** Relating to the calculation and use of the small school district adjusted allotment under the Foundation School Program.

Sponsor: Haley

**SB 166** Relating to certain exceptions from the temporary license requirements for local recording agents.

Sponsor: Guerrero

**SB 306** Relating to reports required from state agencies.

Sponsor: Rudd

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## Bills Signed by the Governor

March 7

**SB 165** Relating to the compensation of the district judges in Travis County.

Effective Date: August 26, 1985

**SB 306** Relating to reports required from state agencies.

Effective Date: immediately

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# In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Banking Department of Texas Applications to Acquire Control of State Banks

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

On February 11, 1985, the banking commissioner received an application to acquire control of Columbia Bancshares, Inc., West Columbia, by Gard Woods of San Antonio.

On March 8, 1985, 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 March 8, 1985.

TRD-852103 William F. Aldridge  
Director of Corporate  
Activities  
Banking Department of  
Texas

Filed: March 8, 1985  
For further information, please call (512) 475-4451.

On February 25, 1985, the banking commissioner received an application to acquire control of Citizens Bank and Trust, Calvert, by William W. Callan, Sr., of Bryan.

On March 8, 1985, 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 March 8, 1985.

TRD-852104 William F. Aldridge  
Director of Corporate  
Activities  
Banking Department of  
Texas

Filed: March 8, 1985  
For further information, please call (512) 475-4451.

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## 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 <sup>(3)</sup> Agricultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 03/18/85-03/24/85	18.00%	18.00%
Monthly Rate— Article 1.04(c) <sup>(1)</sup> 03/01/85-03/31/85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/85-06/30/85	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 <sup>(3)</sup> 04/01/85-06/30/85	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) <sup>(3)</sup> 04/01/85-06/30/85	16.42%	N/A
Standard Annual Rate— Article 1.04(a)(2) <sup>(2)</sup> 04/01/85-06/30/85	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 <sup>(3)</sup> 04/01/85-06/30/85	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/85-06/30/85	19.27%	N/A
Judgment Rate— Article 1.05, §2 03/01/85-03/31/85	10.00%	10.00%

- (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 March 11, 1985.

TRD-852130 Sam Kelley  
Consumer Credit  
Commissioner

Filed: March 11, 1985  
For further information, please call (512) 475-2111.

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## Comptroller of Public Accounts Amendment of Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts amends and extends the contract award to Morris Information originally published in the November 2, 1984, issue of the *Texas Register* (9 TexReg 6029).

The contract, originally due to expire March 31, 1985, will be extended to August 31, 1985. The original amount of the contract, \$154,360, will be amended not to exceed an additional \$23,154, bringing the total contract amount to \$177,514.

Issued in Austin, Texas, on March 11, 1985.

TRD-852129      Bob Bullock  
Comptroller of Public Accounts

Filed: March 11, 1985

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

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## Interagency Council on Early Childhood Intervention Availability of Applications for Research and Evaluation Grants

The Interagency Council on Early Childhood Intervention (ECI) announces the availability of applications for research and evaluation grants.

**Available Funds.** The ECI expects to fund approximately four to eight research and evaluation grants up to a maximum of \$5,000 each for analysis of existing data, and a maximum of \$10,000 each for the collection of new data. Expenditure of research funds may not extend past August 31, 1985. The ECI has reserved \$40,000 to fund grants under this program. However, these estimates do not bind ECI to a specific number of grants or to the amount of any grant.

**Program Information.** The ECI Council is interested in evaluating the effectiveness of early intervention services for children with developmental delay under three years of age or until reaching the age of eligibility for entry into the comprehensive special education program for handicapped children under the Texas Education Code, §16.104, in the State of Texas. The council is therefore requesting research proposals that examine the impact of early intervention on children, families, and communities. Measures of children's progress may include, but are not limited to:

- (1) changes in developmental areas over time;
- (2) progress as it relates to different settings of intervention including integration with normal peers;
- (3) impact of different teaching strategies and/or amount of time of programming on progress, including cost effectiveness;
- (4) impact of family participation on child progress;
- (5) comparison of the progress of children enrolled in early intervention programs to those not enrolled in early intervention programs;
- (6) changes in medical conditions over time or comparison of progress by level of medical involvement.

Measurements of impact on family unit may include, but are not limited to:

- (1) maintenance of the family unit;

- (2) reduction of stress factors;
- (3) participation of different family members, including fathers and siblings, in the program goals;
- (4) changes in skill and knowledge levels.

Measures of impact on the community may include, but are not limited to:

- (1) change in age of referral or referral sources;
- (2) impact of public awareness strategies;
- (3) changes in the age of identification.

Contract requirements include a written report summarizing results of the study to be submitted by August 31, 1985.

