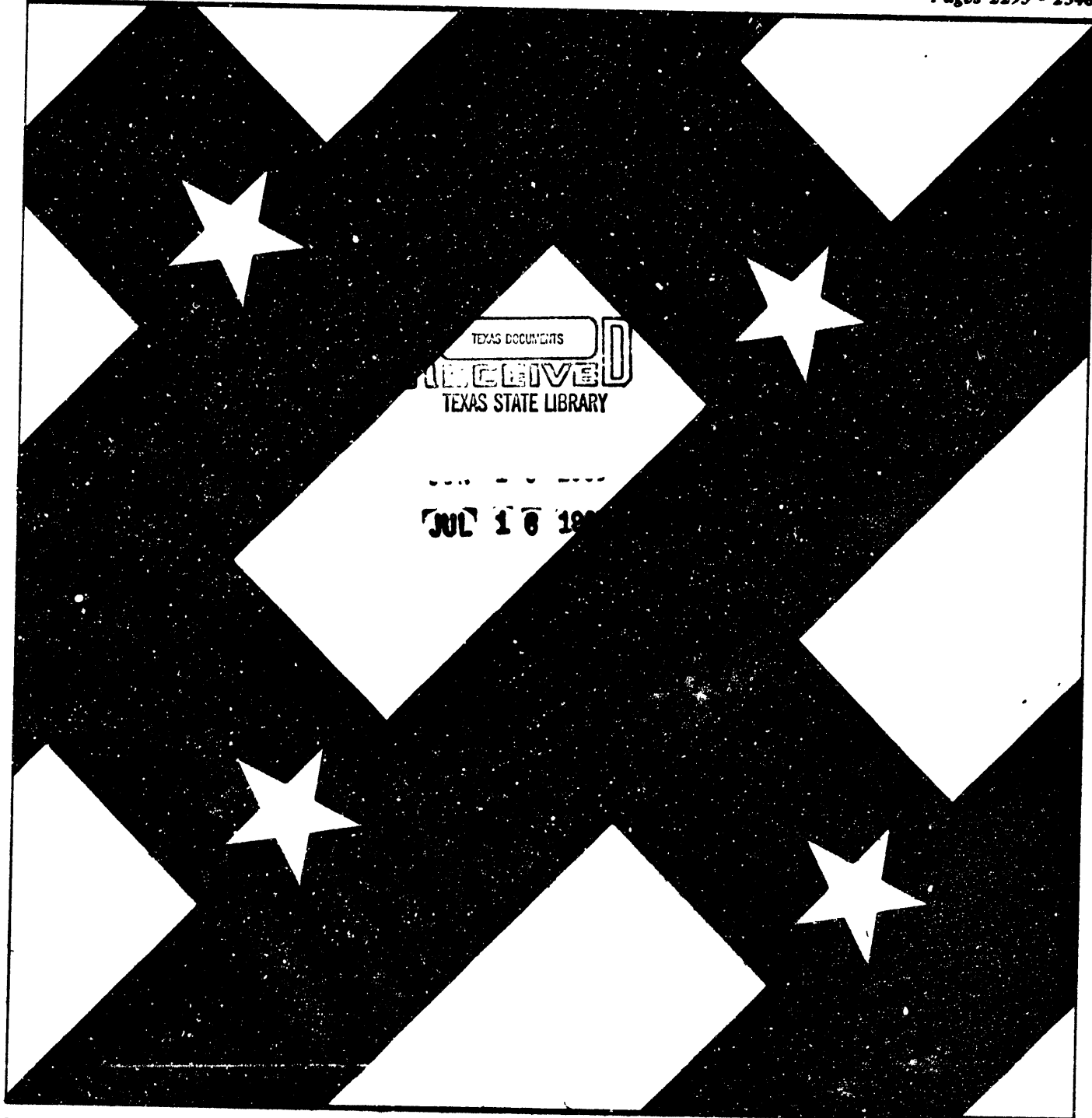


# Texas Register

FILE COPY

Volume 10, Number 54, July 19, 1985

Pages 2293 - 2348



### Highlights

The Texas Parks and Wildlife Department adopts on an emergency basis a new section and amendments concerning finance. Effective date - September 1.....page 2301

The Railroad Commission of Texas proposes

a new section concerning armored contract carriers. Proposed date of adoption - August 19.....page 2302

The State Board of Barber Examiners proposes a new section regarding practice and procedures in barber shops. Earliest date of adoption - August 19.....page 2313

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and vetoed without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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# Table of Contents

---

## The Governor

### Appointments Made July 8

- 2297—North Texas State University
- 2297—State Pension Review Board
- 2297—Texas Southern University

### Appointments Made July 9

- 2297—The Galveston Bar and the Houston Ship Channel
- 2297—State Pension Review Board

### Appointments Made July 11

- 2297—Texas Board of Health
- 2297—Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids
- 2297—Houston Ship Channel and Galveston Bar for the Port of Houston
- 2297—81st Judicial Court
- 2298—State Board of Morticians
- 2298—Port of Galveston County
- 2298—Sabine Bar, Pass, and Tributaries

## Attorney General

### Opinions

- 2299—JM-328 (RQ-486)
- 2299—JM-329 (RQ-587)

## Secretary of State

### Opinion Issued July 1

- 2300—Election Law Opinion MAM-5

## Emergency Rules

### Parks and Wildlife Department

- 2301—Finance
- 2301—Fisheries

## Proposed Rules

### Texas Savings and Loan Department

- 2302—Charter Applications

### Railroad Commission of Texas

- 2302—Oil and Gas Division
- 2308—Transportation Division

### Texas Amusement Machine Commission

- 2312—Licenses and Registration Certificates
- 2313—Coin-Operated Machines

### State Board of Barber Examiners

- 2313—Practice and Procedure

### Texas Air Control Board

- 2313—General Provisions

### Comptroller of Public Accounts

- 2315—Tax Administration

### Texas Department of Human Resources

- 2318—ICF-MR

## Withdrawn Rules

### Texas Savings and Loan Department

- 2320—Loans and Investments

## Adopted Rules

### Comptroller of Public Accounts

- 2321—Tax Administration

### Employees Retirement System of Texas

- 2321—Insurance

### Texas Commission on Law Enforcement Officer Standards and Education

- 2327—Administrative Division

### Texas Department of Human Resources

- 2328—ICF-MR

## Open Meetings

### 2330—Texas Department of Agriculture

### 2330—Texas Air Control Board

### 2330—Battleship Texas Advisory Board

### 2330—Texas Education Agency

### 2331—Texas Employment Commission

### 2331—Office of the Governor

### 2331—Texas Department of Health

### 2332—Texas Health and Human Services Coordinating Council

### 2332—Texas Historical Commission

### 2332—Texas Department of Human Resources

### 2332—State Board of Insurance

### 2333—Texas Board of Irrigators

### 2333—Texas Commission on Jail Standards

### 2334—Texas National Guard Armory Board

### 2334—Board of Pardons and Paroles

### 2334—Texas Parks and Wildlife Department

### 2334—Texas Public Building Authority

### 2334—Public Utility Commission of Texas

### 2335—Railroad Commission of Texas

### 2336—Texas 1986 Sesquicentennial Commission

### 2336—State Securities Board

### 2336—Texas State Technical Institute

### 2336—Texas Water Commission

### 2337—Regional Agencies

## In Addition

### Texas Department of Agriculture

- 2340—Consultant Proposal Request

### Texas Department of Community Affairs

- 2341—Request for Proposal Amendment

### Office of Consumer Credit Commissioner

- 2341—Rate Ceilings

### Coordinating Board, Texas College and University System

- 2342—Appointment to Board of Directors

### Texas Department of Health

- 2342—Public Hearing

### 2343—Licensing Actions for Radioactive Materials

### State Board of Insurance

- 2344—Company Licensing

### Texas Savings and Loan Department

- 2345—Application to Establish Remote Service Units

- 2345—Loan Office Applications

### Texas Department of Mental Health and Mental Retardation

- 2347—Consultant Proposal Request

### Texas Rehabilitation Commission

- 2347—Correction of Error



# TAC Titles Affected

## TAC Titles Affected—July

The following is a list of the administrative rules that have been published this month.

### TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission	
4 TAC §35.6 . . . . .	2182

### TITLE 7. BANKING AND SECURITIES

Part IV. Texas Savings and Loan Department	
7 TAC §51.2 . . . . .	2302
7 TAC §65.2 . . . . .	2320
7 TAC §65.14 . . . . .	2320
7 TAC §65.15 . . . . .	2320
7 TAC §65.17 . . . . .	2320
7 TAC §65.19 . . . . .	2320
7 TAC §65.21 . . . . .	2320
7 TAC §65.23 . . . . .	2320
Part VI. Credit Union Department	
7 TAC §91.506 . . . . .	2165
Part VII. State Securities Board	
7 TAC §109.13 . . . . .	2149

### TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §3.70 . . . . .	2302
16 TAC §5.37 . . . . .	2308
16 TAC §5.40 . . . . .	2309
16 TAC §5.121 . . . . .	2309
16 TAC §5.122 . . . . .	2310
16 TAC §5.123 . . . . .	2310
16 TAC §5.141 . . . . .	2311
16 TAC §5.146-5.148 . . . . .	2236
16 TAC §5.181 . . . . .	2311
16 TAC §5.315 . . . . .	2236
16 TAC §5.420 . . . . .	2217
16 TAC §5.422, §5.423 . . . . .	2236
16 TAC §5.458 . . . . .	2312
16 TAC §7.21, 7.22, 7.24, 7.27, 7.29, 7.31, 7.36, 7.37, 7.39, 7.41 . . . . .	2236
16 TAC §9.191 . . . . .	2280
Part IV. Texas Department of Labor and Standards	
16 TAC §69.78 . . . . .	2165
16 TAC §69.125 . . . . .	2271
Part V. Texas Amusement Machine Commission	
16 TAC §83.1 . . . . .	2312
16 TAC §85.3 . . . . .	2313

### TITLE 19. EDUCATION

Part II. Texas Education Agency	
19 TAC §75.141 . . . . .	2149, 2152, 2217, 2236
19 TAC §75.151, §75.152 . . . . .	2153
19 TAC §77.358, §77.359 . . . . .	2191
19 TAC §141.481 . . . . .	2237

### TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners	
22 TAC §1.46 . . . . .	2272
22 TAC §1.105 . . . . .	2272
22 TAC §1.124 . . . . .	2273
22 TAC §1.162, 1.164-167 . . . . .	2273
22 TAC §1.172 . . . . .	2274
22 TAC §1.192, §1.193 . . . . .	2274
Part II. State Board of Barber Examiners	
22 TAC §51.94 . . . . .	2313
Part IX. Texas State Board of Medical Examiners	
22 TAC §163.2, 163.3, 163.9 . . . . .	2182

Part XI. Board of Nurse Examiners	
22 TAC §217.5 . . . . .	2219
22 TAC §217.13 . . . . .	2191

Part XX. Texas Board of Private Investigators and Private Security Agencies	
22 TAC §423.1 . . . . .	2183
22 TAC §455.1 . . . . .	2275

### TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health	
25 TAC §73.11 . . . . .	2216
Part II. Texas Department of Mental Health and Mental Retardation	
25 TAC §§403.71-403.90 . . . . .	2153
25 TAC §§403.71-403.76 . . . . .	2154
25 TAC §§405.281-405.294 . . . . .	2183
25 TAC §§405.281-405.291 . . . . .	2184
25 TAC §§405.281, 405.283, 405.288, 405.290-405.293 . . . . .	2190
25 TAC §§405.286, 405.287, 405.289 . . . . .	2190
25 TAC §§405.621-405.630 . . . . .	2156
25 TAC §§405.621-405.629 . . . . .	2157
25 TAC §405.693 . . . . .	2159

### TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department	
31 TAC §§53.2, 53.4, 53.6, 53.8 . . . . .	2301
31 TAC §57.242 . . . . .	2301
31 TAC §57.351 . . . . .	2216
31 TAC §§65.190-65.203, 65.208-65.212, 65.215, 65.216, 65.218-65.220, 65.222-65.227, 65.229, 65.230 . . . . .	2192
31 TAC §§65.191, 65.193-65.224 . . . . .	2192
31 TAC §§65.331-65.334 . . . . .	2186
31 TAC §§65.354, 65.356, 65.358, 65.359, 65.361, 65.368 . . . . .	2193
Part III. Texas Air Control Board	
31 TAC §101.1 . . . . .	2275
31 TAC §101.24, §101.25 . . . . .	2313
31 TAC §116.7, §116.11 . . . . .	2275

### TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts	
34 TAC §1.9 . . . . .	2239
34 TAC §1.28 . . . . .	2240
34 TAC §3.51 . . . . .	2219
34 TAC §3.53 . . . . .	2220
34 TAC §3.56 . . . . .	2220
34 TAC §3.57 . . . . .	2220
34 TAC §3.102 . . . . .	2221
34 TAC §3.104 . . . . .	2221
34 TAC §3.105 . . . . .	2222
34 TAC §3.122 . . . . .	2222
34 TAC §3.124 . . . . .	2222
34 TAC §3.125 . . . . .	2223
34 TAC §3.173 . . . . .	2277
34 TAC §3.194 . . . . .	2278
34 TAC §3.181 . . . . .	2223
34 TAC §3.282 . . . . .	2321
34 TAC §3.292 . . . . .	2224
34 TAC §3.302 . . . . .	2315
34 TAC §3.323 . . . . .	2316
34 TAC §3.394 . . . . .	2316
34 TAC §3.396 . . . . .	2317
34 TAC §3.409 . . . . .	2317
34 TAC §3.544 . . . . .	2150

34 TAC §3.549 .....	2150	40 TAC §50.4901, §50.4902 .....	2195
34 TAC §3.555 .....	2151	Part III. Texas Commission on Alcoholism	
Part IV. Employees Retirement System of Texas		40 TAC §§153.1, 153.4-153.6, 153.32, 153.33,	
34 TAC §67.1 .....	2240	153.36, 153.38, 153.41, 153.42 .....	2187
34 TAC §71.10 .....	2224	Part IX. Texas Department on Aging	
34 TAC §75.1 .....	2225	40 TAC §251.8 .....	2281
34 TAC §§81.1, 81.3, 81.5, 81.7, 81.9, 81.11,		Part XII. Texas Advisory Board of Occupational	
8.13-81.15, 81.17, 81.19, 81.21, 81.23 .....	2321	Therapy	
TITLE 37. PUBLIC SAFETY AND CORRECTIONS		40 TAC §361.2 .....	2226
Part VII. Texas Commission on Law Enforcement		40 TAC §363.1 .....	2226
Officer Standards and Education		40 TAC §365.1, §365.3 .....	2226
37 TAC §§211.77, 211.79, 211.82, 211.85 .....	2327	40 TAC §367.1 .....	2227
TITLE 40. SOCIAL SERVICES AND ASSISTANCE		40 TAC §369.1 .....	2228
Part I. Texas Department of Human Resources		40 TAC §371.1 .....	2228
40 TAC §§27.2002, 27.2003, 27.2005-		40 TAC §373.1 .....	2229
27.2009 .....	2318	40 TAC §374.1 .....	2230
40 TAC §27.2917 .....	2328	40 TAC §375.1, §375.2 .....	2230
40 TAC §27.4505, §27.4506		40 TAC §379.1 .....	2232
40 TAC §§50.901-50.904 .....	2195	40 TAC §381.1 .....	2233
40 TAC §§50.2905-50.2908 .....	2278	40 TAC §383.1 .....	2233
40 TAC §§50.3901-50.3909 .....	2194	40 TAC §385.1 .....	2234
40 TAC §§50.3901-50.3915 .....	2194	40 TAC §387.1 .....	2234

# 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.

## Appointments Made July 8

### North Texas State University

To the Board of Regents for terms to expire May 22, 1991:

B. Craig Raupe  
122 North Crockett  
Granbury, Texas 76048

Mr. Raupe is replacing Winfree L. Brown of Midland, whose term expired.

Edwin Bruce Street, Sr.  
P.O. Box 1110  
Graham, Texas 76046

Mr. Graham is replacing E. E. Stuessy of Austin, whose term expired.

Topsy Roberson Wright  
801 British Boulevard  
Grande Prairie, Texas 75050

Ms. Wright is replacing Harrell E. Chiles of Fort Worth, whose term expired.

### State Pension Review Board

For a term to expire January 31, 1991:

Frank Eikenburg  
1804 Avenue G  
Suite 113  
Plano, Texas 75074

Mr. Eikenburg is replacing Stuart Tucker of Corpus Christi, whose term expired.

Issued in Austin, Texas, on July 8, 1985.

TRD-856150 Mark White  
Governor of Texas

★ ★ ★

### Texas Southern University

To the Board of Regents for terms to expire February 1, 1991:

Milton Carroll  
3219 Robinson  
Missouri City, Texas 77459

Mr. Carroll is replacing Winston R. Webster of Houston, whose term expired.

James C. Belt, Jr.  
3951 Lost Creek Drive  
Dallas, Texas 75224

Mr. Belt is replacing Howard D. Kirven of Dallas, whose term expired.

Larry Richard Veselka  
2207 Salisbury Lane  
Houston, Texas 77019.

Mr. Veselka is replacing Marjorie Meyer Arst of Houston, whose term expired.

Issued in Austin, Texas, on July 8, 1985.

TRD-856150 Mark White  
Governor of Texas

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## Appointments Made July 9

### The Galveston Bar and the Houston Ship Channel

To be branch pilot for terms to expire December 9, 1986:

Thomas L. Gibson  
15222 Woodhorn Drive  
Houston, Texas 77062

Robert Leonard Glass, III  
1740 Islander Way  
Seabrook, Texas 77586

For a term to expire March 10, 1989:

Allan R. Barry  
15006 Trowbridge Court  
Houston, Texas 77062

Captains Gibson, Glass, and Barry are being reappointed.

### State Pension Review Board

For a term to expire January 31, 1991:

James M. Brelsford  
5100 Scotland  
Houston, Texas 77007

Mr. Brelsford is being reappointed.

Issued in Austin, Texas, on July 9, 1985.

TRD-856251 Mark White  
Governor of Texas

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## Appointments Made July 11

### Texas Board of Health

For a term to expire February 1, 1991:

Edward H. Zunker, O.D.  
1011 Nolan Street  
Seguin, Texas 78155

Dr. Zunder is replacing Dr. Richard W. Ragsdale of Denton, whose term expired.

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

For a term to expire December 31, 1989:

Henry M. Carder, M.D.  
10341 Strait Lane  
Dallas, Texas 75229

Dr. Carder is replacing Dr. John W. Youngblood of Austin, whose term expired.

### Houston Ship Channel and Galveston Bar for the Port of Houston

For a term to expire December 9, 1986:

Armando Luna, Jr.  
6411 Spencer Highway, Apartment 186  
Pasadena, Texas 77505

For a term to expire March 10, 1989:

Ernest D. Reed  
Route Five, Box 266  
Cleveland, Texas 77327

For a term to expire May 9, 1989:

Charles Clayton Lary, III  
515 Shealy  
Webster, Texas 77598

Captains Luna, Reed, and Lary are being reappointed.

### 81st Judicial Court

To be judge, until the next general election and until his successor shall be elected and duly qualified:

Olin B. Strauss  
310 Nicolet Drive  
Jourdanton, Texas 78026

Mr. Strauss is replacing J. Taylor Brite of Jourdanton, who resigned.

### State Board of Morticians

For terms to expire May 31, 1991:

James P. Hunter, III  
P.O. Drawer 408  
Lufkin, Texas 75902

Mr. Hunter is replacing Edward E. Palmer of Copperas Cove, whose term expired.

Donald H. Taft  
1395 Gladys  
Beaumont, Texas 77701

Mr. Taft is replacing Aubrey E. Fife of Junction, whose term expired.

### Port of Galveston County

To be branch pilot for terms to expire January 31, 1989:

James Robert Borup  
29 North Curlew  
LaMarque, Texas 77568

Nathan Ray Branch  
992 Bonita  
Galveston, Texas 77550

Captain Borup and Captain Branch are being reappointed.

### Sabine Bar, Pass, and Tributaries

To be branch pilot for terms to expire December 3, 1988:

Daniel J. Bromley  
2607 Marrison  
Port Neches, Texas 77627

Mitchel L. Horne  
2712 Memphis  
Nederland, Texas 77627

Joseph M. Lupton  
1010 Louise Drive  
Nederland, Texas 77627

To be branch pilot for a term to expire April 30, 1989:

Roland Edward Respass  
5006 Lakeshore Drive  
Port Arthur, Texas 77640

David A. Wood  
5535 Bellaire  
Beaumont, Texas 77704

To be branch pilot for terms to expire January 1, 1989:

Jerry J. McNeil  
P.O. Box 295  
Orangefield, Texas 77639

Phillip C. Smith  
3848 Rachel  
Port Arthur, Texas 77640

Captains Bromley, Horne, Lupton, Respass, Wood, McNeil, and Smith are being reappointed.

Issued in Austin, Texas, on July 11 1985

TRD-856251

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*.

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## Opinions

**JM-328 (RQ-486).** Request from Carlos Valdez, Nueces County Attorney, concerning whether regulations enacted pursuant to Texas Civil Statutes, Article 1581e-1, and the Texas Water Code, §16.311, *et seq.*, constitute a taking of land.

**Summary of Opinion.** Language in local land use regulations which tracks the criteria of the National Flood Insurance Program set forth in the Code of Federal Regulations, Title 44, §60.3(d)(3), does not on its face effect a taking in violation of the fifth

and 14th amendments of the United States Constitution. The county may adopt flood hazard regulations one step at a time, such that they apply only in federally designated flood hazard areas, without constituting a violation of the equal protection clause of the 14th amendment as a matter of law. The validity of the actual application of this language to a particular piece of property depends upon the facts involved in each case.

TRD-856172

**JM-329 (RQ-587).** Request from Lloyd Criss, Chairman, Committee on Labor and Employment Relations, concerning the authority of a city to establish prevailing wage rates under Texas Civil Statutes, Article 5159a.

**Summary of Opinion.** A city is required by Texas Civil Statutes, Article 5159a, to pay the general prevailing rate of per diem wages in awarding a contract for public works construction.

TRD-356173

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# Secretary of State

Under provisions of the Texas Election Code (Article 1 03), the secretary of state is authorized to issue opinions based on the election laws. Under provisions of Texas Civil Statutes (Article 6252-9c, §14A), the secretary of state is authorized to issue advisory opinions in response to written requests based on a real or hypothetical situation that relates to Article 6252-9c.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P O Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091

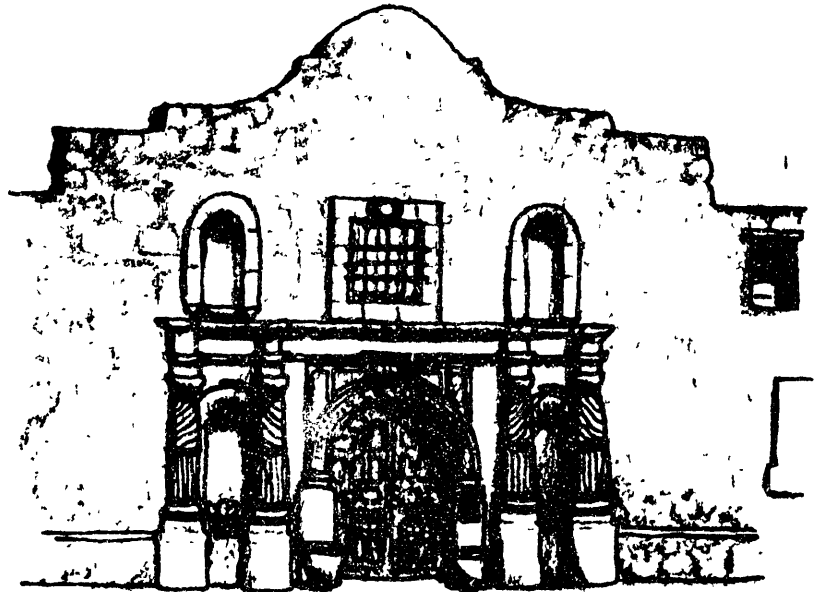
## Opinion Issued July 1

**Election Law Opinion MAM-5.** Request from Ralph Wallace III, state representative, regarding the use of political contributions by a legislator to pay a staff member's housing and other living expenses during the session.