**Collaboration.** Those individuals, programs, or agencies submitting proposals are encouraged to collaborate with institutions of higher education, currently funded ECI programs, and public schools.

**Application Information.** Application information may be obtained by writing to Early Childhood Intervention Office, 1100 West 49th Street, Austin, Texas 78756-3179, (512) 465-2671.

Proposals must be prepared and submitted in accordance with the instructions included in the proposal format.

**Closing Date for Transmittal of Applications.** Applications for awards must be mailed or hand delivered by April 1, 1985. Applications should be sent to Early Childhood Intervention Program, 1100 West 49th Street, Austin, Texas 78756-3179, or delivered to Room 2.629, 1101 East Anderson Lane. For further information, contact Mary Elder at (512) 465-2671, or Susan Dodson at (512) 465-4668.

Issued in Austin, Texas, on March 7, 1985.

TRD-852076      Richard Smith, Ed.D.  
Chairperson  
Interagency Council on Early  
Childhood Intervention

Filed: March 7, 1985

For further information, please call (512) 465-2671.

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## Office of the Governor Applications for Statewide Criminal Justice Programs

The Criminal Justice Division (CJD) of the Office of the Governor is now accepting applications for selected statewide criminal justice programs for the fiscal year beginning September 1, 1985.

Awards for statewide grant programs are contingent upon the availability of funds after completion of the current legislative appropriations process. At this time, the CJD does not anticipate that there will be funds available for statewide grants and encourages applicants to make every attempt to obtain funding from other sources. Should funds become available, the CJD will notify those applicants that have been selected for funding. This announcement in no way obligates the CJD to award grant funds or to pay any costs incurred as a result of responding to this announcement.

Under the governor's 1986 criminal justice plan for Texas, the following types of statewide programs may be considered for funding if funds are available: crime prevention, crime prevention training, and criminal justice education; continuing education programs on family violence for criminal justice professionals/statewide victim

referral service; advanced and specialized law enforcement training; technical surveillance for control of narcotics and dangerous drugs; special law enforcement units and programs; state agency juvenile services; juvenile corrections programs for serious and repeat offenders; defense, prosecution, and judicial training; statewide judicial administration; training, education, and development of correctional and related personnel; and state agency correctional projects.

Eligible applicants include state agencies (with or without appropriations), universities and colleges, and statewide nonprofit organizations. All applications must comply with the program criteria and the requirements outlined in the 1986 criminal justice plan for Texas.

Additional information may be obtained from Gilbert Pena, Executive Director, Criminal Justice Division, P.O. Box 12428, Austin, Texas 78711, (512) 475-3001.

Issued in Austin, Texas, on March 6, 1985.

TRD-852043      Gilbert J. Pena  
Executive Director  
Criminal Justice Division  
Office of the Governor

Filed: March 6, 1985  
For further information, please call (512) 475-3001.

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## Texas Department of Health Extension of Public Comment

The public comment period for proposed rules concerning municipal solid waste management has been extended. The rules were published in the February 5, 1985, issue of the *Texas Register* (10 TexReg 366). The comment period has been extended to March 29, 1985.

Any comments concerning the proposal should be submitted to Jack C. Carmichael, P.E., Chief, Bureau of Solid Waste Management, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-7271.

Issued in Austin, Texas, on March 7, 1985.

TRD-852074      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: March 7, 1985  
For further information, please call (512) 458-7271.

## Public Hearing

The Texas Department of Health will conduct a public hearing on Solid Waste Permit 1419 presently held by the City of Waco for the operation of a Type I municipal solid waste site located 2.2 miles south of the city limits of Waco, 0.9 mile east of the city limits of Robinson, 0.6 mile west of FM Road 434, four feet east of FM Road 3400, immediately south of Flat Creek, and on the north side of County Road 131-A in McLennan County.

An application has been filed with the department (Permit Application 1419-A) to amend the permit to add additional aerial fill to its existing 55.55-acre disposal site

and to receive daily approximately 430 tons of solid wastes under the regulatory jurisdiction of the Texas Department of Health.

The hearing is scheduled for 2 p.m. on Thursday, April 11, 1985, in the Council Room, City Hall, Third and Austin Streets, Waco.

Issued in Austin, Texas, on March 7, 1985.

TRD-852075      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: March 7, 1985  
For further information, please call (512) 458-7271.

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## Texas Department of Human Resources Quality Improvement Project

The Texas Department of Human Resources (DHR) has launched a drive to reduce quality control errors in the Food Stamp and Aid to Families with Dependent Children Programs. The initiative is titled the Quality Improvement Project (QIP). A summary is published here to explain how department programs will benefit and to allow interested parties to comment.