**Summary.** As part of an employment contract or agreement, a member of the legislature may pay reasonable housing expenses of a staff person during the legislative session without violating the Election Code, Chapter 14.

TRD-856195

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# Emergency

## Rules

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

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

### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part II. Parks and Wildlife Department

##### Chapter 53. Finance

##### Selling Price of Departmental and Printed Material

###### ★ 31 TAC §§53.2, 53.4, 53.6, 53.8

The Texas Parks and Wildlife Department adopts on an emergency basis amendments to §§53.2, 53.4, and 53.6, and new §53.8, concerning the selling price of departmental printed material. This emergency action is necessary because of the abbreviated comment period and the critical need to adopt without postponement.

The amendments and new section are adopted on an emergency basis under the Texas Parks and Wildlife Code, §§11.056, 12.006, 42.012, 42.014, 42.0141, 42.017, 43.012, 43.202, 43.303, 46.0051, and 50.001, which authorizes the sale of publications and the various stamps and decals and authorizes the commission to set certain license fees.

###### §53.2. Publications.

(a) Each copy of a nontechnical departmental bulletin printed at department expense and of the *Parks and Wildlife Law Book* is sold for a price computed at cost of printing plus a [\$.20] processing charge, [rounded to the nearest \$.05, plus cost of] postage, and [plus] sales tax.

(b) Each copy of a nontechnical departmental bulletin printed at federal aid ex-

pense is furnished for a [\$.20] processing fee, plus postage.

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

§53.4. *Obsolete License Plate.* The price of an obsolete license plate is \$.70 per pair, plus a [\$.20] processing charge, [plus the] postage, and [plus] sales tax.

###### §53.6. *Obsolete Stamps and Decals.*

(a) The price of [an] obsolete stamps and decals shall be face value [white-winged dove stamp is \$.10 apiece], plus a [\$.20] processing charge per shipment, [plus] postage, and [plus] sales tax as determined by the executive director.

(b) Stamps and decals shall remain on sale for a maximum of two fiscal years. During the second year stamps and decals shall be sold only by book or sheet.

(c) The executive director may maintain a maximum of 200 stamps and decals of each type and year.

(d) All other obsolete stamps and decals shall be destroyed.

###### §53.8. *License Fees Set by Commission.*

(a) The Texas Parks and Wildlife Commission is authorized to set the fee amount on certain licenses.

(b) Due to the increasing costs involved in administering the programs of the Texas Parks and Wildlife Department, the commission sets the following license fee amounts effective September 1, 1985:

(1) resident combination hunting and fishing—\$15;

(2) resident hunting—\$10;

(3) resident-exempt hunting—\$6;

(4) duplicate hunting—\$6;

(5) temporary nonresident fishing—\$8;

(6) nonresident small game hunting—\$75; and

(7) general nonresident hunting—\$200.

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

TRD-856201

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1985  
Expiration date: December 30, 1985  
For further information, please call  
(512) 479-4805.

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### Chapter 57. Fisheries Issuance of Oyster Leases

#### ★ 31 TAC §57.242

Texas Parks and Wildlife Department is renewing the effectiveness of the emergency adoption of §57.242 for a 60-day period effective July 17, 1985. The text of the amended §57.242 was originally published in the March 28, 1985, issue of the *Texas Register* (10 TexReg 1011).

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

TRD-856174

Boyd Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: July 17, 1985  
Expiration date: September 15, 1985  
For further information, please call  
(512) 479-4805.

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

**Symbology 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 7. BANKING AND SECURITIES

### Part IV. Texas Savings and Loan Department Chapter 51. Charter Applications

#### ★ 7 TAC §51.2

The Texas Savings and Loan Department proposes an amendment to §51.2, concerning use of approved forms. This amendment adopts by reference the application for charter which must be completed by all applicants for a charter to operate a savings and loan association in Texas. Minor text changes have also been made to update the section to reflect current administrative practices.

L. L. Bowman, III, commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Bowman also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the enhancement of the commissioner's ability to gather accurate and sufficient biographic and financial data on proposed incorporators of savings and loan associations so as to ensure the safe and sound operations of any newly-chartered association. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to L. L. Bowman, III, Savings and Loan Commissioner, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca Street, Austin.

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

§51.2. *Use of Approved Forms.* The commissioner shall furnish approved forms of application and other information to aid in the filing of the application. After the application and its supporting data have been received by the commissioner, he shall make or cause to be made an investigation of the application. The Savings and Loan Department hereby adopts by reference the application charter as amended August 1985. The form is available from the Texas Savings and Loan Department, P.O. Box 1089, Austin, Texas 78767.

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 July 15, 1985.

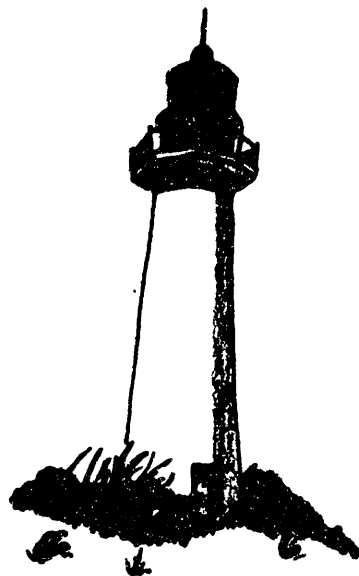
TRD-856263

Russell R. Oliver  
General Counsel  
Texas Savings and Loan  
Department

Earliest possible date of adoption:  
August 19, 1985

For further information, please call  
(512) 475-1250.

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## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas Chapter 3. Oil and Gas Division

#### Conservation Rules and Regulations

#### ★ 16 TAC §3.70

The Railroad Commission of Texas proposes amendments to §3.70, concerning forms required. The proposed amendments allow the commission to use a new form and add it to the lists of forms in statewide Rule 80 without undergoing the rulemaking process for each form.

Kimberly L. Kiplin, staff attorney, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Kiplin also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the elimination of the necessity of undergoing the rulemaking process every time a new form is used or added to the list in statewide Rule 80. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Kimberly L. Kiplin, Legal Section, Oil and Gas Division, Railroad Commission of Texas, PO Drawer 12967, Austin, Texas 78711-2967

The amendments are proposed under the Texas Natural Resource Code, §81.052, which provides the Railroad Commission of Texas with the authority to adopt all necessary rules for governing and regulating persons and their operations under the jurisdiction of the commission.

§3.70. *Rule 80. Forms Required.* The forms required to be filed with the Oil and Gas Division shall include, but shall not be limited to the following:

FORM NUMBER		FORM TITLE	RULE NUMBER
<b>Producer Forms</b>			
P-1	(EB)	Producer's Monthly Report of Oil Wells (20-56.775: 1-1-67)	27. 58
[P-1A]	[(3-266-A)]	[Producer's Monthly Report of Gas Disposition (20-56.755: 1-1-67)]	[27]
P-2	(3-266-A)	Producer's Monthly Report of Gas Wells (20-56.755: 1-1-67)	27. 54
P-1B 2B	(3-266-B)	Producer's Monthly Report - (Commingling)	-
P-3		Report of Recovered Load Oil	58
P-4	(SW-1)	Producer's Certificate of Compliance and Authorization to Transport Oil or Gas From Lease (20-60.618: 3-1-71)	58
P-5	(7)	Organization Report (20-60.617: 1-1-71)	1
P-6	(OC)	Request for Permission to Consolidate/SUBDIVIDE Leases (20-64.499: 8-26-74)	-
P-7	(X-110)	Application for Discovery Allowable and New Field Designation (20-64.499: 8-26-74)	41. 42
P-8	(CL-1)	Request for Clearance (20-64.499: 8-26-74)	-
P-9	(ES-A)	Tank Cleaning and Tank Bottom Transportation Authority (20-64.499: 8-26-74)	57
[GT-2]		[Producer's Monthly Report of Geothermal Wells (20-65.518; 11-2-75)]	[4. 58]
H-1	(X-111)	Application to Inject Fluid into a Reservoir Productive of Oil or Gas (20-60.110: 6-1-70)	46
H-1A		INJECTION WELL DATA	46
H-4		APPLICATION TO CREATE, OPERATE AND MAINTAIN AN UNDERGROUND HYDROCARBON STORAGE FACILITY	74
H-5		DISPOSAL/INJECTION WELL PRESSURE TEST	9. 46
H-7		Fresh Water Data Form (20-60.176: 6-4-70)	46

H-8		Crude Oil, Gas Well Liquids, or Associated Products Loss Report (20-54,983: 4-17-75)	20, 71
H-9		OPERATION IN HYDROGEN SULFIDE AREA Certificate of Compliance FOR STATEWIDE RULE 36 (20-74,973: 4-17-75) (20-65,354: 3-15-76)	36
H-10	(499-081)	ANNUAL INJECTION/DISPOSAL WELL MONITORING REPORT	9, 46, 74
H-11		APPLICATION FOR PERMIT TO MAINTAIN AND USE A PIT	8
P-12	(X-106) (X-121)	Certificate of Pooling Authority (20-64,499: 8-26-74)	31, 37, 40
P-13	(X-117)	Application to Condition an Abandoned Well for Fresh Water Production (20-59,327: 4-9-69)	14
P-15	(X-107)	Statement of Productivity of Acreage Assigned to Proration Units (20-57,755: 1-1-67)	31
P-17	(X-122)	Application for Exception to Statewide Rules 26 and/or 27 (Commingleing) (20-56,755: 1-1-67)	26, 27
P-18		Monthly Skim Oil/CONDENSATE Report (10-58,719: 7-1-68)	56
<b>Well Reports</b>			
W-1	(1)	Application to Drill, Deepen or Plug Back (20-59,980: 2-23-70)	5
W-1-A	(X-109)	Substandard Acreage Drilling Unit Certification (20-65,316: 7-7-75)	37, 38
W-2	(2)	Oil Well Potential Test Completion OR Recompletion Report and Log	16, 23
W-3	(2A & 4)	Plugging Report (20-58,210: 1-1-68)	14
W-3A		NOTICE OF INTENTION TO PLUG AND ABANDON	-
W-4	(X-100)	Application for Dual Completion (20-59,656: 11-1-69)	6
W-4A(a)	(X-103)	Diagrammatic Sketch Showing Dual Completion Installation (20-59,656: 11-1-69)	6

W-5	(X-101)	Packer Setting Affidavit (20-59,656: 11-1-69)	6
W-6	(X-102)	Packer Leakage Test (20-59,656: 11-1-69)	6
W-7	(BHP-1)	Bottom-Hole Pressure Report (20-64,499: 8-26-74)	31, 42
W-9		Net Gas-Oil Ratio Report (20-59,576: 8-2-69)	-
W-10	(X-112) (GO-2) (P-11)	Well Status Report (Oil) (20-63,197: 8-3-73)	52, 53(A), 49
W-11	(X-118)	Thirty Day Test for Marginal Wells (20-60,433: 10-8-70)	45
W-12	(I-1)	Inclination Report (20-60,619: 3-1-71)	11
[Cancelled	(X-106)]	[Application to Install Bottom- Hole Centrifugal Pump (Discontinued by 20-61,898: 4-1-72)	[22]
W-14	(X-104)	Application to Dispose of Salt Water by Injection into a Porous Formation Not Productive of Oil or Gas (20-56,755: 1-1-67)	9
W-15	(X-105)	Cementing Affidavit (20-59,656: 11-1-69)	13
<b>Gas Well Forms</b>			
G-1	(GWT-1)	Gas Well Back Pressure Test Completion or Recompletion Report and Log (20-56,755: 1-1-67)	16, 28, 31
G-5	(WS-1)	Gas Well Classification Report (20-56,755: 1-1-67) (20-65,613: 10-20-75)	53
G-6	(X-119)	Application for Exception to Statewide Rules 28 and/or 29 (20-57,755: 1-1-67)	28, 29
G-7	(PF)	Forecast for the Production and Disposition of Gas Well Gas in Prorated Gas Fields in the State of Texas (20-64,499: 8-26-74)	30
G-9	(New)	Gas Cycling Report (20-62,645: 1-18-75)	-
G-10	(G-2) (G-3) (G-4)	Gas Well Status Report (20-65,613: 10-20-75)	28, 53, 55

**Geothermal Resource Forms**

<b>GT-1</b>		<b>Geothermal Production Test Completion or Recompletion Report and Log</b> (20-65,518: 11-3-75)	<b>4, 16, 33</b>
<b>GT-2</b>		<b>Producer's Monthly Report of Geothermal Wells</b> (20-65,518: 11-2-75)	<b>4, 59</b>
<b>GT-3</b>		<b>Monthly Geothermal Gatherer's Report</b> (20-65,518: 11-3-75)	<b>--</b>
<b>GT-4</b>		<b>Producer's Certificate of Compliance and Authorization to Transport Geothermal Energy and/or Natural Gas and/or Other Minerals</b> (20-65,518: 11-3-75)	<b>58</b>
<b>GT-5</b>		<b>Application to Inject Fluid into a Reservoir Productive of Geothermal Resources</b> (20-65,518: 11-3-75)	<b>46</b>
<b>Transporters</b>			
<b>T-1</b>		<b>Monthly Transportation and Storage Report</b>	<b>59</b>
<b>T-2</b>	<b>(C-1)</b>	<b>Nominations and Purchase of Crude Oil</b> (20-61,413: 11-1-71)	<b>44</b>
<b>T-2A</b>		<b>Summary of Nominations and Purchases of Crude Oil</b> (20-61,413: 11-18-71)	<b>44</b>
<b>T-3</b>	<b>(GN)</b>	<b>Nomination for the Purchase or Use of Gas</b>	<b>30</b>
<b>T-4</b>	<b>(13)</b>	<b>Application for Permit to Operate Pipeline or Pipelines in Texas</b> (20-61,413: 11-18-71)	<b>70</b>
<b>T-4A(a)</b>		<b>Permit to Operate Pipeline</b> (20-61,899: 3-1-72)	<b>70</b>
<b>T-4C(c)</b>	<b>(X-120)</b>	<b>Pipeline and Gathering System Form of Certification</b> (20-61,899: 3-1-72)	<b>70</b>
<b>T-5</b>	<b>(G-ES-A)</b>	<b>Gauger-Tank Cleaning Request</b> (20-64,499: 8-26-74)	<b>57</b>
<b>T-6</b>	<b>(X-123)</b>	<b>Pipeline Company Report—Monthly Report of Gas Exported from Texas</b> (20-64,499: 8-26-74)	<b>--</b>
<b>Undesignated Form</b>		<b>Annual Report: Crude Oil Common Carrier Pipeline</b>	<b>59</b>
<b>Undesignated Form</b>		<b>Pipeline Tariff: Crude Oil Common Carrier Pipeline</b>	<b>59</b>



**Refineries**

<b>R-1</b>	<b>(ES-3 # SW-6)</b>	<b>Monthly Report and Operations Statement for Refineries (20-64,561: 9-23-74)</b>	<b>59, 60</b>
<b>R-2</b>	<b>(RP)</b>	<b>Monthly Report for Reclaiming and Treating Plants (20-64,499: 8-26-74)</b>	<b>57</b>
<b>R-3</b>	<b>(GP-1)</b>	<b>Monthly Report for Gas Processing Plants</b>	<b>54, [54], 60, 62</b>
<b>R-4</b>	<b>(GP-3)</b>	<b>Gas Processing Plant Report of Gas Injected</b>	<b>54</b>
<b>R-5</b>	<b>(X-113)</b>	<b>Certificate of Compliance (20-61,899: 3-1-72)</b>	<b>61, [61]</b>
<b>R-6</b>	<b>(X-114)</b>	<b>Application for Certificate of Compliance (Cycling Plant)</b>	<b>62</b>
<b>R-7</b>	<b>(PM-1)</b>	<b>Pressure Maintenance and Repressuring Plant Report (20-64,499: 8-26-74)</b>	<b>54, [54]</b>
<b>R-8</b>		<b>Application for Plant Effluent Disposal Permit (20-64,715: 11-8-74)</b>	<b>--</b>

**Carbon Black**

<b>C-1</b>	<b>(GCB-1)</b>	<b>Carbon Black Plant Report (20-56,755: 1-1-67)</b>	<b>54</b>
<b>C-2</b>	<b>(X-115)</b>	<b>Application for Permit to Operate a Carbon Black Plant (20-56,755: 1-1-67)</b>	<b>63</b>
<b>C-3</b>		<b>Permit to Operate a Carbon Black Plant (20-57,210: 1-1-68)</b>	<b>63</b>

**Water Haulers**

<b>WH-1</b>		<b>Application for Salt Water Hauler's Permit (20-58,210: 1-1-68)</b>	<b>--</b>
<b>WH-2</b>		<b>Salt Water Hauler's Permit Bond (20-58,210: 1-1-68)</b>	<b>--</b>
<b>[WH-3]</b>		<b>[Salt Water Hauler's Permit (20-58,210: 1-1-68)]</b>	<b>--</b>
<b>WH-4</b>		<b>Salt Water Hauler's Permit Vehicle Identification (20-58,210: 1-1-68)</b>	<b>--</b>
<b>WH-5</b>		<b>Statement of Hauler's Authority to Use an Approved Disposal System (20-58,210: 1-1-68)</b>	<b>--</b>
<b>[WH-6]</b>		<b>[Renewal Certificate for Salt Water Hauler's Permit (20-59,980: 2-23-70)]</b>	<b>--</b>

**Note:** The form numbers in the left column conform to the uniform numbering system. The form numbers in the right column are the currently assigned numbers, which will be changed to uniform numbers when the form is revised. Numbers in parentheses are previous form numbers.

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 July 11, 1985.

TRD-856177

Walter Earl Lillie  
Special Counsel  
Railroad Commission of  
Texas

Proposed date of adoption:

September 17, 1985

For further information, please call  
(512) 445-1188.

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## Chapter 5. Transportation

### Division

#### Subchapter B. Operating Certificates, Permits, and Licenses

##### ★ 16 TAC §5.37

The Railroad Commission proposes new §5.27, concerning armored contract carriers.

The 69th Legislature, 1985, enacted Senate Bill 228, which amended Texas Civil Statutes, Article 911b, by adding §6dd, effective August 26, 1985. In addition to establishing a category of a contract carrier of valuables in armored motor vehicles with armed guards and providing for licensing of the carrier as a permittee, the amendment prohibits the commission from limiting the number of contracts which a motor carrier of valuables in armored vehicles can hold. This prohibition conflicts with §5.33, which limits all contract carrier permits to transportation service for no more than five shippers. To comply with and to implement the statutory changes, §5.37 is being proposed for promulgation.

E. A. Galvan, hearings examiner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Galvan also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the implementation of Senate Bill 228. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12867, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 911b, §4(a), which

authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

##### §5.37. Armored Contract Carriers.

(a) Definition. Armored contract carrier means any person in the business of transporting currency, coin, securities, and other items of high intrinsic value in armored motor vehicles with armed guards, pursuant to Texas Civil Statutes, Article 911b, §6d (Act of May 24, 1985, Chapter 314, §6dd).

(b) Applications for armored contract carrier permits.

(1) Filing. Applications for armored contract permits shall be filed on forms prescribed by the director.

(2) Contents of the application. The application for an armored contract carrier permit shall contain:

(A) the name and address of the applicant and the names and addresses of its officers, if any, and shall give full information concerning the financial condition and physical properties of the applicant;

(B) the nature of the transportation in which the applicant wishes to engage, stating substantially the territory to be covered by the operation and including the character of the roads over which the transportation is to be performed;

(C) a description of each vehicle which the applicant intends to use;

(D) a list of names and addresses of shippers which have executed written contracts for armored contract carrier services with the applicant;

(E) a statement which indicates why the public interest will be served by a grant of the armored contract carrier permit;

(F) other information which supports the application; and

(G) a filing fee of \$10.

(3) Publication. All applications for new and amended authority for armored contract carrier permits shall be published as provided in §5.407(a) of this title (relating to Service of Notice in Non-rulemaking Proceedings).

(4) Hearings and proof required.

(A) Hearings. All proceedings for armored contract carrier permits shall be governed by all rules in Chapter 5, Subchapter U, of this title (relating to General and Special Rules of Practice and Procedure) unless otherwise specified.

(B) Evidence required. At hearing, in addition to producing the contracts listed in the application, the applicant must demonstrate that

(i) it has financial and operating fitness; and

(ii) the public interest will be served by granting the armored contract carrier permit.

(5) Issuance of permit. If the commission determines that the applicant for an armored contract carrier permit has com-

plied with all applicable provisions of Texas Civil Statutes, Article 911(b), and applicable provisions of this title and all rules of the commission concerning insurance, vehicle registration, and otherwise, the commission may issue the applicant an armored carrier permit or amendments thereto.

(c) Unlimited number of contracts. The permit of an armored contract carrier and amendments thereto shall not limit the number of contracts which the carrier may hold.

(d) Applicability of commission regulations to armored contract carriers.

(1) General. Unless otherwise specified, all rules in Chapter 5, Subchapters A-M of this title (relating to General Provisions; Operating Certificates, Permits, and Licenses; System of Accounts and Records; Maintenance, Preservation, and Destruction of Records; Annual and Other Reports; Bills of Lading and Waybills; C.O.D. Shipments; Tariffs and Schedules; Equipment: Identification and Reports; Lease of Operating Rights and Equipment; Safety Requirements, Insurance Requirements; and Motor Bus Companies) inclusive, and Subchapter Q of this title (relating to Miscellaneous Provisions), except §5.33 of this title (relating to Contract Carriers), shall govern armored contract carriers and their permits.

(2) Maintenance of Records. Section 5.73 of this title (relating to Preservation and Destruction) notwithstanding, every armored contract carrier shall maintain for inspection all transportation service contracts so long as such contracts are in force and for at least 365 days thereafter.

(e) Rates applicable. The rates which have been prescribed for specialized motor carriers and contract carriers of currency, coin, securities, and other items of high intrinsic value in armored motor vehicles with armed guards shall be applicable to armored contract carriers. The rates may be amended in accordance with Texas Civil Statutes, Article 911b, §4(a).

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 July 12, 1985.

TRD-856202

Walter Earl Lillie  
Special Counsel  
Railroad Commission  
of Texas

Earliest possible date of adoption:

August 18, 1985

For further information, please call  
(512) 445-1188.

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## ★ 16 TAC §5.40

The Railroad Commission of Texas proposes new §5.40, concerning an intercorporate transportation exemption. This section implements the provisions of Senate Bill 820, 69th Legislature, 1985, which is effective on June 14, 1985.

Merrily Porter, hearings examiner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Porter also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the implementation of the provisions of Senate Bill 820. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 911b, §1a(l), which exempt intercorporate transportation from regulation by the commission, provided that corporations engaging in such transportation comply with insurance and notice requirements.

### §5.40. Intercorporate Transportation Exemption.

(a) Statutory exemption provisions. The transportation by motor vehicle for compensation by a member of a corporate family, as hereinafter defined, for other members of such corporate family of property which one member of the corporate family leases for use in its primary business, or of which one member of the corporate family is, or will become upon delivery, the bona fide owner, manufacturer, or producer, and which is produced, manufactured, or distributed as part of such corporate family member's primary business, other than a transportation business shall be authorized under a certificate of notice issued by the commission upon compliance with the terms of this section.

(b) Definition of corporate family. A corporate family is defined as a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100% interest.

(c) Application for certificate of notice. Before engaging in the transportation defined in subsection (a) of this section, the parent corporation shall file with the commission the following:

(1) an application for a certificate of notice in a form prescribed by the commission on behalf of the corporate member

that is to provide the transportation together with a list of the subsidiaries involved and an affidavit that the parent corporation owns directly or indirectly a 100% interest in each of the participating subsidiaries;

(2) a certificate of insurance covering each motor vehicle to be used in the transportation with public liability and property damage insurance in the amounts required by §5.183 of this title (relating to Minimum Limits);

(3) a statement identifying the primary business of the parent corporation and each participating subsidiary; and

(4) a \$25 filing fee.

(d) Certificate of notice. A certificate of notice as defined in subsection (a) of this section shall be issued in the name of the corporation that provides the transportation and shall be carried in the cab of all vehicles used to conduct intercorporate transportation as defined in subsection (a) of this subsection.

(e) Inspection of books and records. Any corporation electing to engage in the transportation authorized hereunder shall be deemed to have given its consent to allow authorized employees or representatives of the commission to inspect the books and records of all members of the corporate family engaging in such transportation for the sole purpose of insuring that all exempt transportation provided other members of the corporate family is in strict conformity with the provisions of this section.

(f) Transfers. A certificate of notice issued under this section is not transferable.

(g) Conditions under which a certificate of notice shall be cancelled. A certificate of notice shall be cancelled for failure to provide evidence of continuous insurance as required in §5.181 of this title (relating to Evidence of Insurance Required); for failure to maintain the required continuous insurance coverage during the time the certificate of notice is held; or for failure to comply with subsection (e) of this section.

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 July 12, 1985

TRD-856203

Walter Earl Little  
Special Counsel  
Railroad Commission  
of Texas

Earliest possible date of adoption:

August 16, 1985

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

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## Subchapter H. Tariffs and Schedules

### ★ 16 TAC §5.121

The Railroad Commission of Texas proposes new §5.121, concerning the establishment of variable rate tariffs. This section would empower the commission to prescribe variable rate tariffs and define such tariffs.

Nim K. Graves, Transportation Division assistant director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Graves also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is flexibility in rate making, which will result in more variance in the pricing of transportation services. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 911b, §4(a), which authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

### §5.121. Variable Rate Tariffs by Motor Carriers of Property.

(a) The commission may, on its own motion or upon application by an interested person, prescribe variable rate tariffs (VRT). A VRT is defined as a tariff prescribed by the commission in which individual carriers may publish or file or utilize rates or charges at variance from the base rates or charges; or the commission may prescribe different percentages of variance between individual tariff items with the VRT. Individual carriers, except contract carriers, electing to vary rates or charges under the provision of a VRT must file an individual joint tariff in accordance with §5.123 of this title (relating to Filing Individual or Joint Tariffs).

(b) All tariffs prescribed by the commission, except minimum tariffs, may be variable rate tariffs, and the rates or charges therein may be declared to be the base rates or charges from which individual carriers may vary rates or charges up to 10% higher and up to 10% lower than the base rates in accordance to the sections of this subchapter.

This agency hereby certifies that the proposal has been reviewed by legal counsel

and found to be within the agency's authority to adopt.

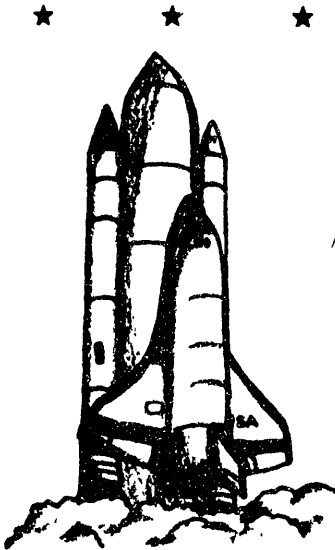
Issued in Austin, Texas, on July 12, 1985.

TRD-856204

Walter Earl Lillie  
Special Counsel  
Railroad Commission  
of Texas

Earliest possible date of adoption:  
August 16, 1985

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



★ 16 TAC §5.122

The Railroad Commission of Texas proposes new §5.122, concerning rejection, suspension, and investigation of individual or joint tariffs filed pursuant to variable rate tariffs. This section would establish a tariff review committee which would have the power to reject, suspend, or investigate such individual or joint tariffs. It would also establish the standards by which such tariffs are reviewed.

Nim K. Graves, Transportation Division assistant director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Graves also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the protection of the shipping public from discriminatory rates. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 911b, §4(a), which authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

§5.122. *Rejection, Suspension, or Investigation.* The director shall appoint a standing tariff review committee to be composed of transportation division staff members which shall reject and may suspend or investigate an individual or joint tariff filed pursuant to a variable rate tariff (VRT) under the conditions set forth in paragraphs (1)-(3) of this section.

(1) Rejection. An individual or joint tariff shall be rejected when:

(A) it fails to comply with the requirements of the VRT or the rules for filing individual or joint tariffs under §5.123 of this title (relating to Filing Individual or Joint Tariffs);

(B) the proposed tariff is ambiguous or unintelligible; or

(C) it is unduly discriminatory between shippers or locales.

(2) Suspension. Upon complaint by an affected person, the standing tariff review committee may suspend an individual or joint tariff or any rates or charges contained therein when:

(A) the complainant makes a *prima facie* showing that a tariff, or rates or charges contained therein, is unduly discriminatory and that material harm will result if such tariff, or the rates or charges contained therein, are allowed to become or continue in effect;

(B) there is no effective alternative motor carrier service available; and

(C) there is a likelihood that the complainant will prevail on the merits of its case.

(3) Other. The commission may suspend and investigate, or investigate without suspension, any individual or joint tariff, or rates or charges contained therein, upon complaint by an affected person as set forth in paragraph (a) of this section, or on its own motion.

(4) Hearing upon rejection or suspension by the standing tariff review committee.

(A) When an individual or joint tariff is rejected by the standing tariff review committee, the filing carrier may, within 15 days of the rejection, request in writing a hearing on the merits. The matter will be set for hearing within 30 days of the request, and a proposal for decision will be issued within 60 days of the close of hearing.

(B) When an individual or joint tariff is suspended by the standing tariff review committee, any affected person may, within 15 days of the suspension, request in writing a hearing on the merits. The matter will be set for hearing within 30 days of the request, and a proposal for decision will be issued within 60 days of the close of hearing.

ing. If no request for hearing is timely filed, the tariff filing shall be dismissed for want of prosecution.

(C) When the standing tariff review committee declines to suspend or investigate an individual or joint tariff filing, the complainant may, within 15 days of the declination, request in writing a hearing on the merits. The matter will be set for hearing within 30 days of the request, and a proposal for decision will be issued within 60 days of the close of the hearing.

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 July 12, 1985.

TRD-856205

Walter Earl Lillie  
Special Counsel  
Railroad Commission  
of Texas

Earliest possible date of adoption:  
August 19, 1985

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

★ 16 TAC §5.123

The Railroad Commission of Texas proposes new §5.123, concerning the filing of individual or joint tariffs pursuant to variable rate tariffs. This section would establish the administrative requirements with which any carrier filing an individual or joint tariff must comply.

Nim K. Graves, Transportation Division assistant director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr Graves also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the facilitation of the commission's procedures by establishing uniform rules for filing individual tariffs. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 911b, §4(a), which authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

§5.123. *Filing Individual or Joint Tariffs.* Motor carriers of property, ex-

cept contract carriers, filing individual or joint tariffs pursuant to those prescribed and authorized by variable rate tariffs (VRT) shall file such tariffs in accordance with the rules set forth in this section.

(1) Cover page. The cover page of an individual or joint tariff filed pursuant to the rules of a VRT shall contain the following information:

(A) the participating carrier's name and address;

(B) the commission number and the publishing agent's number (if any) of the VRT;

(C) the individual or joint tariff number in numerical sequence to previously issued tariffs affecting the same VRT; and

(D) pertinent information relating to commodities, general application, date issued, effective date, and all other information contained in the cover page of the applicable VRT.

(2) Varying rates or charges within individual or joint tariffs. The following rules shall be observed when varying rates in individual joint tariffs authorized by a VRT.

(A) All variances must be stated as a percentage of the rate or charge, or as a percentage of the total charges calculated by a tariff item.

(B) Each tariff item varied must be clearly identified as to the percentage by a plus or a minus sign.

(3) Prohibited features of an individual or joint tariff. Individual or joint tariffs filed pursuant to a VRT shall not contain provisions which:

(A) provide or offer different services or allowances than those authorized by the applicable VRT;

(B) provide for a change in the minimum weights established by the applicable VRT; or

(C) provide for a variance between commodities or rate columns within an individual VRT tariff item.

(4) Effective dates. No individual or joint tariff may have an effective date prior to 30 days after it has been filed with the commission.

(5) Expiration dates. An individual or joint tariff shall not expire or be reissued prior to 45 days after the effective date.

(6) Cancellation and reissue.

(A) An individual or joint tariff may not be amended, supplemented, or otherwise altered except by reissue of the individual or joint tariff containing the changes, but in no case shall a reissued individual or joint tariff be effective for less than 45 days.

(B) Cancellation of an individual or joint tariff may be made by written notification to the commission, but in no case shall it be canceled prior to 45 days of the effective date.

(7) Original and copies. Carriers filing individual or joint tariffs shall furnish the commission with 10 copies per partici-

pating carrier of the individual or joint tariff upon filing.

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 July 12, 1985

TRD-856206

Walter Earl Lille  
Special Counsel  
Railroad Commission  
of Texas

Earliest possible date of adoption:

August 16, 1985

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

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### ★ 16 TAC §5.141

The Railroad Commission of Texas proposes an amendment to §5.141, concerning freight bills. The amendment specifies the method of calculating the rate charged pursuant to an individual or joint tariff.

Nim K. Graves, Transportation Division assistant director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Graves also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the assurance that the base rate and the variance from that base rate are evident on the face of the freight bill. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 60 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 911b, §4(a), which authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

#### §5.141. Freight Bills.

(a)-(d) (No change.)

(e) Motor carriers assessing rates or charges authorized by an individual or joint tariff and filed pursuant to a variable rate tariff (VRT), as defined by §5.121 of this title (relating to Variable Rate Tariffs by Motor Carriers of Property) shall show in addition to all other information required by this section the following information:

(1) the individual or joint tariff number;

(2) the base rates or charges prescribed in the VRT;

(3) the percentage variance authorized by the individual or joint tariff; and

(4) the total charges calculated, taking into account the percentage variance authorized by the individual or joint tariff.

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 July 12, 1985.

TRD-856207

Walter Earl Lille  
Special Counsel  
Railroad Commission  
of Texas

Earliest possible date of adoption:

August 16, 1985

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

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### Subchapter L. Insurance Requirements

#### ★ 16 TAC §5.181

The Railroad Commission of Texas proposes amendments to §5.181, concerning evidence of insurance required. These amendments implement the provisions of Senate Bill 820, 69th Legislature, 1985, which became effective June 14, 1985.

Merrily Porter, hearings examiner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Porter also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the implementation of Senate Bill 820. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mike James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Box 12967, Austin, 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

These amendments are proposed under Texas Civil Statutes, Article 911b, §1a(1), which exempt intercorporate transportation from regulation by the commission, provided that corporations engaging in such transportation comply with insurance and notice requirements.

#### §5.181. Evidence of Insurance Required.

(a) Except as provided in §5.186 of this title (relating to Cargo Insurance Not Required), no motor carrier shall perform any service or transport any property upon the highways of this state, and no certificate

or permit shall be issued to a motor carrier or remain in force unless there shall have been filed with and accepted by the commission policies or certificates of insurance complying with §5.184 of this title (relating to Insurance Carrier), or, with respect to the coverages required in paragraphs (1) and (2) of this subsection, proof of qualifications as a self-insurer, surety bonds complying with §5.184 of this title (relating to Insurance Carrier), or cash or other securities or agreements approved by the commission in amounts or with limits complying with §5.183 of this title (relating to Minimum Limits):

(b) No certificate of notice as defined in §5.40 of this title (relating to Intercorporate Transportation Exemption) shall be issued to a motor carrier or remain in force unless there shall have been filed with and accepted by the commission certificates of insurance covering any damages for which such motor carrier may become liable for bodily injuries to or the death of any person or persons resulting from the operation, maintenance, or use of its motor vehicles, and for loss of damage to property of others in amounts or with limits complying with §5.183 of this title (relating to Minimum Limits).

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 July 12, 1985

TRD-856208 Walter Earl Lillie  
Special Counsel  
Railroad Commission  
of Texas

Earliest possible date of adoption:  
August 19, 1985  
For further information, please call  
(512) 445-1186.

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## Subchapter U. General and Special Rules of Practice and Procedure

### ★ 16 TAC §5.458

The Railroad Commission of Texas proposes an amendment to §5.458, concerning the filing fee accompanying an application. The amendment as proposed would provide for a fee to accompany any individual or joint tariff filing.

Nim K. Graves, assistant director, Transportation Division, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Graves also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is that administrative costs associated with fil-

ing individual or joint tariffs will be defrayed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12987, Austin, Texas 78711. Comments will be accepted for 60 days after publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 911b, §4(a), which authorizes the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

§5.458. *Filing Fee Accompanying Application.* Every application or request seeking a license, certificate, permit, amendment to a certificate or permit, sale, transfer, division, consolidation, name change, reinstatement, suspension, lease (or cancellation of a lease), prescription or rules, registration of interstate or exempt authority, change in rates or charges, tariff filing, any application seeking approval of action by a railroad, or other application, shall be accompanied by filing fee in the sum of \$25, except that an application seeking a contract carrier permit or an approval of an amendment, sale, transfer, or lease of a contract carrier permit shall be accompanied by a filing fee in the sum of \$10, and that an application for a broker's license shall be accompanied by a filing fee in the amount of \$5.00. Every complaint shall be accompanied by a filing fee in the sum of \$25. All filing fees shall be nonrefundable.

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 July 12, 1985.

TRD-856209 Walter Earl Lillie  
Special Counsel  
Railroad Commission of  
Texas

Earliest possible date of adoption:  
August 19, 1985  
For further information, please call  
(512) 445-1186.

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## Part V: Texas Amusement Machine Commission Chapter 83. Licenses and Registration Certificates

### ★ 16 TAC §83.1

The Texas Amusement Machine commission proposes an amendment to §83.1, concerning the fees for registration certificate holders of coin-operated machines. The amendment is proposed to conform

with the coin-operated machine laws of Texas.

Jim Lusk, executive director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications for state government as a result of enforcing or administering the rule. The estimated increase in state revenue for the first five-year period the rule is in effect will be \$100,000 each year from 1986-1990. The increase is due to the change in the registration certificate fee from \$50 to \$75. There will be no fiscal implications for local governments or small businesses.

Mr. Lusk also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is that the rule will conform to the fee set by statute. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jim Lusk, Executive Director, P.O. Box 13226, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Title 132, Chapter 8, which provide the Texas Amusement Machine commission with the authority to promulgate rules to insure that all persons affected are afforded due process of law.

§83.1. *Annual General Business, Import and/or Repair License Fees and Registration Certificate Fees.*

(a) (No change.)

(b) Annual coin-operated machine registration certificate fees are payable in advance and prorated quarterly. The following coin-operated machine registration fee schedule will be applicable to registration certificates issued during any quarter of the calendar year.

#### Registration Certificate

1st Qtr.	\$75[\$50]
2nd Qtr.	\$56.25[\$37.50]
3rd Qtr.	\$37.50[\$25]
4th Qtr.	\$18.75[\$12.50]

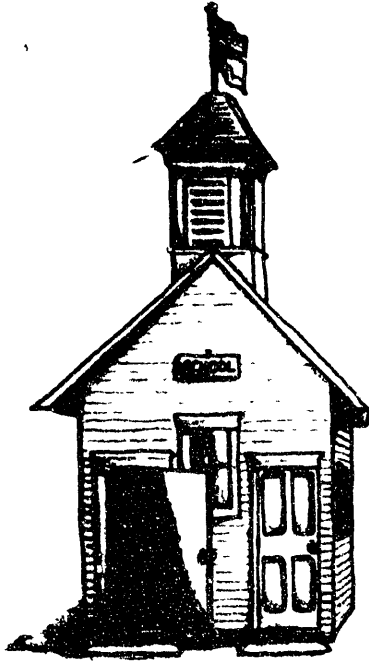
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on July 12, 1985.

TRD-856226 Jim Lusk  
Executive Director  
Texas Amusement  
Machine Commission

Earliest possible date of adoption:  
August 19, 1985  
For further information, please call  
(512) 835-4767.

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## Chapter 85. Coin-Operated Machines

### ★ 16 TAC §85.3

The Texas Amusement Machine Commission proposes an amendment to §85.3, concerning the fees required to obtain a duplicate occupation tax permit for coin-operated machines. The amendment is necessary to clarify the reading of the text and to indicate a fee increase.

Jim Lusk, executive director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications for state government as a result of enforcing or administering the rule. The estimated increase in state revenue for the first five-year period the rule is in effect is \$3,780 in 1986, \$3,633 in 1987, \$3,498 in 1988, \$3,270 in 1989, and \$3,149 in 1990. The increase is due to the change in the duplicate permit fee from \$2 to \$5. There will be no fiscal implications for units of local government or small businesses.

Mr. Lusk also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is that the rule conforms to the fee set by statute. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jim Lusk, Executive Director, P.O. Box 13226, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Title 132, Chapter 8, which provide the Texas Amusement Machine Commission with the authority to promulgate rules to insure that all persons affected are afforded due process of law.

§85.3. *Replacement of Lost, Stolen, and Destroyed Valid Occupation Tax Per-*

*mits.* The commission shall not make a cash refund of the occupation tax paid on any "coin-operated machine." The commission shall provide a duplicate permit if a valid permit has been lost, stolen, or destroyed. The statutory fee for each duplicate permit is \$5.00 [\$2.00]. To apply for the replacement of a lost, stolen, or destroyed tax permit, the machine owner must provide the commission with the make, type, and serial number of the machine previously registered for the calendar year and the occupation tax permit number which has been lost, stolen, or destroyed. A permit for which a duplicate permit has been issued is void.

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 July 12, 1985.

TRD-856227

Jim Lusk  
Executive Director  
Texas Amusement  
Machine Commission

Earliest possible date of adoption:

August 19, 1985

For further information, please call  
(512) 835-4767.

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## TITLE 22. EXAMINING BOARDS

### Part II. State Board of Barber Examiners

#### Chapter 51. Practice and Procedure Barber Shops

### ★ 22 TAC §51.94

The State Board of Barber Examiners proposes new §51.94, concerning regulation of dress in a barber shop. The new section requires that barbers operate in an appropriately dressed manner while practicing barbering to guarantee a safe, sanitary, sterile condition for the barber and consumer.

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

Ms. McCrorey also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the protection of the consumer and barber from an unsanitary, unsterilized, and unsafe condition created by operating dressed in a manner inappropriate to guarantee that the regulations governing sanitary conditions of barber shops is enforced. There is no anticipated eco-

nommic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jo King McCrorey, Executive Director, 1300 East Anderson Lane, Suite C-275, Austin, Texas 78752, (512) 835-2040.

The new section is proposed under Texas Civil Statutes, Articles 8401-8407 and 8407a, §28(a), which provide the State Board of Barber Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§51.94. *Regulation of Dress in a Barber Shop.* The board may suspend or revoke a permit or refuse to issue a permit if:

(1) during routine or special investigation a barber in a barber shop is found to be barbering dressed in a manner determined by the board to be inappropriate to guarantee a safe, sanitary, sterile condition for the protection of the consumer and the barber; or, if,

(2) a person maintains during application for a barber shop permit the intent to barber dressed in a manner determined by the board to be inappropriate to guarantee a safe, sanitary, sterile condition for the protection of the consumer and the barber.

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 July 10, 1985.

TRD-856149

Jo King McCrorey  
Executive Director  
State Board of Barber  
Examiners

Earliest possible date of adoption:

August 19, 1985

For further information, please call  
(512) 835-2040.

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## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part III. Texas Air Control Board

#### Chapter 101. General Provisions

### ★ 31 TAC §101.24, §101.25

The Texas Air Control Board (TACB) proposes new §101.24 and §101.25, concerning inspection fees and fees for registration of non-permitted facilities. Both rules are proposed in response to new requirements of the Texas Clean Air Act (TCAA), as amended by the 69th Legislature, 1985.

Historically, the TACB has performed inspections in enforcement of the TCAA and rules adopted by the board under the

TCAA without any charge to the inspected facility. However, §3.29 of the TCAA now requires that the TACB collect fees for such inspections. The proposed new §101.24, concerning inspection fees, requires accounts with emissions greater than 50 tons per year (tpy) to remit an annual inspection fee. The method and schedule of payment, the information to be provided, and additional fees to be charged for late payment are itemized.

The annual inspection fee system, as proposed in §101.24, has been developed by the TACB as a result of numerous meetings and workshops held to discuss various approaches and to receive input from companies that would be affected. The proposed system was preferred because of its simplicity. However, some concern has been expressed that this emissions category fee system artificially emphasizes minor emissions differences when such differences shift an account into the next highest fee category. An alternative approach would be to establish a base fee for each category and an incremental fee for each ton in excess of the minimum tonnage for that category. Such an alternative approach is as follows:

Emissions (tpy)*	Base Fee	Incremental Fee**
50-99	\$ 600	\$8/ton
100-249	\$ 1,000	\$5/ton
250-999	\$ 1,750	\$3.33/ton
1,000-4,999	\$ 4,250	\$1.58/ton
5,000-19,999	\$10,500	\$ .30/ton
20,000 up	\$15,000	\$ .08/ton

\*based on the highest emission rate for any single criteria pollutant on record (tons per year)

\*\*Incremental fee to be applied to each ton in excess of the initial tonnage in that category

This alternative would mitigate the potential inequities that certain small tonnage differences can have within the emissions category system but would result in a more complicated system to administer. Public comment is solicited on the annual inspection fee system as proposed in §101.24 and on the alternative system discussed previously. The TACB will consider all comments received in response to this request prior to making a final determination as to the appropriate inspection fee system to be adopted.

The TACB also proposes new §101.25, concerning fees for registration of non-permitted facilities. Section 3.28 of the Act, as amended by the 69th Legislature, 1985, now requires the TACB to register non-permitted, non-exempted facilities throughout the state. These facilities are operating without permits, because they were constructed and construction was begun on them prior to the implementation of the board's permitting program. In addition, §3.28(h) and §3.29(a) of the Act require that a fee be charged for registration of such facilities. The proposed new §101.25 provides for payment of registration fees by non-permitted, non-

exempted facilities and the method of payment.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for local government as a result of enforcing or administering the rules.

The fiscal implications for state government as a result of enforcing or administering §101.24 is an estimated increase in costs of \$30,035 in 1986, \$20,014 in 1987, \$20,575 in 1988, \$21,152 in 1989, and \$21,748 in 1990, and an estimated increase in revenue of \$5.012 million each year in 1986-1990. The fiscal implications for small business is an annual inspection fee, as stated in the fee table, if the air contaminant emissions levels from the businesses are equal to or greater than 50 tpy.

Steve Spaw, P.E., Central Regulatory Operations Program director, has determined that for each year of the first five years §101.24 is in effect the public benefit anticipated as a result of enforcing the rule is the recovery of some of the agency costs for enforcement and a corresponding reduction in funds appropriated to the TACB from the general revenue fund.

The fiscal implications for state government as a result of enforcing or administering §101.25 is an estimated increase in costs of \$303,326 in 1986, \$154,100 in 1987, \$52,000 in 1988, \$55,000 in 1989, and \$58,000 in 1990, and an estimated increase in revenue of \$250,000 in 1986, with no revenue increase in 1987-1990. A one-time cost of \$50 per facility will be charged to facilities registering under this section, including those operated by small business.

Steve Spaw, P.E., Central Regulatory Operations Program director, also has determined that for each year of the first five years §101.25 is in effect the public benefit anticipated as a result of enforcing the rule is the significant increase in agency knowledge of locations and operating characteristics of those facilities.

There is an anticipated economic cost to individuals who are required to comply with the rules as proposed. The anticipated cost is an annual inspection fee, as stated in the fee table, if the air emissions levels from the business are equal or greater than 50 tpy and/or the one-time cost of \$50 per facility for those facilities required to be registered under §3.28(h) of the TCAA.

A public hearing on this proposal is scheduled for 10 a.m. on August 12, 1985, at the auditorium, Texas Air Control Board, 6330 Highway 290 East, Austin.

Copies of the proposed sections are available from Barry Irvin at the TACB

central office and at all TACB regional offices. Public comment, both oral and written, on the proposal is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on August 13, 1985, at the TACB central office will be included in the hearing record and should be sent to the Regulation Development Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

These new sections are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the Texas Air Control Board with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the Texas Air Control Board makes.