The QIP will focus efforts on error-prone cases identified by an analysis of quality control error cases. Error prevention in assistance cases will save department funds by curbing sanctions the federal government has indicated an intent to impose. A reduction in funding would adversely affect all assistance cases.

The QIP features conforming practices and procedures between income assistance worker staff and quality control reviewers. The project will enhance worker skills and strengthen program control and accountability. Specific work areas addressed in the QIP are:

(1) investigative interviewing—the training of workers to more skillfully obtain eligibility information during the client interview;

(2) verification practices—the training of workers on the sources of verification used by quality control reviewers; also, the conforming of worker verification practices and procedures with those of the reviewers;

(3) supervisory review instrument—the development of a supervisory case review system to identify areas prone to error. This will contribute to error reduction as corrective action procedures are applied to specifically identified problem areas;

(4) verification units—the development and use of specialized staff dedicated to verifying questionable eligibility items;

(5) local office analysis—conducting office reviews to identify and change error prone and/or inefficient practices;

(6) performance indicator reporting systems—developing a reporting system of the key results in areas of accuracy, timeliness, and productivity.

The QIP developments will be tested in Harris County beginning in March 1985. No specific duration for the project has been established, but portions of the QIP that

prove worthwhile and beneficial may be applied statewide in the future.

Issued in Austin, Texas, on March 6, 1985.

TRD-852023     Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Filed: March 6, 1985  
For further information, please call (512) 450-3766.

## Request for Proposals

The Texas Department of Human Resources (DHR) invites all interested parties to respond to a request for proposals (RFP) for services under the department's program for runaway and truant youth.

**Description of Services Requested.** The purpose of the Runaway and Truant Demonstration Project is to provide financial assistance for the provision of services to address the needs of runaway and truant youth and their families, and divert runaway and truant youth from the juvenile justice and the child welfare systems. Services to be provided must include family crisis intervention counseling services, temporary residential care, and after-care counseling services for runaway youth and their families.

**Contract Limitations.** Funding may be requested for continuation of services currently provided under a Runaway and Truant Demonstration Project contract, for development of new programs, or for strengthening of existing programs. Funding may not be utilized to supplant existing revenues. Contracts will be written for a two-year period, September 1, 1985-August 31, 1987. Contracts will range from \$10,000 to a maximum of \$175,000 from September 1, 1985-August 31, 1986, and from \$10,000 to a maximum of \$175,000 from September 1, 1986-August 31, 1987. This RFP is being released prior to the DHR receiving an appropriation from the Texas Legislature. The maximum amount available for each contract may be reduced, dependent upon final appropriations. Eligible applicants include local governments (cities and counties), private nonprofit agencies, private for-profit agencies, and individuals. Applicants must provide local matching funds of 15%.

**Contact Person.** The contact person is Joe Papick, Protective Services for Families and Children Branch, Mail Code 538-W, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 459-3309.

**Closing Date for Offers.** Proposals must be received by 5 p.m. on May 15, 1985.

**Evaluation Criteria.** Proposals will be evaluated and contractors selected on the basis of services offered, the proposed service area (geographic location of services), and the innovation of the services proposed.

Issued in Austin, Texas, on March 11, 1985.

TRD-852131     Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Filed: March 11, 1985  
For further information, please call (512) 450-3766.

## State Board of Insurance Company Licensing

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

(1) Application for a name change by Universal Underwriters Lloyds, a domestic insurance company. The home office is in Fort Worth. The proposed new name is Federated Lloyds of Texas.

(2) Application for admission to do business in Texas of American Insurance Group, Ltd., a foreign casualty company. The home office is in Wilmington, Delaware.

(3) Application for a name change by American Bankers Insurance Company, a domestic life insurance company. The home office is in Waco. The proposed new name is National Bankers Insurance Company.

(4) Application for admission to do business in Texas of La Reunion Francaise, a foreign fire and casualty insurance company. The home office is in Paris, France.

Issued in Austin, Texas, on March 5, 1985.

TRD-852054     James W. Norman  
Chief Clerk  
State Board of Insurance

Filed: March 7, 1985  
For further information, please call (512) 475-2950.

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## Texas Parks and Wildlife Department 1985 County Public Hearings

The Texas Parks and Wildlife Department has scheduled hearings in all counties to obtain public comment concerning proposed regulation changes for the 1985-1986 hunting and fishing seasons. The public is urged to attend the hearings and comment upon the proposed changes. Locations, dates, and times of the hearings may be obtained by calling (512) 479-4974 or (800) 792-1112.

Issued in Austin, Texas, on March 7, 1985.

TRD-852113     Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife Department

Filed: March 8, 1985  
For further information, please call (512) 479-4974 or (800) 792-1112.