#### §101.24. Inspection Fees.

(a) Applicability. The owner or operator of each account, as defined in this subsection, for which actual emissions of total suspended particulate (TSP), nitrogen oxides, volatile organic compounds (VOC), or any other air contaminant equal or exceed 50 tons per year (tpy) and for which potential emissions of TSP, nitrogen oxides, VOC, or any other air contaminant equal or exceed 100 tpy, shall remit to the Texas Air Control Board (TACB) an annual fee for inspections performed in enforcement of the Texas Clean Air Act (TCAA) and the rules of the board. A separate fee is required for each account. The amount of the fee shall be determined by the highest aggregate emission rate of any air contaminant at an account applied to the following table. For purposes of this section, an account shall be defined as all of the facilities located at a property. Where contiguous properties or properties contiguous except for intervening roads, railroads, rights-of-way, canals, watercourses and the like are under common ownership but contain separate operations, or are managed independently, or are carried on the records of this agency under separate account numbers, a separate fee will be charged and collected for each such account.

Emission Rate (tpy rounded down to the nearest ton)	Fee
50-99	\$ 900
100-249	\$1,500
250-999	\$3,500
1,000 up	\$7,500

(b) Payment. Fees shall be remitted in the form of a check or money order made payable to the TACB and delivered to the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. A completed inspection fee form shall accompany fees remitted. The inspection fee form shall include at least the company name, property address, TACB account number, and documentation of total actual annual emissions.



of each air contaminant emitted at the account. All fees paid pursuant to this section shall be remitted in accordance with the schedule provided in subsection (c) of this section.

(c) Schedule. Fees shall be due and payable according to the following schedule. The last numeric character of the TACB account number indicates the month in which payment is due.

Last numeric character of account number	Month in which fees are due
1 or 3	December
3 or 4	January
5 or 6	February
7 or 8	March
9 or 0	April

(d) Additional fees. An additional fee shall be paid by the owner or operator of an account for each inspection fee payment not postmarked for delivery to the TACB by the last day of the month in which due. The additional fee to be remitted shall be 10% of the unpaid fee for the first month, or part thereof, after the month the inspection fee is due. Thereafter, failure to have remitted the full inspection fee may result in action under the TCAA, §4.041 of this title (relating to Administrative Penalty) or §4.02 of this title (relating to Enforcement by Suit). Each day the fee remains unpaid shall be considered a separate violation.

**§101.25. Fees for Registration of Non-permitted Facilities.** The owner or operator of each facility operating without a permit, because it was constructed or construction on it had begun prior to implementation of the Texas Air Control Board (TACB) permitting program, and required to be registered with the TACB in accordance with the Texas Clean Air Act, §3.28 (h) of this title (relating to Operating Permit) shall remit, in connection with such registration, a fee of \$50 per facility. Fees shall be remitted in the form of a check or money order made payable to the TACB and received with registration forms at the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, not later than February 28, 1986.

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 July 10, 1985

TRD-856187 Bill Steward, PE  
Executive Director  
Texas Air Control Board

Proposed date of adoption:  
September 20, 1985  
For further information, please call  
(512) 451-5711, ext 354.

★ ★ ★

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter O. State Sales and Use Tax

#### ★34 TAC §3.302

The Comptroller of Public Accounts proposes an amendment to §3 302, concerning accounting methods, credit sales, bad debt deductions, repossessions and interest on sales tax. A new subsection is added, regarding trade-ins. Currently, the comptroller will allow any item of tangible personal property to be traded in on any other item of tangible personal property for the purpose of reducing the sales tax base. The amendment would allow the tax base to be reduced only if the item being traded in is of the same type as is normally sold in the regular course of business. For example, an old refrigerator being traded in on a new refrigerator would be allowed to reduce the tax base. A motor boat traded in on a refrigerator would not. If the item being traded is unlike the item being purchased, the exchange will be treated as a barter with sales tax due on the full sales price of the item.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This rule is promulgated under Title 2 of the Tax Code, and no statement of the fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is provision of new information regarding tax responsibilities. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

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

**§3.302. Accounting Methods, Credit Sales, Bad Debt Deductions, Repossessions and Interest on Sales Tax, Trade-Ins.**

(a)-(f) (No change.)  
(g) Trade-ins. For the purposes of this subsection, a trade-in is a taxable item which is being used to reduce the purchase

price of another taxable item.

(1) The sales price of a taxable item does not include the value of a trade-in taken by a seller as all or part of the consideration for a sale of a taxable item of the same type normally sold in the regular course of business. For example, sales tax will be due only on the difference between the amount allowed on an old typewriter taken in trade and the sales price of a new typewriter.

(2) The sales price of a taxable item does include the value of a trade-in taken by a seller as all or part of the consideration for the sale of a taxable item if the trade-in is of a different type from the type normally sold in the regular course of business. For example, a seller of a typewriter taking a desk in trade as part of the sales price of a typewriter would collect sales tax on the retail sales price of the typewriter without any deduction for the value of the desk. In this situation, the seller and buyer are considered to be bartering. However, if a seller of typewriters is also a seller of desks, the value of the desk would be allowed as a trade-in.

(3) Persons removing items from a tax-free inventory for use as a trade-in owe sales tax on the cost price of the items. If both parties to a transaction are removing items from a tax-free inventory to trade for other items to be used by each party, the transaction will be regarded as barter by both parties. Each party to the barter will be required to collect sales tax on the retail sales price of the item being transferred. For example, a retailer of drill pipe trades pipe to a retailer of aircraft in exchange for an aircraft. Both retailers are trading the respective items for use, not resale. The pipe retailer must collect sales tax on the retail sales price of the pipe. The aircraft retailer must collect sales tax on the retail sales price of the aircraft.

(4) See §3.336 of this title (relating to Sales of Gold, Silver, Coins, and Currency) for information on persons who barter for taxable items with gold, silver, diamonds, or precious metals.

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 July 15, 1985.

TRD-856256 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
August 19, 1985  
For further information, please call  
(512) 475-1913

★ ★ ★

★ 34 TAC §3.323

The Comptroller of Public Accounts proposes the repeal of §3.323, concerning imports and exports. During the last regular session of the legislature, Chapter 151 of the Tax Code was amended to list the specific types of proof which are acceptable to establish a sales tax exemption. A new rule on exports and imports is being proposed which lists what documents will be and will not be acceptable to establish proof of export.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This repeal is promulgated under Title 2 of the Tax Code, and no statement of the fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the provision of new information regarding tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

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

§3.323. Imports and Exports.

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 July 15, 1985.

TRD-856257 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
August 19, 1985  
For further information, please call  
(512) 475-1931.

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Subchapter Q. Franchise Tax

★ 34 TAC §3.394

The Comptroller of Public Accounts proposes the repeal of §3.394, concerning cash security deposits. This section is repealed so that a substantially revised

section dealing with the same subject matter may be adopted.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal. This repeal is promulgated under Title 2 of the Tax Code, and no statement of the fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of the repeal is the provision of new information regarding tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals as a result of the repeal.

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

This repeal is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the franchise tax.

§3.394. Cash Security Deposits.

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

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 July 15, 1985.

TRD-856259 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
August 19, 1985  
For further information, please call  
(512) 475-1913.

★ ★ ★

The Comptroller of Public Accounts proposes new §3.394, concerning foreign corporation's additional tax deposit (trust deposit), to replace §3.394 that is repealed in this issue. There are some minor changes to make the rule conform to some changes in the statutes, and the rule has been reorganized to make it easier to follow. Subdivisions have been added to cover refunds and interest.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This rule is promulgated under Title 2 of the Tax Code, and no statement of the

fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is provision of new information regarding tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

This new section is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the franchise tax.

§3.394. Foreign Corporation's Additional Tax Deposit (Trust Deposit).

(a) Each foreign corporation transacting business in Texas is required to pay a trust deposit of \$500 in cash to the comptroller of public accounts to insure the filing of all franchise tax reports and payment of all franchise tax, penalties, and interest that may be due by the corporation. The secretary of state will collect this deposit at the time the corporation applies for a certificate of authority.

(b) Exemption from requirement.

(1) A foreign corporation doing business in Texas, which is required to pay franchise tax but is not required to and does not obtain a certificate of authority, does not have to pay the trust deposit.

(2) Foreign corporations that are exempt from franchise tax under the Texas Tax Code, §§171.051-171.083, do not have to pay the trust deposit, as long as the exempt status is in effect.

(3) A foreign corporation which has timely filed all franchise tax reports and paid all franchise tax for three consecutive reporting years does not have to pay the trust deposit, as long as the corporation continues to timely file reports and pay the tax.

(c) A letter of exemption from the trust deposit requirement must be filed with the application for a certificate of authority in order to avoid paying the trust deposit.

(1) A corporation exempt under subsection (b)(2) of this section may obtain a letter of exemption from the comptroller by submitting proof of its exemption from franchise tax.

(2) A corporation exempt under subsection (b)(3) of this section, which wishes to obtain a certificate of authority, may obtain a letter of exemption from the comptroller by simply requesting a letter.

(d) The comptroller will automatically refund the trust deposit to corporations which do not owe any additional franchise tax, penalty, or interest and which:

(1) have timely filed reports and paid the tax for three consecutive reporting years; or

(2) have dissolved, withdrawn, or merged out of existence.

(c) Except as indicated in subsection (d) of this section, a corporation must request in writing the refund of its trust deposit, stating in detail the reasons it believes it is due a refund. The comptroller may require additional information or documentation in support of the request. The request must be signed by an officer of the corporation.

(f) Refunds will be made payable to the corporation.

(g) No interest will be paid on the trust deposit.

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 July 15, 1985.

TRD-856258      Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
August 19, 1985  
For further information, please call  
(512) 475-1913.

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#### ★ 34 TAC §3.396

The Comptroller of Public Accounts proposes an amendment to §3.396, concerning changes in corporate organization. There are some minor changes to make the section conform to some recent changes in the statutes, and some changes are made to clarify the section. Subsection (f) is deleted because it does not add anything to the statute and it involves an extremely rare occurrence. Subsection (g) is deleted because the substance of the subsection will be in new §3.412, concerning survivors of mergers, to be proposed in the future.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This section is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the provision of new information regarding tax responsibilities under changes made by the legislature. There is no anticipated economic cost to in-

dividuals who are required to comply with the rule as proposed.

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

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

#### §3.396. Changes in Corporate Organization.

(a) Every corporation is required to pay all accrued franchise tax, penalties, and interest before articles of dissolution, an application for a certificate of withdrawal, articles of merger or consolidation, or an application to reinstate will be filed for record by the secretary of state. If a corporation seeks to dissolve, withdraw, merge, consolidate, or reinstate on or after the first day [May 1] of any tax period (see Texas Tax Code, §171.151) [year], the franchise tax for the entire tax period [year beginning on May 1] must be paid. A refund may not be paid nor credit given for the period from date of dissolution or withdrawal of a corporation to the end of the tax period.

(b) If a domestic or foreign corporation seeks to dissolve, withdraw, merge, or consolidate before the expiration of all of the periods included in an initial report, the corporation must pay franchise tax through the end of the period in which the corporation dissolves, withdraws, merges, or consolidates [one year from date of incorporation or certificate of authority, one full year's franchise tax must be paid].

(c) Upon request to the Comptroller of Public Accounts, P.O. Box 13528 [Capitol Station], Texas 78711 [78774], (512) 475-1931 [475-4771], Attn: [Business] Tax Administration Division, a certificate will be furnished for forwarding with articles of dissolution to be filed with the secretary of state. If desired, certificates also will be furnished for filing with articles of merger or consolidation, or an application to withdraw [or to reinstate]. The certificate will reflect that all franchise taxes, penalties, and interest have been paid by the corporation through the succeeding April 30 and that the action desired may be taken on or before that date.

(d) If a corporation doing business in Texas is dissolved under the laws of its state of incorporation, its franchise tax account will be closed as of the date of the dissolution, and tax must be paid through the end of the period in which the corporation dissolved.

(e) Before the name of a corporation may be changed on the records of the comptroller, an amendment to the corporations' charter or certificate of authority must be filed with the Texas secretary of state. A foreign corporation without a certificate of authority may change its name on the

records of the comptroller by filing with the comptroller a copy of the name change document filed in the corporation's home state.

((f) If the charter or certificate of authority of a corporation has been forfeited by a court order, it is necessary to file a bill of review in the district court, Travis County, Texas, to reinstate the charter or certificate. The corporation's attorney may contact the Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, for coordination and procedures in filing the bill of review.

(g) The survivor of a statutory merger or consolidation will receive credit for the franchise tax paid by the nonsurvivor(s), calculated in accordance with the following.

((1) The credit will be calculated on a pro-rata basis from the date of the merger, the date the survivor qualified in Texas, or the date the survivor was required to pay franchise tax, whichever is later, through the end of the franchise tax period for which tax was actually paid by the nonsurvivor(s);

((2) The total amount of tax credit or refund that the survivor receives may not exceed the total tax due from that survivor for the tax period during which the merger occurs.]

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 July 15, 1985.

TRD-856260      Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
August 16, 1985  
For further information, please call  
(512) 475-1913.

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#### ★ 34 TAC §3.409

The Comptroller of Public Accounts proposes an amendment to §3.409, concerning initial franchise tax deposits by first year corporations. There are some minor changes to make the rule conform to some recent changes in the statutes, and some changes have been made to clarify the rule.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This rule is promulgated under Title 2 of the Tax Code, and no statement of the fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is

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

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

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

**§3.409. [Initial] Franchise Tax Deposits (Prepayments) [By First Year Corporations].**

(a) **Prepayment** [Initial franchise tax deposit].

(1) Prior to and as a precondition to receiving a charter or certificate of authority from the secretary of state of Texas [on or after September 1, 1979], each domestic corporation incorporating under the Texas Business Corporation Act or the Texas Professional Corporation Act or a foreign corporation qualifying under the Texas Business Corporation Act must **make a prepayment** [prepay an initial franchise tax deposit] in an amount of \$100 to the comptroller of public accounts. This **prepayment** [deposit] will be collected by the secretary of state at the time a charter or certificate of authority application is submitted for approval.

(2) The \$100 **prepayment** [initial franchise tax deposit] may not be refunded in whole or in part for any reason after the charter or certificate of authority has been issued by the secretary of state.

(3) (No change.)

(b) Filing the **initial** [first year] franchise tax report. Each corporation subject to this section shall file its **initial** [first year] franchise tax report and pay the amount of tax shown thereon to be due and payable [, as required by Texas Taxation—General, Chapter 12 and §3.391 of this title (relating to Franchise Tax Reports and Payments)]. The **prepayment** [initial franchise tax deposit] prescribed by the Texas Tax Code, §171.155, [Texas Civil Statutes, Title 122A, Article 12.06,] shall be applied as a credit against the tax computed on the **initial** [first year] franchise tax report and subsequent reports. This credit will be preprinted on the **initial** [first year] franchise tax report mailed to each [first year] corporation.

(c) **Extensions. Extensions of time within which to make the prepayment shall not be granted.** [Other statutory provisions. All other provisions of Texas Civil Statutes, Title 122A, Chapter One and Chapter 12, which are applicable to the reporting and payment of the franchise tax, shall be enforced and applied in the administration of this section. However, an extension of time

within which to tender the initial franchise tax deposit will not be granted.]

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 July 15, 1985.

TRD-856261 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

August 19, 1985  
For further information, please call  
(512) 475-1913.

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**Part I. Texas Department of Human Resources**

**Chapter 27. ICF-MR  
Subchapter U. Resident Records**

**★ 40 TAC §§27.2002, 27.2003,  
27.2005-27.2009**

The Texas Department of Human Resources proposes to repeal and amend sections in its Intermediate Care Facility for the Mentally Retarded (ICF-MR) Program rules Sections 27.2002-2003 and 27.2005-2009 are being repealed as the policies within these sections either are obsolete or are transferred to §27.4505 and §27.4506. Section 27.4505 is amended to specify that an ICF-MR must retain records according to the requirements stated in §51.50, concerning record retention requirements, of the department's rules. Section 27.4505 is also amended to specify that financial records must be retained in their original form during the applicable retention period and to list the agencies that may review the ICF-MR's records. Section 27.4506 is amended to specify that the ICF-MR must have a full-time employee responsible for records maintenance if the ICF-MR does not employ a records administrator.

David Hawes, administrator, Office of Financial and Data Management, has determined that for the first five-year period the rules and repeals 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 and repeals.

Mr. Hawes has also determined that for each year of the first five years the rules and repeals are in effect the public benefit will be a clearer understanding of record-keeping requirements in an ICF-MR. There is no economic cost to in-

dividuals required to comply with the rules and repeals.

Comments may be submitted to Cathy Crossberg, Administrator, Policy Development Support Division—383, Department of Human Resources 153-E, P.O. Box 2910, Austin, Texas 78769, within 30 days of publication in this Register.

The repeal is proposed under the Human Resources Code Title 2, Chapters 22 and 32, which authorizes the department to administer public assistance programs.

§27.2002. *Medical Information.*

§27.2003. *Retention of Records.*

§27.2005. *Staff Responsibility for Records.*

§27.2006. *Availability of Records.*

§27.2007. *Record Sequence.*

§27.2008. *Resident Care and Health Care Plans.*

§27.2009. *Following Discharge of Patient.*

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 July 12, 1985.

TRD-856198 Marlin W Johnston  
Commissioner  
Texas Department of  
Human Resources

Earliest possible date of adoption:

August 19, 1985  
For further information, please call  
(512) 450-3766

★ ★ ★

**Subchapter TT. Records**

**★ 40 TAC §§27.4505, §27.4506**

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

§27.4505. *Central Record Service.* The ICF-MR must:

(1)-(3) (No change.)

(4) have a master alphabetical index of all residents admitted to the ICF-MR;[and]

(5) retain: [records for a period consistent with Health and Human Services regulations and the statute of limitations of the State of Texas.]

(A) program and financial records according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements), or

(B) program records for three years after a minor comes of age under state law, if the end of this three-year period will occur after the expiration of the retention period specified in §51.50 of this title (relating to Record Retention Requirements).

(6) retain financial records in their original form during the applicable retention period. Microfilming or other methods for data storage are not acceptable; and

(7) make records available for review by the following agencies at any time without prior notification:

(A) Department of Health and Human Services;

(B) Texas Department of Health;

(C) Texas Department of Mental Health and Mental Retardation;

(D) Texas attorney general's Medicaid fraud control unit; and

(E) Texas Department of Human Resources.

§27.4506. *Staff and Facilities.* The Intermediate Care Facility for the Mentally Retarded (ICF-MR) must have:

(1) enough qualified staff and support personnel to accurately process, check, index, file, and retrieve records and record data promptly; [and]

(2) adequate space, equipment, and supplies to provide efficient and effective record services; and

(3) a full-time employee responsible for records maintenance, if the ICF-MR does not employ a records administrator.

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 July 12, 1985

TRD-856197

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Earliest possible date of adoption.

August 19, 1985

For further information, please call  
(512) 450-3788.

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# Withdrawn

**Rules** An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

## TITLE 7. BANKING AND SECURITIES

### Part IV. Texas Savings and Loan Department Chapter 65. Loans and Investments

#### ★7 TAC §65.2

The Texas Savings and Loan Department has withdrawn from consideration for permanent adoption the proposed amendments to §65.2, concerning loans and investments. The text of the amended section as proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1387).

Issued in Austin, Texas, on July 15, 1985

TRD-856274      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 15, 1985  
For further information, please call  
(512) 479-1250

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#### ★7 TAC §65.14

The Texas Savings and Loan Department has withdrawn from consideration for permanent adoption proposed new §65.14, concerning loans and investments. The text of the new section as proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1387).

Issued in Austin, Texas, on July 15, 1985.

TRD-856275      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 15, 1985  
For further information, please call  
(512) 479-1250

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#### ★7 TAC §65.15

The Texas Savings and Loan Department has withdrawn from consideration for permanent adoption proposed new §65.15, concerning loans and investments. The text of the new section as

proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1388).

Issued in Austin, Texas, on July 15, 1985.

TRD-856276      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 15, 1985  
For further information, please call  
(512) 479-1250

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#### ★7 TAC §65.17

The Texas Savings and Loan Department has withdrawn from consideration for permanent adoption proposed new §65.17, concerning loans and investments. The text of the new section as proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1389).

Issued in Austin, Texas, on July 15, 1985

TRD-856277      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 15, 1985  
For further information, please call  
(512) 479-1250.

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#### ★7 TAC §65.19

The Texas Savings and Loan Department has withdrawn from consideration for permanent adoption proposed new §65.19, concerning loans and investments. The text of the new section as proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1389).

Issued in Austin, Texas, on July 15, 1985.

TRD-856278      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 15, 1985  
For further information, please call  
(512) 479-1250

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#### ★7 TAC §65.21

The Texas Savings and Loan Department has withdrawn from consideration for permanent adoption proposed new §65.21, concerning loans and investments. The text of the new section as proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1390).

Issued in Austin, Texas, on July 15, 1985.

TRD-856279      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 15, 1985  
For further information, please call  
(512) 479-1250.

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#### ★7 TAC §65.23

The Texas Savings and Loan Department has withdrawn from consideration for permanent adoption proposed new §65.23, concerning loans and investments. The text of the new section as proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1390).

Issued in Austin, Texas, on July 15, 1985

TRD-856280      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 15, 1985  
For further information, please call  
(512) 479-1250

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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 *Texas 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 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration Subchapter O. State Sales and Use Tax

##### ★ 34 TAC §3.282

The Comptroller of Public Accounts adopts an amendment to §3.282, without changes to the proposed text published in the June 11, 1985, issue of the *Texas Register* (10 TexReg 1920).

The amendment explains the comptroller's position on alternate types of proof of resale or exemption for transactions which occurred prior to October 2, 1984. This is the date the law changed to require only resale or exemption certificates as proof of resale or exemption. The amendment also requires that the alternate proof be obtained within 60 days of written notification.

No comments were received regarding adoption of the amendment.

This amendment is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

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 July 15, 1985.

TRD-856256      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: August 5, 1985  
Proposal publication date: June 11, 1985  
For further information, please call  
(512) 475-1913.

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## Part IV. Employees Retirement System of Texas

### Chapter 81. Insurance

##### ★ 34 TAC §§81.1, 81.3, 81.5, 81.7, 81.9, 81.11, 81.13-81.15, 81.17, 81.19, 81.21, 81.23

The Employees Retirement System of Texas adopts the repeal of §§81.1, 81.3, 81.5, 81.7, 81.9, 81.11, 81.13-81.15, 81.17, 81.19, 81.21, and 81.23, without changes to the proposed text published in the May 24, 1985, issue of the *Texas Register* (10 TexReg 1660).

By simultaneous action, new §§81.1, 81.3, 81.5, 81.7, 81.9, and 81.11 are being adopted and will be easier to understand and will eliminate many provisions which will become obsolete by changes due to take effect in the State Uniform Group Insurance Program, effective September 1, 1985.

As a result of the system's adoption of new §§81.1, 81.3, 81.5, 81.7, 81.9, and 81.11, all existing sections contained in this chapter which relate to the State Uniform Group Insurance Program are being repealed, effective September 1, 1985.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 3.50-2, §4A, which provides the Employees Retirement System of Texas with the authority to adopt rules, consistent with this Act, that provide standards for determining eligibility for participation in the program, including standards for determining disability.

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 July 9, 1985.

TRD-856137      Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: September 1, 1985  
Proposal publication date: May 24, 1985  
For further information, please call  
(512) 476-6431, ext. 212.

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##### ★ 34 TAC §§81.1, 81.3, 81.5, 81.7, 81.9, 81.11

The Employees Retirement System of Texas adopts new §§81.1, 81.3, 81.5, 81.7, 81.9, and 81.11, with changes to the proposed text published in the May 24, 1985, issue of the *Texas Register* (10 TexReg 1661).

Existing sections are being simultaneously repealed because it is felt they tend to be confusing to the reader; and also, many of the provisions contained in those sections will become obsolete on September 1, 1985. The new sections will provide a more concise, understandable statement of the legal rights of members in the State Uniform Group Insurance Program.

Through a complete recodification of Chapter 81, §81.1 will provide definitions; §81.3, administrative functions; §81.5, requirements for eligibility for coverages; §81.7, requirements for enrollment and participation; §81.9, a grievance procedure for dissatisfied members; and §81.11, termination of coverage under certain circumstances.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Insurance Code, Article 3.50-2, §4A, which provides the Employees Retirement System of Texas with the authority to adopt rules consistent with this Act that provide standards for determining eligibility for participation in the program, including standards for determining disability.

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

**Act**—The Texas Employees Uniform Group Insurance Benefits Act, Chapter 79, Acts of the 64th Legislature, 1975, as amended (the Insurance Code, Article 3.50-2).

**Active duty**—The expenditure of time and energy in the service of the State of Texas. An employee will be considered to be on active duty on each day of a regular paid vacation or on a nonworking day, on which the employee is not disabled, if the employee was on active duty on the last preceding working day.

**Basic plan**—The program of group insurance determined by the trustee in

which every full-time employee or retiree is automatically enrolled unless participation is specifically waived.

**Board or trustee**—The board of trustees of the Employees Retirement System of Texas.

**Committee or GIAC**—The Group Insurance Advisory Committee as established by the Act, §18.

**Contract year**—A contract year begins on the first day of September and ends on the last day of the following August.

**Dependent**—The spouse of an employee or retiree and unmarried children under 25 years of age, including:

(A) the natural child of an employee/retiree;

(B) a legally adopted child (including a child living with the adopting parents during the period of probation);

(C) a stepchild whose primary place of residence is the employee/retiree's household;

(D) a child whose primary place of residence is the household of which the employee/retiree is head and to whom the employee/retiree is legal guardian of the person;

(E) a foster child or other child who is in a parent-child relationship to the employee/retiree, provided the child's primary place of residence is the household of the employee/retiree, the employee/retiree provides the necessary care and support for the child, and the natural parent of the child does not reside in the same household; and

(F) any such child, regardless of age, who lives with or whose care is provided by an employee or retiree on a regular basis if such child is mentally retarded or physically incapacitated to such an extent as to be dependent upon the employee or retiree for care or support, as the trustee shall determine mentally retarded or physically incapacitated means any medically determinable physical or mental condition which prevents the child from engaging in self sustaining employment, provided that the condition commences prior to such child's attainment of age 25, the child was eligible and covered under the plan immediately prior to reaching age 25, and that satisfactory proof of such condition and dependency is submitted by the employee/retiree within 31 days following such child's attainment of age 25. As a condition to the continued coverage of a child as a mentally retarded or physically incapacitated dependent beyond the age of 25, the insurance carrier or health maintenance organization shall have the right to require periodic certification of the child's physical or mental condition but not more frequently than annually after the two year period following the child's attainment of age 25.

**Eligible to receive an annuity**—Refers to a person who has retired from a state retirement program or the Optional Retirement Program and who is receiving a monthly annuity or who has received an

annuity that has been temporarily suspended.

**Employee**—Any appointive or elective state officer or employee in the service of the State of Texas, except persons performing personal services for the State of Texas as independent contractors or employees of any university, senior or community/junior college, or any other agency of higher education within the meaning and jurisdiction of the Texas Education Code, Chapter 61:

(A) who is retired or retires and is an annuitant as defined in the Act;

(B) who receives his compensation for services rendered to the State of Texas on a warrant issued pursuant to a payroll certified by a department or by an elected or duly appointed officer of this state;

(C) who receives payment for the performance of personal services on a warrant issued pursuant to a payroll certified by a department and drawn by the state comptroller of public accounts upon the state treasurer against appropriations made by the Texas legislature from any state funds or against any trust funds held by the state treasurer or who is paid from funds of an official budget of a state department, rather than from funds of the General Appropriations Act; or

(D) who is appointed subject to confirmation of the senate as a member of a board or commission with administrative responsibility over a statutory agency having statewide jurisdiction whose employees are covered by the Act.

**Employing office**—For a retiree covered by this program, the office of the Employees Retirement System in Austin, Texas, or the retiree's last employing agency; for an active employee, the employee's employing agency.

**Evidence of insurability**—Such evidence, including medical records and a physical examination, as may be required by a qualified carrier for changes in coverage or new coverage pursuant to the rules of §81.7(f) of this title (relating to Enrollment and Participation).

**Extended sick leave without pay**—The status of an employee who is certified monthly by an agency administrator to be absent from duty as a result of a disabling condition which prevents the employee from performing the employee's usual duties who has not received a refund of retirement contributions based upon the most recent term of employment and who is expected to return to work within a specified period of time, not to exceed 12 months.

**HMO**—A health maintenance organization approved by the board of trustees to provide health care benefits to participants in the program in lieu of participation in the program's insured health benefits plan.

**Insured plan**—That plan of coverage administered and/or underwritten by a qualified carrier (other than an HMO) as

defined in the Insurance Code, Article 3.50-2, §3(a)(9).

**Leave of absence without pay**—The status of an employee who is certified monthly by an agency administrator to be absent from duty for a reason other than being disabled who has not received a refund of retirement contributions based upon the most recent term of employment and who is expected to return to duty within a specified period of time, not to exceed 12 months.

**ORP**—The optional retirement program as provided in Texas Civil Statutes, Title 110B, Chapter 36.

**Pre-existing condition**—Any physical or mental condition for which an individual was seen or treated by a physician during the 90-day period immediately prior to the effective date of the participant's coverage, but does not include medical conditions resulting from congenital or birth defects.

**Program**—The Employees Uniform Group Insurance Program as established by the board.

**Retiree**—A retired employee who is eligible, under the terms of the Act, for benefits under this program.

**Salary**—The salary to be used for determining optional term life and disability income limitations will be the employee's regular salary including longevity and hazardous duty pay, received by the employee as of the employee's first day of employment within a contract year. No other component of compensation shall be included. Nonsalaried elective and appointive officials and members of the legislature may use the salary of a state district judge or their actual salary as of September 1 of each year.

### §81.3. Administration.

(a) The Group Insurance Advisory Committee.

(1) The Group Insurance Advisory Committee, as established by the Act, §18, shall consist of 23 members who shall be active or retired employees of the State of Texas. One classified employee shall be appointed from each of the 10 largest state agencies or departments by the chief administrative officer of those agencies or departments. One nonvoting member shall be the executive director of the Employees Retirement System of Texas. One member shall be a classified employee of the governor's office, appointed by the governor. One member shall be a retired state employee appointed by the trustee for a three-year term. The remaining members shall be elected by and from the classified employees of the other state departments and agencies in a manner consonant with the election for membership to the board of the Employees Retirement System of Texas, but not more than one employee shall be from any one agency or department.

(2) All members of the committee shall be appointed or elected for three-year



terms; provided, however, that in the initial appointments and election, the trustee shall designate seven members to serve for one year, seven to serve for two years, and seven to serve for three years. Subsequent appointments or elections shall be for three-year terms.

(3) The Group Insurance Advisory Committee shall advise and consult with the trustee on matters concerning all insurance coverage provided under this Act. The committee shall cooperate and work with the trustee in coordinating and correlating the administration of the Employees Uniform Group Insurance program among the various state departments and agencies. The duties of each member of the Group Insurance Advisory Committee shall be to secure input from fellow employees and shall be considered additional duties required of his or her other state office or employment, and all expenses incurred by any such member in performing his or her duties as a member of the committee shall be paid out of funds made available for those purposes to the agency or department of which he or she is an employee or officer.

(4) During a term of appointment or election, vacancies shall be filled by an employee of the same agency from which the vacancy occurred, being appointed by the trustees for the balance of the vacated term. A vacancy on the Group Insurance Advisory Committee exists when any member of the committee:

(A) resigns from the committee;

(B) transfers from an agency from which the member was appointed to serve on the committee;

(C) transfers into an agency which is represented by another committee member; or

(D) ceases to be covered by the position classification plan as defined by Texas Civil Statutes, Article 6252-11.

(5) All committee meetings are to be open to the public.

(6) The executive director of the Employees Retirement System of Texas may file a notice of the committee's meeting with the secretary of state for publication in the *Texas Register*.

(7) The executive director shall be the custodian of the minutes of the committee's meetings and will have those minutes available for public inspection at the offices of the Employees Retirement System of Texas during normal working hours.

(8) Before the end of the each fiscal year, the executive director will propose to the board a schedule for an election of elective committee members.

(b) Petitions for supplemental coverage.

(1) An agency head or a group of employees or retirees may submit a written petition to the board or to the Group Insurance Advisory Committee requesting the establishment of a supplemental insurance benefits plan.

(2) The petition must include a clear

and concise statement of the type and extent of coverage desired. The petition must show the relationship of the requested coverage to the existing coverages provided by the program. The proposed plan must provide coverage that is not available in the program or must be an extension of the coverage over and above that provided by the related benefit in the program. The plan must provide that employees enrolling in an approved supplemental plan must first be enrolled for the maximum related benefits provided by the program.

(3) The proposed plan must meet the requirements of the Act, including the following:

(A) the plan must be reviewed by the Group Insurance Advisory Committee;

(B) the plan must be actuarially sound;

(C) carriers for the plan must be selected by competitive bidding;

(D) the plan must satisfy the Act's minimum enrollment requirements; and

(E) the proposal must provide evidence that the proposed coverage is in the best interests of the people covered by the Act.

(4) If a proposed plan is approved for payroll deduction in any state agency, a percentage of all premiums paid are to be paid into the employees life, accident, and health insurance and benefits fund; such percentage shall be determined by the board, in its sole discretion, at the time of approval.

(c) Health maintenance organizations.

(1) A health maintenance organization (HMO) must obtain board approval to offer health benefits programs to participants in the program.

(2) An HMO seeking board approval must satisfy the following conditions.

(A) The HMO must be certified by the State of Texas and federally approved.

(B) The HMO must have been providing services in the area for which application is made for at least 12 months prior to the date the application is filed with the Employees Retirement System of Texas. This requirement shall also apply to a request for an expansion of service area if the expansion results in the establishment of a service area requiring a separate rating structure or an extension of the HMO's service area into another area in which one or more HMOs are currently providing services to state employees and retirees.

(C) At least 25 state employees must reside in the approved HMO service area.

(D) The HMO must submit an annual application, with rates, by January 15 of each year to the Board of Trustees in the format prescribed by the Employees Retirement System of Texas. Once submitted, the rates may be modified effective

November 1 of the contract year if the Board of Trustees approves the modification and the HMO gives notice of modification as required by the letter of agreement between the Employees Retirement System and the HMO under which the HMO is currently operating. A request for expansion of service area, as described in this section, shall require a separate application.

(E) The HMO must agree to the provisions contained in the letter of agreement as adopted by the board for the contract year for which application is made.

(3) Approval by the board may be limited to one group type HMO and one independent practice type HMO within a given service area.

(4) If an HMO, previously approved by the board, fails to maintain compliance with the letter of agreement, the board has the right to cancel the existing contract with that HMO upon proper notice as specified in the letter of agreement.

(5) An HMO that loses its state or federal certification will automatically become ineligible to offer its health benefits program to participants in the insurance program on the date determined by the board of trustees.

(d) Funding.

(1) Contributions. Premiums for coverage provided under the Uniform Group Insurance Program are funded from three sources: state contributions, Employees Retirement System of Texas contributions, employee and retiree contributions. The state legislature appropriates monies to fund group insurance benefits for all state employees. Monies for employees compensated from funds other than the General Appropriations Act are appropriated from the official operating budget of the respective state department. In addition, the Employees Retirement System of Texas may contribute an additional amount, as determined by the trustee, for payment of premiums for employees and retirees. An employee or retiree who applies for coverage for which the monthly premium exceeds the state's or employing agency's and the Employees Retirement System of Texas' contribution must pay the excess amount.

(2) Payment of premiums. Deductions from monthly compensation or annuities and direct payment of premiums are two methods of payments used for the employee's share of premiums.

(A) Employee deductions. An employee or retiree who applies for coverage for which the monthly premium exceeds the state or employing agency and the Employees Retirement System of Texas contributions must authorize in writing on a form prescribed by the Employees Retirement System of Texas a deduction from his monthly compensation or annuity to pay the difference. If an employee's monthly compensation is insufficient to provide for the appropriate deduction, the employee must pay premiums directly as explained in subparagraph (B)(i) of this paragraph. Fail-

ure to make the required payment of premiums will result in the cancellation of all coverages.

(B) Direct payment of premiums. Persons who are eligible participants in the program and who are not on a payroll or who are not receiving an annuity from a state retirement system from which the appropriate premiums may be deducted or whose salary or annuity are insufficient to allow for a full required deduction must pay premiums directly as indicated in the following:

(i) Persons whose application for disability retirement benefits is pending, persons whose retirement annuity is temporarily suspended, persons in a leave without pay status, and persons in an extended sick leave without pay status must pay premiums monthly in advance. Persons whose application for disability retirement benefits is pending and persons whose retirement annuity is temporarily suspended must submit premiums directly to the Employees Retirement System. Persons in a leave without pay status or extended sick leave without pay shall submit premiums through the employee's employing agency. Premium payments are due on the first day of the month.

(ii) Participants other than those described in §81.3(d)(2)(B)(i) of this title (relating to Administration) must pay premiums in advance and may elect to pay either monthly, every three months, every six months, or yearly. The full premium for the payment period option chosen must be paid directly to the Employees Retirement System of Texas and is due on the first day of the month of the payment period. Participants who fail to complete a payment period option election prior to the first premium due date will be required to pay premiums in advance every three months until an election is filed with the Employees Retirement System.

(iii) Failure to pay premiums within 10 days of the date due will result in the cancellation of coverages.

#### §81.5. Eligibility.

(a) Full-time employees. A full-time employee, elected officer, or appointed officer of the State of Texas is eligible for coverage on the first day he or she begins active duty with the state. For an elected or appointed officer, the first day of active duty shall be the day he or she takes the oath of office.

(b) Part-time employees. A part-time employee is subject to the same eligibility rules as a full-time employee.

(c) Retirees. A retiree is eligible for coverage on the day he or she becomes an annuitant. A retiree must be insured in the health benefits plan before he or she is eligible to apply for any life insurance coverage. In addition, a retiree is eligible for optional life insurance coverage only if the retiree was enrolled for optional life insurance coverage on the date before becoming an annuitant. Retirees may not increase the

amount of life insurance for which they have been enrolled, but may cancel life coverage at any time. Canceled life insurance coverages may never be reinstated.

(1) Unless otherwise specifically authorized, persons who become insured as retirees will be ineligible for coverage as active employees as long as they remain eligible for coverage as retirees.

(2) A retiree whose extended life insurance benefits are terminated is eligible for retiree life insurance coverage on the first day of the month following the extended life insurance benefits termination date.

(d) Dependents of employees and retirees. The dependents of an employee or retiree are eligible for coverage on the same day that the employee or retiree becomes eligible. A newly acquired dependent is eligible for coverage on the date he or she becomes a dependent of a covered employee or retiree. The employee or retiree must be enrolled for a particular coverage before his or her dependents are eligible for that type of coverage. Newborn dependents are covered automatically on date of birth. A retiree's dependents are eligible for dependent life insurance coverage only if that coverage was in effect the day before the retiree became eligible for retiree life insurance. A retiree whose life insurance coverage is continued for which the premium is waived under the provisions of an insurance contract that provides extended life insurance benefits as a result of disability may not purchase dependent life insurance coverage.

(e) Surviving dependents.

(1) The surviving spouse of a retiree or the surviving spouse of an active employee is eligible to continue his or her coverage in the health benefits plan in which the employee/retiree was insured on the day of death of the employee/retiree; provided, however, the deceased active employee must have met the age and service credit requirements to qualify for a retirement benefit or survivor's annuity. A surviving spouse who is also a state retiree or state employee shall not be eligible for surviving spouse benefits as long as he or she is eligible for coverage as an employee or retiree. Participant's continuing coverage as surviving spouses are not eligible for life insurance coverages.

(2) Dependent children of a deceased employee or retiree are eligible to retain and continue coverage, except dependent life insurance, as long as the surviving spouse is eligible and continues to participate in the program. Dependent children of deceased employees or retirees will be considered as dependents of the deceased employee's or retiree's surviving spouse for purposes of the program.

(3) The surviving spouse and/or dependents of a deceased employee or retiree who are not eligible to continue coverage indefinitely in the program under the provisions of the Act or these sections may continue coverage for six months in the health benefits plan in which the dependents

are enrolled on the deceased employee's or retiree's date of death by submitting an application within 30 days following the date of notice of eligibility to continue insurance coverage.

(f) Retiree under ORP. A retiring member of the ORP employed by the Coordinating Board, Texas College and University System is eligible to remain in the insurance program if he or she becomes an annuitant of the ORP and the member's age and amount of service on which the annuity is based is such that the retiree meets the age and length of service requirements used by the Teacher Retirement System for regular service retirements. A retiring member will remain eligible for coverage in the program as long as he or she would have been eligible to receive an annuity had his or her membership been in the Teacher Retirement System rather than the ORP.

(g) Disability retirement. An applicant for disability retirement benefits may continue only the health, term life, and dependent term life insurance coverages that were in effect as an active employee while the application is pending, except as noted in subsection (d) of this section as to extended life insurance benefits. A person who is approved for disability retirement is eligible to apply for insurance coverages as a retiree by submitting an application within 30 days from the date of the notice of approval for disability retirement benefits. A retiring member of ORP who is disabled, as established by the disability test used by the Employees Retirement System of Texas for members of the employee class, is eligible to remain in the program for the amount of time the person would be eligible for benefits had retirement coverage been under the Teacher Retirement System. All costs for determining initial or continued eligibility for insurance coverage for a disabled retiree of the ORP will be paid by the Coordinating Board, Texas College and University System. Coverages will become effective on the first day of the month following the date the disability retirement becomes effective. The coverages of an applicant for disability retirement benefits whose retirement application is denied will be canceled on the last day of the month following the month in which notification is mailed.

(h) Former members of the legislature. Upon separation from the legislature, former members of the legislature are eligible to continue the coverage held in the program if they held office on or after May 17, 1979, and they have established sufficient creditable service based on service in the Texas Legislature to be eligible for service retirement at age 60. Former members of the legislature are not eligible for disability insurance coverages. Except as provided in this section, former members of the legislature will be subject to the same eligibility rules and effective dates that apply to active members of the legislature.

(i) Former employees of the legislature. Upon separation from the legislature,

a former employee of the legislature is eligible to continue coverages held in the program immediately prior to separation under the provisions of the Act, §13(d), if the individual was an employee of the legislature on or after August 29, 1983, as an employee of a member of either house, a member of the staff of either house, an employee of a committee of either house, or an employee of a joint committee, and the individual has established sufficient creditable service in the Employees Retirement System of Texas, based on service as an employee of the Texas Legislature, to be eligible for service retirement at age 60. A former legislative employee is eligible to continue the amount of term life insurance in force at the time of termination of legislative employment. A former legislative employee is not eligible for disability insurance coverage. Employment with ancillary agencies such as the Legislative Budget Board, Legislative Council, Legislative Reference Library, or State Auditor's Office does not meet the requirement for employment in this section. Except as provided in this section, a former legislative employee will be subject to the same eligibility rules and effective dates that apply to an active employee of the State of Texas.

#### §81.7. Enrollment and Participation.

(a) Full-time employees and their dependents.

(1) A new full-time employee will automatically be enrolled in the basic plan of health and life insurance, effective on his or her first day of active duty with the State of Texas. An employee waives basic plan coverage by electing optional coverages and/or enrolling in an approved HMO. In order to elect additional optional coverages or enroll in an HMO in lieu of the basic plan of insurance, the employee must submit an application to the Employees Retirement System of Texas through his or her employing agency on the form provided by the Employees Retirement System of Texas. An employee may decline any and all coverage in the program by submitting a written statement indicating that he or she wishes to decline.

(2) Applications for coverages to be effective on the day the employee begins active duty must be submitted to the agency insurance coordinator on or before that day. Coverages for which the application is submitted after the first day of active duty and within 30 days after that day will be effective on the first day of the month following the date of application. Applications submitted after the first 31 days will be governed by subsection (f) of this section.

(3) Coverages for dependents of an employee will be effective on the same day the employee's coverage becomes effective if an application is submitted on or before the effective date of the employee's coverage. If the application is submitted within 30 days after the employee's effective date, the dependents' coverage will be effective

on the first day of the month following the date of application. New dependents' coverage will be effective on the date the person becomes a dependent if an application is submitted on or within 30 days of the date the dependent first becomes eligible. If the application is submitted more than 30 days after the employee's effective date or the date the dependent is first eligible, as the case may be, the application will be governed by the rules in subsection (f) of this section.

(4) A newborn dependent will be covered immediately and automatically from the date of birth in the health benefits plan in effect for the employee's or retiree's other dependents.

(A) If there are no other dependents covered at the time of birth, the newborn dependent will be automatically covered in the same health benefits plan in which the employee or retiree is then covered. To continue a newborn dependent's coverage for more than 30 days after the date of birth, an application for health benefits coverage must be submitted within 30 days after the date of birth if there were no other dependent children covered at the time.

(B) If there was health benefits coverage in effect for dependent children, an application to add subsequent newborn dependents must be submitted before verification of coverage for the newborn dependent will be provided to the carrier.

(5) The effective date of a newborn dependent's life insurance will be the 14th day after the date of birth, unless the newborn dependent is then confined to a hospital or other institution for medical care in which case the newborn dependent's life insurance coverage will become effective on the day after the day the newborn dependent is released from the hospital or institution.

(6) The effective date for an employee's dependent's coverages will be as stated previously unless the dependent is confined in a hospital or other institution for medical care at the date of eligibility; in which case, the coverage will be effective on the day after the day the dependent is released from the hospital or institution.

(b) Part-time employees. A part-time employee is not automatically covered but must complete an application form provided by the Employees Retirement System of Texas, authorizing necessary deductions for premium payments for elected coverage. This form must be submitted to the Employees Retirement System through his or her employing agency on or before the employee's first day of active duty in order for coverage to be effective on that day. If not submitted on the first day of active duty, but within 30 days thereafter, coverage will be effective on the first day of the month following the date of application. All rules for enrollment stated in subsection (a) of this section, other than the rule as to automatic coverage, apply to a part-time

employee.

(c) Retirees and their dependents.

(1) A retiree will automatically be covered in the health benefits plan in which the retiree was covered as an active employee immediately preceding the first day the retiree becomes an annuitant and for the maximum amount of life insurance which the retiree is permitted to retain under the insurance contract as a retiree. If the retiree was not covered as an active employee immediately prior to becoming an annuitant, the retiree will be automatically enrolled in the basic plan for retirees. A retiree's dependents will automatically continue the coverage in force at the time of retirement. Optional coverages and changes in coverages for retirees will be effective on the day the retiree becomes an annuitant if the retiree submits an application before or within 30 days after that date. A change in coverage for the dependents of retirees will be effective on the same day the retiree's coverage becomes effective if an application is submitted within 30 days of the retiree's effective date of coverage. All other enrollment rules stated in subsection (a) of this section apply to retirees.

(2) A retiree enrolled in a health benefits plan, whose extended life insurance benefits are terminated, will be automatically enrolled in the basic life coverage effective the first day of the month following the extended life insurance benefits termination date. The retiree also may enroll for any optional life coverages which would have been available at the time of retirement had extended benefits not been available. Application for the optional coverages to become effective on the same date as the basic life coverage must be submitted to the Employees Retirement System of Texas within 30 days after the date the Employee Retirement System of Texas notifies the retiree of his or her eligibility.

(d) Surviving dependents.

(1) A surviving spouse and dependents of a deceased employee who met the age and service requirements to qualify for a retirement benefit or survivor's annuity at the time of death and a surviving spouse and dependents of a retiree may continue coverage as provided in §81.5(e) of this section (relating to Eligibility). A surviving spouse who is receiving an annuity shall make premium payments by deductions from the annuity as provided in §81.3(d)(2)(A) of this title (relating to Administration). A surviving spouse who is not receiving an annuity may make quarterly payments as provided in §81.3(d)(2)(B) of this title (relating to Administration). The surviving spouse must apply to continue coverage for himself or herself and dependents within 30 days after notification in writing of eligibility to make application.