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## Public Utility Commission of Texas Consultant Proposal Requests

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas (PUC) publishes this invitation for proposals for consulting services. The commission seeks proposals from qualified firms and institutions for the development, production, and release of a statewide campaign designed to inform residential consumers of the availability of energy efficiency and renewable resources information and to motivate them to request information. Existing electronic and print materials requiring minor modifications are available for use in the program. These existing materials should serve as the basis of the program, limiting the need to produce new materials. Electronic and printed materials should be released during May-July 1985. This program is funded by petroleum violation escrow funds.

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For further information and materials on bid specifications, contact the Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0301.

To be considered, written proposals must arrive at the PUC office no later than 3 p.m. on April 8, 1985. Proposals arriving after 3 p.m. will not be accepted. Five copies of the proposal should be sent to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, Attention: Sandy Becker, Bid Identification Number UC-5-0563. The bid identification number and date filed should be clearly marked on the outside of the proposal package.

Contractor selection will be based on specific criteria, and final selection will be made by a review committee.

Issued in Austin, Texas, on March 6, 1985.

TRD-852105 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 8, 1985  
For further information, please call (512) 453-0231.

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

The Public Utility Commission of Texas (PUC) requests proposals from qualified firms, public agencies, or individuals to provide engineering reviews for technical assistance (TA) reports which will be submitted to the PUC as part of the U.S. Department of Energy's grant program for schools and hospitals. Technical assistance reports are comprehensive engineering studies which analyze recommended capital retrofit energy efficiency projects for institutional buildings. Approximately 125 TA reports will be reviewed for Cycle VII of the program. Funding for this service will be provided by a grant from the U.S. Department of Energy.

**Description of Services to be Performed.** The contractors selected will possess a comprehensive knowledge of energy using systems for institutional buildings, energy auditing, and energy savings calculations; a broad understanding of the PUC's Institutional Conservation Program; and a specific understanding of the federal and state regulations governing the preparation of the TA report. The contractors' review of each TA report will include an evaluation of the document for technical accuracy, soundness of engineering principles, and project cost assessment; the preparation of a written critique on the report, including suggested changes and improvements; and the assignment of an overall technical review score for the report. The contractors also will be expected to contact applicants as necessary to resolve technical problems and other inconsistencies in the reports and be available to the PUC staff for consultation on problems as they develop.

**Selection Criteria.** Proposals will be judged by the prospective contractors' ability to demonstrate experienced and qualified personnel to complete the project, previous work and experience relative to this type of project, familiarity with the Institutional Conservation Program, the ability to provide objective assessments of the studies to be evaluated (to avoid any possible conflict of interest, firms currently involved in preparing TA reports for Cycle VII applicants are not encouraged to apply), a proposed evaluation procedure which will insure a thorough and objective assessment of backup cal-

culatation used to support specific projects, and the ability to complete the review in a timely manner. The review period will extend from April 15, 1985, to May 15, 1985. Proposals should address each of the criteria in the order of their listing. The PUC will probably select two engineering firms for this project. Final selection of contractors will be based on the recommendations of a review committee. If, upon conclusion of the evaluation of the proposals received pursuant to this solicitation, several proposals are ranked so closely that a final selection cannot reasonably be made, the review committee may request each proposer to provide the PUC with additional information. Such information may include additional written materials not specified in this solicitation or clarifications of proposals. Proposers also may be requested to meet with the PUC staff in Austin to review or clarify their proposals prior to the final selection of contractors.

**Effective Date.** Contractor selection will be made on or before April 15, 1985. The contract period will extend from the date of signing to May 30, 1985.

**Contact Person.** Further information concerning this project may be obtained by contacting Mel Roberts, Assistant Director, Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0313.

**Due Date.** Written proposals should be sent by registered mail or by courier and must arrive no later than 3 p.m. on April 8, 1985. Five copies of the proposal should be sent to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, Attention: Sandy Becker. Reference UC-5-0664.

Issued in Austin, Texas, on March 11, 1985

TRD-852128 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 11, 1985  
For further information, please call (512) 458-0100.

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**Texas Savings and Loan  
Department  
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 March 6, 1985, the savings and loan commissioner received an application for approval of the acquisition of control of Brownfield Savings & Loan Association, Brownfield, by Gary Sibley of Arlington.

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 March 7, 1985.

TRD-852072      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: March 7, 1985  
For further information, please call (512) 475-7991.

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On March 4, 1985, the savings and loan commissioner received an application for approval of the acquisition of control of Alice Savings and Loan Association, Alice, by Bruce A. Morrice of Dallas.

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 March 7, 1985

TRD-852073      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: March 7, 1985  
For further information, please call (512) 475-7991.

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