(2) A deceased employee's surviving spouse and/or dependents not eligible for benefits under paragraph (1) of this subsection may continue coverage in effect for six months after the date of the employ-

ee/retiree's death. The surviving spouse or dependent must apply for continuing coverage within 30 days after notification in writing of eligibility to make an application.

(e) Special rules for additional or alternative coverages.

(1) An employee/retiree must be insured in a health insurance plan provided by the program or enrolled in an approved HMO before the employee/retiree is eligible to apply for any of the optional coverages provided by the program. Only an employee or retiree or a former officer or employee specifically authorized to join the program may apply for optional coverages.

(2) An employee/retiree may participate in an approved HMO if he or she resides in the approved service area of the HMO and is otherwise eligible under the terms of the letter of agreement with the HMO.

(3) A participant electing optional additional coverage and/or HMO coverage in lieu of the basic plan of insurance is obligated for the full payment of premiums. If premiums are not paid, all coverages will be canceled.

(f) Changes in coverages beyond the first 31 days of eligibility.

(1) An employee or retiree who wishes to add or increase coverage, add eligible dependents, or change coverage from an HMO to the insured plan more than 30 days after the initial date of eligibility may submit an application at any time to the Employees Retirement System of Texas. The application shall consist of the general purpose form provided by the Employees Retirement System of Texas and the insurance carrier's application. Upon review of the application, the carrier may require additional information or medical examination provided at the employee's or retiree's expense. Approval of the application is contingent upon the employee or retiree providing evidence of insurability acceptable to the Employees Retirement System of Texas and the carrier. When the application has been approved by the carrier, a notice shall be sent to the Employees Retirement System of Texas. Coverage will become effective the first day of the month following the date approval is received by the Employees Retirement System of Texas, unless the applicant is an employee then in a leave without pay status, in which case, it will become effective on the date the employee returns to active duty. An employee or retiree may withdraw the application at any time prior to the effective date of coverage by submitting a notice of withdrawal in writing to the Employees Retirement System of Texas.

(2) The evidence of insurability provision applies only to those employees, retirees, or eligible dependents who:

(A) did not elect all available coverages on or within 30 days after the initial date of eligibility;

(B) declined or failed to enroll in the health insurance plan on or within 30 days after the initial date of eligibility; or

(C) enrolled in any coverage under the insured plan and later dropped or were canceled from such coverage.

(3) An employee or retiree, who moves his or her place of residence into an HMO service area, is eligible to apply for coverage at or within the first 30 days after the date of residence in the HMO service area. Coverage will become effective on the first of the month following the date of application.

(4) An employee or retiree (and his or her covered dependents), who is enrolled in an approved HMO and who permanently moves his or her place of residence out of an approved HMO service area, will be allowed to enroll in the health insurance plan and other optional coverages held immediately prior to the date of change in residence. Coverage in the HMO will be canceled on the last day of the month in which the employee or retiree moved from the service area, and the coverages in the insured health benefits plan will become effective on the day following the day HMO coverage is canceled. The evidence of insurability rule shall not apply in these cases.

(5) Persons wishing to change from one HMO to another HMO in the same service area or change from the insured plan to an HMO will be allowed an annual opportunity to do so. Such opportunity will be scheduled prior to September 1 of each year at times announced by the Employees Retirement System of Texas. The pre-existing conditions clause and evidence of insurability provision will not apply in these cases. Coverage in the new HMO will be effective September 1.

(g) Pre-existing condition limitation. For initial health insurance coverage on or after September 1, 1985, or health insurance coverage changes effective on or after September 1, 1985, the pre-existing condition exclusion shall apply to employees, retirees, and eligible dependents (including newly acquired dependents, but excluding newborns) who are enrolled in the insured health benefits plan. The exclusion limits benefit payments to \$500 for a full 12 months from the effective date of coverage for a pre-existing condition, as defined in §81.1 of this title (relating to Definitions). The pre-existing condition exclusion will not apply to:

(1) an eligible newborn;

(2) a medical condition resulting from congenital or birth defects;

(3) an individual allowed to return to the insured health plan because he or she moves permanently out of an HMO service area, except that if the return to the insured plan occurs within 12 months of the initial date of eligibility under the current term of employment, the exclusion will apply for the remainder of the 12-month period for any condition for which the participant was seen or treated by a physician during the 90-day period immediately prior to the initial

date of eligibility under the current term of employment;

(4) an individual who enrolls in an HMO.

(h) Reinstatement in the program. Unless specifically prohibited by these sections or contractual provisions, an employee, who terminates employment and returns to active duty within the same contract year, may reinstate coverages for himself and his dependents no greater than those that were in effect when the employee terminated by submitting an application for the coverages. The application must be submitted on the first day the employee returns to active duty, and the coverage will be effective on the day the employee returns to active duty. The pre-existing condition clause will apply. A returning employee, who has selected coverages less than those in effect when terminating employment, may reinstate any waived coverages by submitting the appropriate application during the 30 days following the date the employee returns to active service. The change in coverage will become effective on the first day of the month following the date of application. An application to reinstate disability insurance coverage for a returning employee must contain evidence of insurability acceptable to the insurance carrier. Disability coverage will become effective on the first of the month following the date of the carrier's approval.

(i) Continuing coverage in special circumstances.

(1) A terminating employee is eligible to continue coverage through the last day of the month in which employment is terminated.

(2) An employee in an approved extended sick leave without pay status or in an approved leave of absence without pay status may continue the types and amounts of coverage in effect on the date the employee entered that status for a maximum period of 12 months. During this 12-month period, the employee may not change coverage except to add new dependents, including newborns or reduce or cancel coverage. Coverage for disability insurance, however, will be canceled on the last day of the month in which an employee enters an approved leave of absence without pay status. If canceled, disability coverage may be reinstated when the employee returns to active duty if the employee submits satisfactory evidence of insurability. The premiums for the disability coverages will be waived for those months in which the employee receives a disability payment under that coverage provided the employee was disabled and was entitled to disability payments. At the end of 12 months, coverages for the employee and his dependents shall be terminated.

(3) An applicant for disability retirement benefits may continue only the health, term life, and dependent term life insurance coverages that were in effect while he was an active employee during the time the application is pending. The employee

must apply to continue the coverage on or before the requested retirement date and the appropriate premium must be paid monthly. If the application for disability retirement is approved, the employee is eligible to apply for insurance coverage as a retiree by submitting an application within 30 days from the date of the notice of approval for disability retirement benefits. Coverages will be effective on the first day of the month following the date the disability retirement became effective. If the application for disability retirement is denied, the coverages of the applicant and his dependents will be canceled on the last day of the month following the month in which the notification is mailed.

(4) A former member or employee of the legislature, who is eligible to continue to participate in the program, must notify the Employees Retirement System of Texas within 30 days after leaving office or employment of his or her intent to continue the coverage in effect. Coverage will be canceled if a premium is not received within 10 days of the due date. A former member or employee of the legislature is not eligible to continue disability insurance coverage.

#### §81.9. *Grievance Procedure.*

(a) Any person participating in the insurance program, who is denied payment of insurance benefits, may request the insurance company to reconsider the claim. Any additional documentation in support of the claim may be submitted with the request for reconsideration. If the claim is again denied, the claim, accompanied by all related documents and copies of correspondence with the insurance company, may be submitted by the person to the executive director of the Employees Retirement System of Texas for review. A request for review must be filed by the person in writing within 90 days from the date the insurance company formally denies the claim and mails notice of this denial and right of appeal to the person.

(b) Any person with a grievance regarding eligibility or other matters involving the program may submit a written request to the executive director to make a determination on the matter in dispute.

(c) When the executive director reviews any matter arising under this section, all of the available information will be considered. When the executive director completes the review and makes a decision, all parties involved will be notified in writing of the decision.

(d) Any person or insurance company that does not accept the executive director's decision may appeal the decision to the board. A notice of appeal to the board must be filed in writing 30 days from the date the executive director's decision is mailed by certified mail.

(e) Appeals to the board will be processed under the provisions of Chapter 67 of this title (relating to Hearings and Dis-

puted Claims) and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(f) As used in this section, the term "person" includes any duly authorized representative of such person.

(g) In computing time under this section, the day after any mailing by the insurance company or the executive director shall be counted as the first day of the time period. A document is considered to be filed with the executive director when it is received by the executive director or when it is post-marked, whichever is earlier.

#### §81.11. *Termination of Coverage.*

##### (a) Cancellation of coverage.

(1) An employee, retiree, or surviving spouse may cancel any coverage in effect by submitting the appropriate cancellation notice in writing to the Employees Retirement System of Texas. Cancellations will be effective at midnight on the last day of the month in which the notice is signed. Coverage canceled by a surviving spouse or dependent of a deceased retiree may never be reinstated.

(2) Coverage for a dependent, who marries or attains age 25, shall be canceled as of the last day of the month following the date of marriage or attainment of age 25, as the case may be.

(3) Surviving spouse coverage for a person who becomes a state employee shall be canceled as of the effective date of coverage as an active employee. Surviving spouse coverage may be reinstated when the spouse terminates employment with the state.

(4) Coverage shall be canceled for nonpayment of premium if a premium is not paid within 10 days of the date payment is due. Coverage will be canceled effective the last day of the month for which timely payment was made.

(b) Termination of employment. Coverages for an employee who terminates employment and his or her dependents shall continue through the last day of the month in which employment is terminated.

(c) Expulsion from the uniform group insurance program.

(1) The board of trustees may expel any person participating in the uniform group insurance program who submits a fraudulent claim or otherwise defrauds or attempts to defraud any plan of benefits offered under the program, within the terms of the Insurance Code, Article 3.50-2, §13A.

(2) The executive director is authorized to call a hearing on behalf of the board when he has reason to believe that a person may be subject to expulsion under this section and the Insurance Code, Article 3.50-2, §13A.

(3) Any hearing called pursuant to this section shall be a contested case under Texas Civil Statutes, Article 6252-13a, and conducted in the manner prescribed by law and by Chapter 67 of this title (relating to

Hearings and Disputed Claims). During such hearing, the standard of proof requiring a finding against the participant shall be the preponderance of evidence. At the time a case is assigned to a hearings examiner, no further claims will be paid until a finding has been made. When a finding has been made all eligible claims will be processed subject to any offsets for overpayments made by the carrier.

(4) Any person expelled from the uniform group insurance program may not be insured under any health benefits plan offered by the program for a period of five years from the effective date of the expulsion.

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 July 9, 1985.

TRD-856138

Clayton T Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date. September 1, 1985  
Proposal publication date. May 24, 1985  
For further information, please call  
(512) 478-6431, ext. 212.

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## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part VII. Texas Commission on Law Enforcement Officer Standards and Education

#### Chapter 211. Administrative Division

##### Substantive Rules

★ 37 TAC §§211.77, 211.79, 211.82,  
211.85

The Texas Commission on Law Enforcement Officer Standards and Education adopts amendments to §211.85, with changes to the proposed text published in the March 8, 1985, issue of the *Texas Register* (10 TexReg 820). A typographical error in subsection (f)(2) is corrected to read "§211.79(d)." Section 211.77, 211.79, and 211.82 are adopted without changes and will not be republished.

The establishment of an increase in the minimum hours of classroom instruction for law enforcement officers is the result of a series of task analyses conducted during the past several years, initially, with the aid of Texas A&M University and recently with Sam Houston State University. Training needs are identified by frequency of task performance and by criticality. Approximately 50% of all entry-level peace officers (entering law enforce-

ment during the study period) were included in the study. Factors included in the study are the size, type of department, and geographic location of a law enforcement agency. The adopted amendments, in addition to representing an increase in the hours of classroom instruction, also provide for a major revision of the course outline and content, thereby assuring job-related training.

The amendments increase the training standards for regular peace officers to a minimum of 400 hours of classroom instruction. Basic reserve law enforcement officer training requirements are amended to provide for a minimum of 145 hours of classroom instruction. Additionally, under the proposed training regulations, reserve law enforcement officers may opt to qualify for regular peace officer certification by complying (under a three-level process) with the training standards required of regular peace officers. A three-level training process consists of 145 hours of basic level reserve training, 131 hours of intermediate level reserve training, and 124 hours of advanced level reserve training for a total of 400 hours. Officers holding permanent reserve law enforcement officer certification upon the effective date of the amendments will be grandfathered into the intermediate reserve officer certification level.

Comments in favor of the proposal were received from Al J. Notzon, III, executive director, Alamo Area Council of Governments; and Cyndi Taylor Krier, State Senator, District 26. The commentators were in support of the promotion of professionalism as represented by increased training standards; felt that consideration should be given to an implementation date of September 1, 1985; and noted that estimated fiscal implications were extremely low.

The agency disagrees with the comments. An implementation date of September 1, 1985, was ruled on by the full board of commissioner at its regular open meeting of May 1, 1985. After a discussion addressing the issues relating to establishing an effective date, a record vote was taken. A motion setting the effective date at September 1, 1985, was seconded, and the motion passed. The board felt that the date of September 1, 1985, coupled with the March 8, 1985, proposal publication date, gave sufficient notice of the intended amendments. The fiscal note, as published in the proposal, is changed to clarify that the estimate was based on a per basic course basis. That is, the anticipated effect on local government in 1985 is an estimated additional cost of \$3,800 per basic course. In 1986, the anticipated effect on local government is an estimated additional cost of \$5,977 per course. No comments were received in opposition to the proposal.

The amendments are adopted under Texas Civil Statutes, Article 4413(29aa), §2, which provide the commission with the authority to establish minimum standards that relate to competence and reliability, including training for licensing as law enforcement officers; and to establish procedures for the issuance of proficiency certificates based upon law enforcement training, education, and experience.

**§211.85. Proficiency Certificates.**

(a) General provisions.

(1) In accordance with the provisions and standards hereinafter set forth, the Texas Commission on Law Enforcement Officer Standards and Education may, acting by and through the executive director of said commission, award the following proficiency certificates.

(A)-(C) (No change.)

(D) a basic reserve law enforcement proficiency certificate,

(E) an intermediate reserve law enforcement officer proficiency certificate,

(F) a crime prevention inspector proficiency certificate, and

(G) a jailer proficiency certificate.

(2)-(3) (No change.)

(4) To be eligible for the award of an intermediate or advanced certificate provided herein, each applicant shall be a licensed Texas peace officer or a licensed reserve law enforcement officer and currently under appointment as a peace officer or as a reserve law enforcement officer.

(5) Law enforcement experience means actual time served as a peace officer or reserve law enforcement officer. The acceptability of time served as a peace officer in a jurisdiction other than the State of Texas, or in a jurisdiction which did not comply with the minimum standards for licensing, shall be subject to determination by the commission, acting by and through its executive director.

(6)-(8) (No change.)

(b)-(d) (No change.)

(e) A basic reserve law enforcement officer proficiency certificate may be awarded to a person who possesses a permanent reserve law enforcement officer license.

(f) An intermediate reserve law enforcement officer proficiency certificate may be awarded to a reserve officer who completes:

(1) the basic reserve law enforcement course prescribed by §211.77(f) of this title (relating to Minimum Training Standards Required for Peace Officers and Reserve Law Enforcement Officers); and

(2) the training prescribed by §211.79(d) of this title (relating to Minimum Training Standards Required for Peace Officers and Reserve Law Enforcement Officers); or

(3) the training prescribed by §211.77(g)(1)-(8) of this title (relating to Minimum Training Standards Required for Peace Officers and Law Enforcement Officers) and received a passing score on the licensing examination required by Texas Civil Statutes, Article 4413(29aa), §6(B).

(g) An intermediate reserve law enforcement proficiency certificate may be awarded

to a person who:

(1) completes a commission-approved basic course for reserve law enforcement officers prior to September 1, 1985, and

(2) is appointed and licensed as a reserve law enforcement officer prior to September 1, 1985.

(h) A jailer proficiency certificate may be awarded to a person who possesses a permanent jailer license.

(i) A crime prevention inspector proficiency certificate may be awarded to a person who is a licensed Texas peace officer currently under appointment as a peace officer and who has completed a commission-approved course of instruction in basic crime prevention.

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  
July 1, 1985.

TRD-856199

Alfredo Villarreal  
General Counsel  
Texas Commission on  
Law Enforcement  
Officer Standards  
and Education

Effective date: September 1, 1985  
Proposal publication date: March 8, 1985  
For further information, please call  
(512) 834-9222.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources

#### Chapter 27. ICF-MR

##### Subchapter. DD. Administrative Policies and Procedures

###### ★ 40 TAC §27.2917

The Texas Department of Human Resources adopted new §27.2917, without changes to the proposed text published in the April 2, 1985, issue of the *Texas Register* (10 TexReg 1102).

Section 27.2917 addresses the responsibilities of an Intermediate Care Facility for the Mentally Retarded (ICF-MR) that admits school-age residents between the ages of 3 and 21 years, inclusive, who are eligible for public school services. The department is adopting this new section in response to 19 TAC §89.259 of the Texas Education Agency's rules. Section 89.259 concerns the provision of services for students living in an ICF-MR.

New §27.2917 will provide a framework for establishing cooperative agreements between school districts and intermediate care facilities for the mentally retarded. These agreements will ensure that each eligible school-age resident in an ICF-MR

receives the public education to which he is entitled under state and federal laws.

The department received written comments supporting the proposal from the Texas Association of Retarded Citizens. Written comments were also received from the Texas Association of Private ICF-MR Providers. The Texas Association of Private ICF-MR Providers did not favor or oppose the proposal. The association did, however, express concerns and recommendations about specific portions of the proposed rule.

The following is a summary of the association's comments, and the department's response to each comment. The association expressed a concern that the possible failure of a school district to enter into a cooperative agreement with an ICF-MR could jeopardize the ICF-MR's contract. The department supports the right of each eligible school-age resident to receive a public education. The department believes that this essential service should be readily available to school-age residents, and this was the reason for the development of both the Texas Education Agency section and the department's section. The department considers the possibility of a school district failing to

enter into a cooperative agreement to be extremely rare. If this should happen, the ICF-MR may contact the department to resolve the problem. The association expressed concern about a provision in the section which allows the school district staff to participate in the ICF-MR's interdisciplinary team meetings for program planning. This provision was a concern because educational services are not reimbursable through the ICF-MR Program. The department disagrees with this concern, since federal regulations indicate that an ICF-MR is responsible for ensuring that its residents' needs are met, even if outside services are necessary, regardless of the reimbursement source. This provision provides an opportunity to facilitate communication. The school district's participation is allowed, but not mandated. The ICF-MR is not penalized if the school district chooses not to participate. The association's final concern related to the requirement that the cooperative agreement include a provision allowing the ICF-MR staff to participate in or provide information to the school district's admission, review, and dismissal committee for its program planning. The concern was that this provision is also a Texas Education

Agency requirement and should be enforced by that agency. The department disagrees with this concern, since federal regulations promote the coordination of services for an ICF-MR's residents, regardless of administrative responsibility. The ICF-MR maintains the primary responsibility for its residents.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 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 July 12, 1985.

TRD-856198

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Resources

Effective date: August 2, 1985  
Proposal publication date: April 2, 1985  
For further information, please call  
(512) 450-3766.

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# 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*.

## Texas Department of Agriculture

**Wednesday, July 24, 1985, 2 p.m.** The Texas Department of Agriculture will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will receive comments on the possible revision of Texas Seed Law Regulation, §19.6(a), concerning the labeling of vegetable seeds and specifically regarding whether the "year packed for" time period should be changed as requested by the American Seed Trade Association.

**Contact:** John Metcalf, P.O. Box 12847, Austin, Texas 78711, (512) 463-7614.

**Filed:** July 11, 1985, 4:05 p.m.  
TRD-856183

**Thursday, July 25, 1985.** The Texas Department of Agriculture will conduct administrative hearings at 3652 North Dixie Street, Odessa. Times and agendas follow.

**11 a.m.** The department review a possible violation of the Texas Agriculture Code, §61.011, by Sam Miller, doing business as Acid Delinters of Pecos, Inc.

**11:30 a.m.** The department will review a possible violation of the Texas Agriculture Code, §61.004, by Bill Johnson, doing business as D and D Seed Supply, Inc.

**1:15 p.m.** The department will review possible violations of the Texas Agriculture Code, §§61.006, 61.004, 61.007, and 61.009, by Randall Conner, doing business as Farmers Seed and Supply.

**2 p.m.** The department will review a possible violation of the Texas Agriculture Code, §61.004 and §61.009, by Royce Beights, doing business as Custom Ag Services, Inc.

**Contact:** John Metcalf, P.O. Box 12847, Austin, Texas 78711, (512) 463-7614.

**Filed:** July 11, 1985, 4:05 p.m.  
TRD-856184-856187

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## Texas Air Control Board

**Friday, July 26, 1985, 9 a.m.** The Regulation Development Committee of the Texas Air Control Board and the full board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will discuss and consider proposed revisions to Regulation VI and the general rules; proposed revisions to Regulation V and control strategies for ozone and carbon monoxide; revisions to Regulation IV; and proposed rules for public notification and hearings for permit applications.

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

**Filed:** July 12, 1985, 2:09 p.m.  
TRD-856229

**Friday, July 26, 1985, 10:30 a.m.** The Texas Air Control Board will meet at 6330 East Highway 290 East, Austin. Items on the agenda summary include the approval of the June 28, 1985, meeting minutes; service awards; reports; consideration and action on proposed amendments to general rules, Regulations IV, V, and VI; a staff report concerning visibility trends in Texas; and new business.

**Contact:** Paul Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 452-5711, ext. 354.

**Filed:** July 12, 1985, 2:08 p.m.  
TRD-856230

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## Battleship Texas Advisory Board

**Saturday, July 13, 1985, 1 p.m.** The Battleship Texas Advisory Board met in emergency session at the Battleship Texas, 3527 Battleground Road, La Porte. Items on the agenda included the approval of minutes; updates on the architectural report and on fundraising; discussion of matters concern-

ing the advisory board; and discussion of the next meeting, agenda, and subcommittees, if necessary. The board also possibly met in executive session to discuss fundraising and contractual agreements. The emergency status was necessary because the architectural report needed to be discussed.

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

**Filed:** July 12, 1985, 2:07 p.m.  
TRD-856228

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## Texas Education Agency

**Friday, July 12, 1985, 7 a.m.** The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency (TEA) rescheduled a meeting on an emergency basis that was held in the board room, TEA North Building, 1200 East Anderson Lane, Austin. Items on the agenda included a presentation on the permanent school fund (PSF); review of PSF securities transactions; review of PSF investment portfolio; recommended PSF investment program for July and August; estimated funds from the PSF available for the July and August program; investment adviser services; investment officer report; special education; proprietary schools and veterans education; school-community guidance centers; secondary school vocational education; requirements for student attendance accounting for state funding purposes; proposed new 19 TAC §61.2, concerning school district annual performance report; proposed repeal of 19 TAC §105.49, concerning allocation of personnel units to the department of corrections; proposed new 19 TAC §105.49, concerning Windham Independent School District allotment; proposed amendment to 19 TAC §85.214, concerning operation of school buses; proposed amendment to 19 TAC §85.171, concerning transportation; regular student eligibili-



ty; proposed repeal of 19 TAC §85.184, concerning contracted transportation; proposed new 19 TAC §85.184, concerning contract with transportation company or system; proposed amendment to 19 TAC §78.122, concerning specific program requirements; proposed amendment to 19 TAC §75.168, concerning summer school programs; proposed amendment to 19 TAC §75.141, description of a well-balanced elementary curriculum; proposed amendment to 19 TAC §78.103, concerning vocational education: student eligibility—specific requirements; proposed repeal of 19 TAC §125.61, guide for determining indirect cost rates for federal grants and contracts; per capita apportionment 1985-1986 school year; proposed TEA electronic bulletin board; proposed preliminary plan for a coordinated database for accountability; TEA organization and annual plan/budget for 1985-1986; contracted school transportation services contract; options for foundation school program funding for community education for fiscal years 1986 and 1987; authority to utilize resources in support of the state labor market information (LMI) plan; recommendations for the apprenticeship and training advisory committee; proposed Job Training Partnership Act discretionary project: a continuation of the state occupational information coordinating committee's toll-free career and occupational information coordinating committee's toll-free career and occupational information service; proposal for grant under bilingual and vocational training; request for approval of distribution of legislative issues document and summary document; request for approval to count Texas Sequicentennial Day as a day of instruction; review of the mission statement, goals, objectives, and activities developed by the task force for the long-range master plan for vocational education in Texas for fiscal years 1986-1990. The meeting was originally scheduled for Thursday, July 11, 1985, at 2 p.m. The emergency status was necessary due to the lengthy agenda of items to be considered.

**Contact:** W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3723.

**Filed:** July 11, 1985, 4:22 p.m.  
TRD-856189

**Saturday, July 13, 1985, 8:30 a.m.** The State Board of Education of the Texas Education Agency made an emergency addition to the agenda of a meeting held in the board room, TEA North Building, 1200 East Anderson Lane, Austin. The addition concerned the mid-term Texas educational assessment of minimum skills for migrant students. The emergency status was necessary because this was originally listed as a committee discussion item only. It is being changed to a board action so that planning for a mid-term Texas educational assessment of minimum skills for migrant stu-

dents can go forward should the board decide to do it.

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

**Filed:** July 11, 1985, 1:13 p.m.  
TRD-856170

**Tuesday, July 16, 1985, 4 p.m.** The State Textbook Committee met in emergency session in the board room, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee held a briefing for the committee on textbook balloting procedures. The emergency status was necessary to ensure that the committee was clear about procedures to be followed in the next phase of the textbook adoption process.

**Contact:** J. Henry Perry, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** July 12, 1985, 4:10 p.m.  
TRD-856234

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### Texas Employment Commission

**Tuesday, July 23, 1985, 8:30 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda include prior meeting notices; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission docket 30; and setting the date of the next meeting

**Contact:** Courtenay Browning, TEC Building, Austin, Texas 78711, (512) 463-2226.

**Filed:** July 12, 1985, 9:15 a.m.  
TRD-856190

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### Officer of the Governor

**Friday, August 2, 1985, 3 p.m.** The Texas Commission on Child Support of the Office of the Governor will meet at the 327th Family District Court, City-County Building, 500 East San Antonio, El Paso. According to the agenda, the commission will hold a public hearing to accept testimony on the following topics: the development of guidelines and standards for determining the child support award; the establishment and enforcement of interstate child support orders; visitation and custody; the availability and cost of child support enforcement services on the state and local level; and automatic wage assignment.

**Contact:** Michael Kent, P.O. Box 12548, Austin, Texas 78711, (512) 475-5051.

**Filed:** July 15, 1985, 2:29 p.m.  
TRD-856303

**Friday, August 2, 1985, 3 p.m.** The Texas Commission on Child Support of the Office of the Governor will meet in the Health and Science Center Auditorium, Texas Tech University, 1400 Wallace Building, Amarillo. According to the agenda, the commission will hold a public hearing to accept testimony on the following topics: the development of guidelines and standards for determining the child support award; the establishment and enforcement of interstate child support orders; visitation and custody; the availability and cost of child support enforcement services on the state and local level; and automatic wage assignment.

**Contact:** Michael Kent, P.O. Box 12548, Austin, Texas 78711, (512) 475-5051.

**Filed:** July 15, 1985, 2:28 p.m.  
TRD-856302

### Texas Department of Health

**Saturday, July 20, 1985.** Committees of the Texas Board of Health and the Texas Board of Health of the Texas Department of Health will meet in the Granada Royale Hometel, 5215 Loop 289, Lubbock. Times, rooms, committees, and agendas follow.

**8 a.m.** In Room 201, the Personnel Committee will discuss the appointment to the Texas Emergency Medical Services Advisory Council and appointments to the Advisory Committee on Nursing Home Affairs

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

**Filed:** July 12, 1985, 4:16 p.m.  
TRD-856232

**8 a.m.** In Room 301, the Environmental Health Committee will discuss environmental health items.

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

**Filed:** July 12, 1985, 4:17 p.m.  
TRD-856231

**9 a.m.** In the Barcelona Room, the board will consider the following items: approval of the May 31 and June 1, 1985, board meeting minutes and amendment to the minutes of the June 16, 1984, board meeting; commissioner's report; Budget Committee report on approval of transfer of funds to utilities and approval of transfer of funds from 1984 unexpended balances to the San Antonio State Chest Hospital; Personnel Committee report on appointment to the Texas Emergency Medical Services Advisory Council and appointments to the Advisory Committee on Nursing Home Affairs; proposed amendments to

rules concerning the department's formal hearing procedures; rule concerning prophylaxis against ophthalmia neonatorum; rules concerning the registration of professional sanitarians; proposed new rule concerning the reporting of occupational diseases, fees for frozen desserts, fees for milk and milk products, and fees for registration of hazardous substances manufacturers; proposed rules concerning drinking water standards governing drinking water quality and reporting requirements for public water systems; final adoption of the Crippled Children's Services Program rules of the Kidney Health Carte Program rules, of amendments to the hospital licensing standards, rules relating to the licensure of speech-language pathologists and audiologists, rule concerning serologic testing for antibodies to human T-cell lymphotropic virus, type III (HTLV-III), and final adoption of amendments to the nonhazardous solid waste rules; emergency and proposed rules concerning licensure fees for home health care agencies, concerning the certification of waterworks operators, the certification of bottled water plant operators, and the certification of residential water treatment facility operators; emergency and proposed new rules concerning the regulation of wholesale distributors of drugs; emergency and proposed amendments to the rules concerning registration fees for manufacturers of food; program overview—public health region 2/12; announcements and comments (no board action required); and consider the meeting date for August 1985. The board will also meet in executive session.

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

**Filed:** July 12, 1985, 4:16 p.m.  
TRD-856233

**Wednesday, July 24, 1985, 1:30 p.m.** The Advisory Board of Athletic Trainers of the Texas Department of Health will meet at the convention center, Waco. Items on the agenda include approval of minutes from previous meeting; briefing of new board members regarding law and general requirements and guidelines; request for approval of apprenticeship under physical therapist requirements; individual appeals regarding disapproved applications; formal appeal on suspended license of Allan Haile; action on delinquent renewals and continuing education; election of vice chairman; appointment of new administrative services committee; and other matters relating to the licensure and regulation of athletic trainers (no board action required).

**Contact:** Maurice B. Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

**Filed:** July 15, 1985, 4:08 p.m.  
TRD-856314

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### Texas Health and Human Services Coordinating Council

**Monday, July 22, 1985, 1 p.m.** The Issues Committee of the Texas Health and Human Services Coordinating Council will meet in the Senate Chambers, State Capitol, Austin. Items on the agenda include consideration of the May 3 minutes; Data and Information Development and Planning and Goals Subcommittees' report; and the Studies Subcommittee report.

**Contact:** Lynn Leverty, P.O. Box 12428, Austin, Texas 78711, (512) 475-1306.

**Filed:** July 11, 1985, 1:25 p.m.  
TRD-856169

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### Texas Historical Commission

**Monday, July 22, 1985, 8:30 a.m.** The Main Street Committee of the Texas Historical Commission will meet at the Indian Lodge Hotel, Fort Davis. According to the agenda summary, the committee will discuss the budget for 1986-1987.

**Contact:** Anice Read, P.O. Box 12276, Austin, Texas 78711, (512) 475-4407.

**Filed:** July 12, 1985, 1:53 p.m.  
TRD-856241

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### Texas Department of Human Resources

**Tuesday, July 23, 1985, 9:30 a.m.** The Church Relations Advisory Group (CRAG) of the Texas Department of Human Resources will meet at 1165 Airport Boulevard, Austin. Items on the agenda include legislative update; planning for CRAG program involvement—report of subcommittee, choice of interest groups, meeting dates for fiscal year 1986, and report of visit to Corpus Christi Metro Ministries; and AFDC/food stamp application process—need for emergency food sources in the community.

**Contact:** Lucy Todd, P.O. Box 2960, Austin, Texas 78769, (512)450-3129.

**Filed:** July 15, 1985, 1:53 p.m.  
TRD-856299

**Tuesday, July 23, 1985, 9:30 a.m.** The Texas Board of Human Resources of the Texas Department of Human Resources (DHR) will meet in the DHR board room, first floor, East Tower, 701 West 51st Street, Austin. Items on the agenda include approval of the April 24, 1985, minutes; adjustments to fiscal year 1985 operating budget; approval of fiscal year 1986 operating plan; nurse-midwife services; Medicaid hospital services—reimbursement methodology and limitation on contracts with hospitals; eyeglass program; eligibility requirements for Medicaid community based

waivers; nursing home program—facility standards; compliance with House Bill 403, reimbursement methodology; allowable and unallowable costs, and moratorium on nursing home beds; modification of standards for contractors providing intermediate care for the mentally retarded; vendor drug program—Texas maximum allowable cost rules, dispensing fee schedule, and report on estimated acquisition cost; implementation of the residential health care program; demonstration project, shared attendant care; revision of the job training work experience project; unaccompanied minor refugee program; amendments to family violence policies; grant and need standard increase for aid to families with dependent children; Food Stamp Program changes; income eligibility for Home Energy Assistance Program; emergency nutrition and temporary emergency relief program; changes in Medicaid coverage for children in agency conservatorship; policy changes in the Child Care Food Program; child-placing agencies for noninstitutional care; implementation of licensing rules resulting from new legislation; approval of final rules—food stamp program: basis of issuance tables and changes in Medicaid eligibility policies (Lynch v. Rank); amendments to policies and procedures; appointments to advisory committees; and the commissioner's report.

**Contact:** Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 450-3045.

**Filed:** July 15, 1985, 4:01 p.m.  
TRD-856300

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### State Board of Insurance

**Friday, July 19, 1985, 10 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will discuss additional repairs to the annex building with State Purchasing and General Services Commission and whether it should have any additional meetings regarding the new building.

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

**Filed:** July 11, 1985, 3:37 p.m.  
TRD-856182

**Tuesday, July 23, 1985, 9 a.m.** The State Board of Insurance will meet in the hearing room, DeWitt Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the board will hold a public hearing to consider amendments to workers' compensation insurance manual rules, endorsements and policy forms, rating plans, including retrospective rating plans, classification plans and statistical plans, and to consider revision of workers' compensation and employers' liability insurance rates and rating values, including

U.S. longshoremen's and harbor workers' and stevedoring rates, based on experience and the statutorily mandated benefits increase.

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

Filed: July 15, 1985, 3:26 p.m.  
TRD-856311

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

**Tuesday, July 23, 1985, 9 a.m.** In Room 342, Docket 9015—whether disciplinary action should be taken against Texas Commercial Insurance Agency, Inc., Austin, who holds a local recording agent's license issued by the board.

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

Filed: July 15, 1985, 11:59 a.m.  
TRD-856289

**Tuesday, July 23, 1985, 1:30 p.m.** In Room 342, Docket 8018—whether disciplinary action should be taken against James E. Davis, Jr. and Mary C. Davis, doing business as Guaranty Title Company of Grimes County, Anderson, which holds a title insurance agent's license issued by the board.

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

Filed: July 15, 1985, 11:59 a.m.  
TRD-856290

**Tuesday, July 23, 1985, 3 p.m.** In Room 342, Docket 8019—whether disciplinary action should be taken against Falls County Abstract Company, Marlin, which holds a title insurance agent's license issued by the board.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 15, 1985, noon.  
TRD-856291

**Wednesday, July 24, 1985, 9 a.m.** In Room 353, Docket 9030—application of Ann Cross Marchant, Denton, for a solicitor for local recording agent's license.

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

Filed: July 15, 1985, noon.  
TRD-856292

**Wednesday, July 24, 1985, 10 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will hear proposals for decisions in the appeals of Armando Rossi, *et ux*, and Richard L. Merrill and Thea M. Fabio from actions of the Texas Catastrophe Property Insurance Association; board orders on several different matters; the fire marshal's report

concerning personnel; the commissioner's report concerning litigation and personnel; and discuss the Texas Administrative Code and an emergency amendment to Rule 059.04.07.014, to adopt a new charge for the board publication of insurance-related legislation.

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

Filed: July 15, 1985, 3:26 p.m.  
TRD-856310

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

**Thursday, July 25, 1985, 9 a.m.** In Docket 8085—whether disciplinary action should be taken against Virginia Lee Berge, Cleburne, who holds a group II insurance agent's license issued by the board.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 15, 1985, noon.  
TRD-856293

**Thursday, July 25, 1985, 1:30 p.m.** In Docket 8020—whether disciplinary action should be taken against Admiral Title Company, Houston, which holds a title insurance agent's license issued by the board.

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

Filed: July 15, 1985, noon.  
TRD-856294

**Thursday, July 25, 1985, 3 p.m.** In Docket 8021—whether disciplinary action should be taken against Metropolitan Title Company, Houston, which holds a title insurance agent's license issued by the board.

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

Filed: July 15, 1985, noon.  
TRD-856295

**Friday, July 26, 1985, 9 a.m.** In Docket 9028—whether disciplinary action should be taken against Jack Donald Hunter, White-wright, who holds a group I legal reserve life insurance agent's license, group II health and accident insurance agent's license, local recording agent's license, and surplus lines agent's license issued by the board.

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

Filed: July 15, 1985, noon.  
TRD-856296

**Friday, July 26, 1985, 3 p.m.** In Docket 8022—whether disciplinary action should be taken against Stewart Title Company, Dallas, which holds a title insurance agent's license issued by the board.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 15, 1985, noon.  
TRD-856297

**Monday, July 29, 1985, 9 a.m.** In Docket 8096—whether disciplinary action should be taken against John Ralph Dalton, Fort Worth, who holds a group I legal reserve life insurance agent's license and local recording agent's license issued by the board.

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

Filed: July 15, 1985, noon.  
TRD-856298

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### Texas Board of Irrigators

**Tuesday, July 23, 1985, 2 p.m.** The Texas Board of Irrigators will meet in the commissioners courtroom, Taylor County Courthouse, 300 Oak Street, Abilene. According to the agenda summary, the board will consider whether to refer complaints against Bradley Taylor, Licensee 1099, and Gregory Taylor, Licensee 1189, doing business as Taylor Landscape and Lawn Sprinkler Company of Abilene, to the Texas Water Commission for revocation of their certificates of registration for alleged gross negligence, incompetency, or misconduct while acting as licensed irrigators or alleged violation of Texas Civil Statutes, Article 8751, or the board's rules. The chairman will report on the status of various matters of interest to the board.

Contact: Joyce Watson, Stephen F. Austin Building, Room 431, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-7990.

Filed: July 15, 1985, 3:40 p.m.  
TRD-856312

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### Texas Commission on Jail Standards

**Wednesday, July 24, 1985, 9 a.m.** The Texas Commission on Jail Standards will meet in Room 100, Employees Retirement Building, 18th and Brazos Streets, Austin. Items on the agenda include reading and approval of May 22, 1985, meeting minutes; director's report; standards—access to records/electro-mechanical locks; low risk facilities, Midland, Waller, Bosque, Denton, and Polk Counties; Morgan Building Company, Edwards, Frio, Webb, Rusk, Val Verde Counties, pre-trial jail reduction program (Mr. Monks); applications for variance for Armstrong, Dickens, Fisher, Jones, Midland, Nueces, Tarrant, and

Wharton Counties. The commission will also meet in executive session.

Contact: Robert O. Viterna, P.O. Box 12985, Austin, Texas 78711, (512) 475-2716.

Filed: July 15, 1985, 11 a.m.  
TRD-856287

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### Texas National Guard Armory Board

Friday, August 2, 1985, 10 a.m. The Texas National Armory Board will meet in the conference room, Building 64, Camp Mabry, Austin. Items on the agenda summary include administrative matters, fiscal matters, and facility construction, remodeling, and renovation.

Contact: Donald J. Kerr or Kathleen Howell, P.O. Box 5218, Austin, Texas 78763, (512) 451-6394.

Filed: July 16, 1985, 9:23 a.m.  
TRD-856318

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### Board of Pardons and Paroles

Monday-Thursday, July 23-25, 1985, 1:30 p.m. daily, and Friday, July 26, 1985, 11 a.m. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78711, (512) 459-2713.

Filed: July 12, 1985, 10:33 a.m.  
TRD-856192

Tuesday, July 23, 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: July 12, 1985, 10:33 a.m.  
TRD-856193

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### Texas Parks and Wildlife Department

Friday, July 26, 1985, 9 a.m. The Parks Division of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. According to the agenda, the division will conduct a hearing in accordance with the Parks and Wildlife Code, Chapter 26, to receive comments regarding an easement request by the City of Burnet for a 16 inch water pipeline and roadway across a portion of Inks Lake State Park, Burnet County.

Contact: Loyd K. Booth, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4909.

Filed: July 15, 1985, 2:16 p.m.  
TRD-856301

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### Texas Public Building Authority

Wednesday, September 4 and 5, 1985, 3 p.m. daily. The Texas Public Building Authority (TPBA) will meet at Reynolds, Allen and Cook, Inc., 3300 Allied Bank Plaza, Houston. Items on the agenda include the approval of the June 12, 1985, meeting minutes; adoption of a new agency seal; consideration and approval of a resolution authorizing TPBA revenue bonds, Series 1985A; a lease agreement with the State Purchasing and General Services Commission; a trust indenture with Allied Bank of Texas; a bond purchase agreement with certain underwriters; other matters in connection with the previous items; and the setting of a time and place for the next meeting.

Contact: Gayle Colby, 907 Sam Houston Building, 400 West 15th Street, Suite 404, Austin, Texas 78701, (512) 475-0290.

Filed: July 15, 1985, 3:19 p.m.  
TRD-856308-856309

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### Public Utility Commission of Texas

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

Monday, July 22, 1985, 1:30 p.m. A prehearing conference in Docket 5914—application of Travis County Water Control and Improvement District 17 for a Water Utility certificate of convenience and necessity. The meeting originally was scheduled for July 22, 1985, at 10 a.m.

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

Filed: July 12, 1985, 2:43 p.m.  
TRD-855236

Addition to the previous agenda:

A presentation of Dickens Electric Cooperative management audit.

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

Filed: July 11, 1985, 2:43 p.m.  
TRD-856178

Tuesday, July 23, 1985, 1:30 p.m. A prehearing conference in Docket 6380—application of Upshur-Rural Electric Cooperative Corporation for authority to change rates.

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

Filed: July 15, 1985, 2:42 p.m.  
TRD-856304

Thursday, July 25, 1985, 10 a.m. A prehearing conference in Docket 6314—application of the City of La Grange Utilities to amend its certificate of convenience and necessity to provide water utility service in Fayette County.

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

Filed: July 12, 1985, 2:43 p.m.  
TRD-856237

Thursday, July 25, 1985, 1:30 p.m. A prehearing conference in Docket 6265—application of the City of Castroville for authority to amend its certificate of convenience and necessity to provide electric utility service in Medina County.

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

Filed: July 11, 1985, 2:43 p.m.  
TRD-856179

Monday, July 29, 1985, 10 a.m. A prehearing conference in Docket 6375—application of Central Power and Light Company for a system-wide rate increase.

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

Filed: July 12, 1985, 2:42 p.m.  
TRD-856238

Friday, August 9, 1985, 10 a.m. A rescheduled prehearing conference in Docket 6169—inquiry of the Public Utility Commission into the service rendered and rates charged by Lame Duck Water Company. The meeting originally was scheduled for July 18, 1985, as published at 10 Tex-Reg 1498.

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

**Filed:** July 11, 1985, 2:44 p.m.  
TRD-856180

**Thursday, August 22, 1985, 10 a.m.** A rescheduled hearing on the merits in Docket 5586—application of Western Waterworks, Inc., for transfer of certificate of convenience and necessity to City of Willow Park; and Docket 6174—application of the City of Willow Park for a transfer of water certificate of convenience and necessity and for sewer certificate of convenience and necessity within Parker County. The meeting originally was scheduled for July 9, 1985, as published at 10 TexReg 1368.

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

**Filed:** July 11, 1985, 2:43 p.m.  
TRD-856181

**Monday, September 9, 1985, 10 a.m.** A hearing on the merits in Docket 6338—application of Guadalupe Valley Electric Cooperative, Inc. for authority to change rates.

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

**Filed:** July 15, 1985, 2:42 p.m.  
TRD-856305

**Monday, September 23, 1985, 9 a.m.** A hearing on the merits in Docket 6309—application of General Telephone Company of the Southwest for customer-owned coin-operated telephone services.

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

**Filed:** July 12, 1985, 2:42 p.m.  
TRD-856239

**Monday, October 28, 1985, 10 a.m.** A hearing on the merits in Docket 6305—application of Diamond Pura Water Company for a certificate of convenience and necessity to provide water service within Comal and Hays Counties.

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

**Filed:** July 12, 1985, 2:42 p.m.  
TRD-856240

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### **Railroad Commission of Texas**

**Monday, July 15, 1985, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 309, 1124 IH 35 South, Austin. According to the revised agenda the commission considered Oil and Gas Docket 10-84,325—application of Brumark Corporation to consider reclassification, new field designation and tem-

porary field rules for HNG Oil Company's Britt 3 (100050) Lease, Well 1, currently assigned to Key (Morrow, Up.) Field, Wheeler County (protested). The emergency status was necessary because this item needed to be considered on less than the seven days notice as a matter of urgent public necessity. This item was properly noticed for the meeting of July 8, 1985, and was passed.

**Contact:** Don Walker, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1363.

**Filed:** July 12, 1985, 1:48 p.m.  
TRD-856211

Addition to the previous agenda:

Consideration of Oil and Gas Docket 4-83,123: Application of Wallace H. Scott, Jr., as trustee for the General Land Office, to extend indefinitely Rule 26(b) exceptions for state owned leases in Duval County. These exceptions were originally granted to Mobil as commingling permits 1221, 1249, and 1408. Manfred Production Company now operates the state owned acreage. Man-Gas operates the privately owned portions of the lease.

**Contact:** Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

**Filed:** July 12, 1985, 1:46 p.m.  
TRD-856210

**Monday, July 22, 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:** July 12, 1985, 1:47 p.m.  
TRD-856212

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:** July 12, 1985, 1:45 p.m.  
TRD-856213

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:** July 12, 1985, 1:44 p.m.  
TRD-856214

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:** July 12, 1985, 1:48 p.m.  
TRD-856215

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, (512) 445-1391.

**Filed:** July 12, 1985, 1:48 p.m.  
TRD-856221

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

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

**Filed:** July 12, 1985, 1:44 p.m.  
TRD-856217

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

**Contact:** Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1283.

**Filed:** July 12, 1985, 1:47 p.m.  
TRD-856224

Additions to the previous agenda:

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

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

**Filed:** July 12, 1985, 1:45 p.m.  
TRD-856218

Consideration of a staff recommendation to file a grant application with the U.S. Environmental Protection Agency for the Underground Injection Control Program in the amount of \$414,750 for fiscal year 1986.

**Contact:** Jerry Mullican, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1373

**Filed:** July 12, 1985, 1:44 p.m.  
TRD-856225

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:** July 12, 1985, 1:44 p.m.  
TRD-856219

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

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

**Filed:** July 12, 1985, 1:44 p.m.  
TRD-856220

The Surface Mining and Reclamation Division director's report on division ad-

ministration, budget, procedures, and personnel matters.

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

**Filed:** July 12, 1985, 1:45 p.m.  
TRD-856222

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:** July 12, 1985, 1:48 p.m.  
TRD-856223

The Office of Information Services consideration and possible action on the division's report on division administration, budget, procedures, and personnel matters

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1231.

**Filed:** July 12, 1985, 1:48 p.m.  
TRD-856216

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### Texas 1986 Sesquicentennial Commission

**Wednesday, July 24, 1985, 2 p.m.** The Texas 1986 Sesquicentennial Commission will meet in the Conference Room for the Deaf, ground floor, 510 South Congress, Austin. According to the agenda, the commission will discuss the commemorative and promotional products policy and take hearing testimony.

**Contact:** Randy M. Lee, P.O. Box 1986, Austi, Texas 78767, (512) 475-1986.

**Filed:** July 15, 1985, 3:45 p.m.  
TRD-856313

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### State Securities Board

**Friday, July 19, 1985, 9:30 a.m.** The State Securities Board submitted a revised agenda for a meeting to be held in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. The additions concern consideration of a possible new exemption pursuant to the Act, §5.T; and consideration of a petition pursuant to §2.G and 24.A by the American Stock Exchange regarding the commissioner's denial of a hearing to review Order 6.F.-716 and refusal to allow intervention in 6.F. proceeding relating to possible recognition of NASDAQ/NMS as an exchange.

**Contact:** Richard D. Latham, 1800 San Jacinto Street, Austin, Texas 78711, (512) 474-2233.

**Filed:** July 11, 1985, 4:10 p.m.  
TRD-856188

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### Texas State Technical Institute

**Friday, July 19, 1985, 10 a.m.** The Policy Committee on Fiscal Affairs of the Board of Regents of the Texas State Technical Institute (TSTI) will meet in the TSTI System Administration Building, Waco. According to the agenda, the committee will discuss the proposed operating budget for fiscal year 1986.

**Contact:** Theodore A. Talbot, Texas State Technicall Institute, Waco, Texas 76705, (817) 799-3611, ext. 3909.

**Filed:** July 15, 1985, 10:57 a.m.  
TRD-856288

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### Texas Water Commission

**Tuesday, July 30, 1985, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider Application 4362B by Wallace and Joyce Real, for an amendment to Permit 4032 as amended; adjudication of claims of water rights in the Cypress Creek Basin; and in the matter of the adjudication of claims of water rights in the Brazos IV Segment of the Brazos River Basin and San Jacinto-Brazos Coastal Basin

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** July 12, 1985, 3:38 p.m.  
TRD-856242

Addition to the previous agenda:

Consideration of the application of Royal Independent School District, P.O. Box 247, Brookshire, Texas 77423, to the Texas Department of Water Resources for a temporary order to authorize commencement of site preparation and construction of a 6,000 gallon per day capacity extended aeration sewage treatment facility prior to approval of the permit application so as to be able to provide service to the Royal Independent School District's Early Childhood Education Center before the beginning of the 1985-1986 school year. The facility is to be located immediately southwest of the intersection of FM Road 359 and North Street in the City of Pattison, Waller County.

**Contact:** Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 463-8087.

**Filed:** July 12, 1985, 2:24 p.m.  
TRD-856250

**Monday, August 5, 1985, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing to determine whether Emergency Order 85-28E, granted by the Texas Water Commission on July 1, 1985, to the City of Falls City, P.O. Box 399, Falls City, Texas 78113, should be affirmed, modified or set aside by the Texas Water Commission. The order permitted the City of Falls City to discharge 2.7 million gallons of partially treated wastewater via pipeline into Marcelinas Creek; thence to the San Antonio River in Segment 1901 of the San Antonio River Basin. The applicant stated such a request was necessary because applicant's stabilization ponds were full due to excess wastewater flows to the plant and an inability to irrigate which resulted from heavy rains.

**Contact:** John Vay, P.O. Box 13087, Austin, Texas 78711, (512) 463-8087.

**Filed:** July 12, 1985, 2:24 p.m.  
TRD-856248

**Tuesday, August 20, 1985, 9:30 a.m.** The Texas Water Commission will meet in the council chambers, La Grange City Hall, 155 East Colorado Street, La Grange. According to the agenda summary, the commission will consider the application of David L. Faldyn, doing business as Shady Oak Farm, P.O. Box 496, Route 1, La Grange, Texas 78945, to the Texas Department of Water Resources for Proposed Permit 02780 to authorize the disposal by irrigation of animal waste-henhouse washdown water from a poultry feed operation. The egg farm operation will initially contain 60,000 poultry and will be expanded in the future to contain a maximum of 120,000 poultry confined in two houses which will cover approximately 1.0 acre. Wastewater from the houses will be routed into settling tanks thence to clay-lined evaporation ponds with a retention capacity of approximately 19 acre-feet. The wastewater in the evaporation ponds will be recycled and reused as washdown water for the henhouse(s). Water from the retention ponds will be applied by irrigation to approximately 165 acres of farmland. Accumulated settleable matter in the pond will be periodically removed and disposed of on farmland. No discharge of pollutants into the waters of the state is authorized by this permit.

**Contact:** Christine McKeeman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** July 12, 1985, 2:22 p.m.  
TRD-856244

**Tuesday, August 20, 1985, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building,

1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of the City of Quitman, P.O. Box 516, Quitman, Texas 78783, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic sewage at a volume not to exceed an average flow of 300,000 gallons per day from its sewage treatment facility located approximately 660 feet north of State Highway 154 near the northeastern edge of Quitman, Wood County. The applicant proposes to renovate existing facilities.

**Contact:** Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 463-8087.

**Filed:** July 12, 1985, 2:24 p.m.  
TRD-856249

**Thursday, August 22, 1985, 9 a.m.** The Texas Water Commission will meet in the county courtroom, Henderson County Courthouse, Athens. According to the agenda summary, the commission will consider the application of Associates Utility Company, 6124 Beverlyhill, Houston, Texas 77057, to the Texas Department of Water Resources for Proposed Permit 13112-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 600,000 gallons per day from the proposed Hickory Hills Sewage Treatment Plant which is to be constructed in phases to serve the needs of a camp/recreational complex.

**Contact:** Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** July 12, 1985, 2:25 p.m.  
TRD-856243

**Wednesday, August 21, 1985, 9 a.m.** The Texas Water Commission will meet in the classroom, Rolling Hills Water Treatment Plant, 2500 Southeast Loop 820, Fort Worth. According to the agenda summary, the commission will consider the application of Jack Brock, P.O. Box 20, Keller, Texas 76248, to the Texas Department of Water Resources for Proposed Permit 13122-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the proposed JB Wastewater Treatment Plant which is to serve a proposed subdivision.

**Contact:** Joseph O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** July 12, 1985, 2:23 p.m.  
TRD-856245

Addition to the previous agenda:

Consideration of the application of Styrene Plastics, Inc., 3607 North Sylvania, Fort Worth, Texas 76111, to the Texas Department of Water Resources for Proposed Permit 02773 to authorize a discharge of treated process wastewater effluent at a volume not to exceed an average flow of 35,000 gallons per day (Outfall 001) and the

disposal by evaporation of deionizer water, boiler blowdown, skimmer water and cooling tower blowdown at a volume not to exceed an average of 13,400 gallons per day (Outfall 002) from a plant that manufactures polystyrene beads.

**Contact:** Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** July 12, 1985, 2:22 p.m.  
TRD-856246

**Wednesday, August 28, 1985, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on the petition for creation of Harris County Municipal Utility District 192, containing 337.699 acres of land.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** July 12, 1985, 2:23 p.m.  
TRD-856247

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## Regional Agencies

### Meetings Filed July 11

**The Brazos River Authority, Board of Directors,** met at 4400 Cobbs Drive, Waco, on July 15, 1985, at 9 a.m. Information may be obtained from Mike Bukala, 4400 Cobbs Drive, Waco, Texas (817) 776-1441.

**The Houston-Galveston Area Council,** met at 3555 Timmons, Houston, on July 16, 1985, at 9:30 a.m. Information may be obtained from Lawrence Dallam, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.

**The Lavaca County Central Appraisal District, Board of Directors,** met at 113 North Main Street, Hallettsville, on July 18, 1985, at 10 a.m. The Appraisal Review Board will also meet at the same location on July 19, 1985, at 10 a.m. Information may be obtained from Joe Pat Davis, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

**The Liberty County Central Appraisal District, Board of Directors,** will meet at 1820 Sam Houston, Liberty, on July 24, 1985, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

**The Lower Colorado River Authority, Natural Resources Committee** met at 3700 Lake Austin Boulevard, Austin, on July 16, 1985, at 1 p.m. The Audit and Budget Committee, the Finance and Administration Committee, the Energy Operations Committee, the Natural Resources Committee, and the Committee on Planning and Public Policy met at the same location on July 17,

1985, at 8 a.m., 8:30 a.m., 10 a.m., 11 a.m., and 1 p.m., respectively. The board of directors met at the same location on July 18, 1985, at 9 a.m. and in the auditorium, 41st Floor, One New York Plaza, New York, New York, on July 22, 1985, at 9 a.m. EST. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

**The Pecan Valley Mental Health Mental Retardation Region, Board of Trustees,** met at the work activity center, 102 Charles Street, Granbury, on July 17, 1985, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

TRD-856168

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### Meetings Filed July 12

**The Atascosa County Appraisal District, Board of Directors,** met at 1010 Zanderson, Jourdanton, on July 18, 1985, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

**The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees,** met in Room 305, Travis County Courthouse annex, 1010 San Antonio, Austin, on July 16, 1985, at 6 p.m. The board also met in the boardroom, 1430 Collier Street, Austin, on July 18, 1985, at 5 p.m., and on July 22, 1985, at 5 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

**The Bell County Appraisal District** will meet in the commissioners' courtroom, second floor, Bell County Courthouse, Belton, on July 24, 1985, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

**The Capital Area Rural Transportation System, Board of Directors,** met in the conference room, Suite 100, 2520 IH 35 South, Austin, on July 18, 1985, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2201 Post Road #103, Austin, Texas 78704, (512) 385-7473.

**The Central Texas Council of Governments, Central Texas Private Industry Council,** will meet at 302 East Central, Belton, on July 25, 1985, at 10 a.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513.

**The Dallas County Appraisal District, Appraisal Review Board,** will meet in the board room, 2601 Live Oak, Dallas, on July 19, 1985, at 2 p.m. Information may be obtained from Rick L. Kuehler, 2601 Live Oak, Dallas, Texas 75204, (214) 826-0030.

**The East Texas Council of Governments, JTPA Private Industry Council, met at 3800 Stone Road, Kilgore, on July 18, 1985, at 9:30 a.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.**

**The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on July 16, 1985, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.**

**The Henderson County Appraisal District, Appraisal Review Board, met at 101 East Corsicana, Athens, on July 18, 1985, at 9 a.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.**

**The Mills County Appraisal Review Board met in emergency session at the Mills County Courthouse, Goldthwaite, on July 15-17, 1985, at 9 a.m. daily. Information may be obtained from Doran Lemke, P.O. Box 565, Goldthwaite, Texas 76844.**

**The Nortex Regional Planning Commission, Executive Committee, will meet in the Clipper Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on July 25, 1985, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309. TRD-856191**

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### Meetings Filed July 15

**The Amarillo Mental Health and Mental Retardation Regional Center, Board of Trustees, met in emergency session in the MHMR boardroom, 1901 Medi-Park, Amarillo, on July 17, 1985, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.**

**The Ark-Tex Council of Governments, Executive Committee, will meet in the K.C. Steak and Seafood Restaurant, 1702 South, Mt. Pleasant, on July 25, 1985, at 5:30 p.m. Information may be obtained from Vivienne Arvin, Administrative Secretary, P.O. Box 5307, Texarkana, Texas 75501, (214) 832-8636.**

**The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on July 22, 1985, at 9 a.m. Information may be obtained from Bexar Appraisal Review Board, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.**

**The Cass County Appraisal District, Board of Directors, met in emergency session in the Cass County Appraisal District Office, 208 West Houston Street, Linden, on July 16, 1985, at 9 a.m. Information may be obtained from Janelle Clements, Chief Ap-**

**praiser, P.O. Box 167, Linden, Texas 75563.**

**The Cherokee County Appraisal District, Board of Directors, met at 107 East Sixth Street, Rusk, on July 18, 1985, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.**

**The Comal Appraisal District, Board of Directors, met in emergency session at 644 North Loop 337, New Braunfels, on July 15, 1985, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, Chief Appraiser, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597**

**The Dallas Area Rapid Transit, Budget and Finance Committee, met in emergency session in the DART Office, 601 Pacific Avenue, Dallas, on July 15, 1985, at 4 p.m.; the Communications and Community Involvement Committee met in emergency session at the same address, on July 17, 1985, at 4:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.**

**The Denton County Appraisal District, Board of Directors, met at the Denton County Appraisal District, 212 W. Sycamore, Denton, on July 18, 1985, at 3:30 p.m.; the Appraisal Review Board will meet at the same address, on July 19, 1985, at 9 a.m. Information may be obtained from Susan Apple, 212 West Sycamore, P.O. Box 2816, Denton, Texas 76201, (817) 566-0904.**

**The Fisher County Appraisal District, Appraisal Review Board, will meet in the Commissioner's Court, Fisher County Courthouse, on July 23, 1985, at 10 a.m. Information may be obtained from Teddy Kral, Chief Appraiser, Box 516, Roby, Texas 79543, (915) 776-2733.**

**The Gregg Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on July 23, 1985, at noon. Information may be obtained from William T. Carroll, Chief Appraiser, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.**

**The Hale County Appraisal District, Board of Directors, met in emergency session in the Central Appraisal Office, Plainview, on July 15, 1985, at 8 p.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.**

**The Jasper County Appraisal District, Appraisal Review Board, met in emergency session in the Jasper County Courthouse Annex, 102 North Austin Street, Jasper, on July 18, 1985, at 9 a.m. Information may be obtained from David W. Luther, Jasper County Appraisal District County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.**

**The Lampasas County Appraisal District, Review Board, will meet at 403 East Second Street, Lampasas, on July 19, 1985, at 9 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.**

**The Limestone County Appraisal District, Board of Directors, met in emergency session in the Appraisal District Office, Limestone County Courthouse, Groesbeck, on July 17, 1985, at 5 p.m. Information may be obtained from Clydene Hyden, Chief Appraiser, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.**

**The Lower Colorado River Authority, Energy Operations Committee, met in emergency session at 3700 Lake Austin Boulevard, Austin, on July 17, 1985, at 10 a.m. Information may be obtained from Elof H. Soderberg, General Manager, Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.**

**The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of Directors, met in emergency session in Dena's Restaurant (breakfast meeting), 711 East Main, Alice, on July 16, 1985, at 7 a.m. Information may be obtained from Wilbur F. Erck, Route 2, Box 325, Alice, Texas 78332, (512) 664-1325.**

**The Red River Industrial Development Authority, Board of Directors, met in emergency session in Room 218, Activity Center, 1001 Indiana, Wichita Falls, on July 18, 1985, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.**

**The Red River Authority of Texas, Board of Directors, met in emergency session in Room 218, Activity Center, 1001 Indiana, Wichita Falls, on July 18, 1985, at 10 a.m. Information may be obtained from Ronald J. Glenn, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.**

**The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at the Central Administration Offices, Highway 80 West at Sun Camp Road, Longview, on July 25, 1985, at 7 p.m. Information may be obtained from Ronald R. Cookston, ED.D., Executive Director, Sabine Valley Regional MHMR Center, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.**

**The Upper Leon River Municipal Water District, Board of Directors, will meet in the General Office of the Filter Plant, Lake Proctor, Comanche County, on July 25, 1985, at 6:30 p.m. Information may be obtained from Upper Leon River Municipal Water District, Box 67, Comanche, Texas 76442, (817) 879-2238.**

**The West Texas Council of Governments, Board of Directors, will meet in the 8th floor conference room, Two Civic Center**



Plaza, El Paso, on July 19, 1985, at 9:30 a.m.; the Executive Committee will meet at 1025 East North 10th, Abilene, on July 24, 1985, at 12:45 p.m. Information may be obtained from Cecile C Gamez, Executive Secretary, West Texas Council of Governments, Two Civic Center Plaza, El Paso, Texas 79999; and Brad Helbert, Executive Director, WCTCOG, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

**The Wheeler County Appraisal District, Board of Review, will meet in the Commissioner's Courtroom, Wheeler County Courthouse, Wheeler, on July 25, 1985, at 9 a.m. Information may be obtained from Marilyn Copeland, Chief Appraiser, P.O. Box 349, Wheeler, Texas 79096, (809) 826-5900.**

**The Wood County Appraisal District, Board of Directors, met in emergency session in the Conference Room, Wood Coun-**

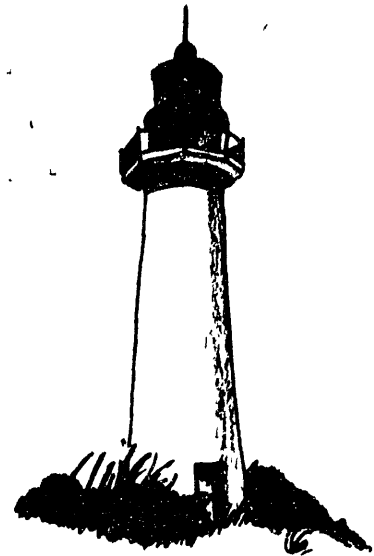
**ty Appraisal District, 217 North Main, Quitman, on July 18, 1985, at 1:30 p.m. Information may be obtained from Carson Wages or Teresa Poston, P.O. Box 951, Quitman, Texas 78783, (214) 763-4946. TRD-856285**

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#### **Meeting Filed July 16**

**The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on July 25, 1985, at noon. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-1803. TRD-856317**

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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.

## Texas Department of Agriculture Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Agriculture is requesting proposals for the services of a consultant.

**Proposal Specifications.** An applicant must have at least five years programming experience on a Burroughs computer system. He or she must be skilled in the design of computer systems and have demonstrated microcomputer experience. Also, that the applicant should be familiar with Texas agricultural statutes and regulations, since the applicant selected will be required to design and assist with developing computerized information systems to support the department's programs. Furthermore, the consultant shall assist and advise the department in the installation of microcomputers; assist in resolving microcomputer hardware or software problems; coordinate with the Data Processing Division in establishing communications between microcomputers in the field offices and computers in the central office; design applications for department microcomputers; design microcomputer training programs for department staff; answer questions posed by the department staff about microcomputers; and provide general consulting services to the department on microcomputer matters.

**Contact.** Written proposals are to be submitted to Annette Lovoi, Assistant Deputy Commissioner for Administration, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

**Deadline for proposal.** Proposals must be received no later than 5 pm, August 30.

**Evaluation Criteria.** Proposals will be judged on the following basis: demonstrated knowledge and expertise in the department's programs and their applications; working knowledge of the statutes under which the department operates; previous work experience, demonstrating a long-term association with computer system design and the operation and programming of computers and microcomputers; ability to meet departmental time frame requirements; and demonstrated ability to synthesize technical material and to rapidly prepare appropriate reports on findings.

**Contract Award.** Awarding of the contract will not necessarily be made to the bidder offering the lowest price, but to the lowest and best bidder, considering price and results of evaluation. Final selection will be made by the commissioner of the Texas Department of Agriculture based upon submitted qualifications and staff recommendations. It is the intent of the department to award this contract for consulting services to the private consultant that previously performed these services, unless a superior offer is submitted. However, this proposal request in no way obligates the department to execute a resulting contract. The right to reject any or all proposals is reserved.

**Notice of Contract Award.** The consultant selected will receive a letter notifying him or her of the contract award.

The letter will be issued not later than September 13, 1985. Notice will also be sent to unsuccessful applicants in the foregoing manner.

Issued in Austin, Texas, on July 10, 1985.

TRD-856171      Dolores Alvarado Hibbs  
Hearing Examiner  
Texas Department of Agriculture

Filed: July 11, 1985

For further information, please call (512) 463-7583.

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In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Agriculture is requesting proposals for services of a consultant.

**Proposal Specifications.** A consultant is being sought to assist the department in testing the effectiveness of various pesticides against the imported fire ant and determining the best methods of application and the proper dosage for effective treatment of colonies. Specifically, the position requires that the individual be responsible for the following tasks:

(1) study the effects of pesticides on multiple queen colonies of fire ants. Materials to be tested include Affirm<sup>®</sup>, Logic<sup>®</sup>, Pro-Drone<sup>®</sup>, and Amdro<sup>®</sup>;

(2) determine the most effective treatment methods to be used with various chemicals currently available to homeowners to control fire ants (when and how to treat mounds);

(3) monitor the effects of pesticide treatments on other species of ants in the treatment areas, monitor treated areas to determine how quickly fire ants reinfest them, develop strategies to slow down the rate of reinfestation; and

(4) monitor populations of native ant species and determine their possible impact on imported fire ant populations.

**Contact.** Written proposals are to be submitted to Dr. Ann Sorensen or Mark Trostle, Texas Department of Agriculture, Agricultural and Environmental Sciences Division, P.O. Box 12847, Austin, Texas 78711.

**Deadline for Proposal.** Proposals must be received at the specified address no later than 5 p.m. on September 9, 1985.

**Evaluation Criteria.** Proposals will be judged on the basis of a resume or vita which describes and shows evidence of professional expertise and experience in this very specialized area, strong written and oral communication skills, and the ability to work independently and with diverse groups. Finalists will be contacted by telephone if additional information is needed to make the final evaluation, and to schedule interviews as necessary.

**Contract Award.** Awarding of the contract will not necessarily be made to the bidder offering the lowest price, but to the lowest and best bidder, considering price, qualifications of bidder, and results of evaluation. Final

selection will be made by the project managers of this contract. It is the intent of the department to award this contract for consulting services to the private consultant that previously performed these services, unless a superior offer is submitted. However, this proposal request in no way obligates the department to execute a resulting contract. The right to reject any or all proposals is reserved. This contract is contingent upon availability of federal grant funds.

**Notice of Contract Award.** The consultant selected will receive a letter notifying him or her of the contract award. The letter will be issued not later than September 23, 1985. Notice will also be sent to unsuccessful applicants in the foregoing manner.

Issued in Austin, Texas, on July 10, 1985.

TRD-858194 Dolores Alvarado Hibbs  
Hearing Officer  
Texas Department of Agriculture

Filed: July 12, 1985  
For further information, please call (512) 463-7583.

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## Texas Department of Community Affairs Request for Proposal Amendment

In the March 22, 1985, issue of the *Texas Register* (10 TexReg 1001), the Texas Department of Community Affairs (TDCA) announced a request for proposals (RFP) from its Drug Abuse Prevention Division (DAPD) for the delivery of drug program services. The TDCA indicated that it would accept proposals offering to deliver services in any or all modes within any or all categories of a comprehensive continuum of care and would award funds and execute contracts for a 12-month period only, beginning October 1, 1985.

Senate Bill 601, Acts of the 59th Legislature, signed by the governor, transferred TDCA's authority to administer drug abuse prevention and treatment programs to the new Texas Commission on Alcohol and Drug Abuse (TCADA), effective January 1, 1986. As a consequence thereof, the TDCA exercises its right (as reserved in the RFP announcement at 10 TexReg 1002) to vary the provisions set forth in the RFP.

The TDCA has determined that a competitive procurement of drug abuse program services for the period between the starting date of new contracts and the time TDCA's authority to administer the state's drug abuse programs is transferred is neither cost effective nor the most practicable method of procurement given the changed circumstances. Therefore, to ensure and provide for an orderly transition to TCADA in a manner which is least disruptive to the continuity of service delivery and the administration of drug programs, the TDCA hereby modifies the RFP that appeared at 10 TexReg 1002 and procurement method as follows.

Except for the purpose indicated in the next paragraph, a competitive evaluation of proposals submitted in response to the March 22 RFP will not be used as the basis for funding programs for the period of October 1, 1985-December 31, 1985. All drug abuse programs which are current contractors with TDCA/DAPD will be evaluated on the basis

of compliance with programmatic, administrative, and fiscal requirements specified in their contracts. For those programs which are performing satisfactorily, the TDCA will enter into negotiations to extend contract performances through December 31, 1985.

A competitive evaluation of proposals submitted in response to the March 22 RFP will be used as the basis for possible funding of and the awarding of contracts to programs proposing to initiate and provide new drug program services for females. The amount of funding will be dependent upon the nature of the project being proposed and the availability of federal funds. Contingent upon successful negotiation of contracts, awards will be made upon completion of the review and evaluation process; and contracts will be executed as soon as is administratively feasible but will, in any event, terminate on December 31, 1985. Funding of new drug program services for females by the TDCA is to comply with earmarking requirements contained in federal law.

All prohibitions with respect to the use of federal funds and all other requirements stated in the March 22 RFP and the April 23 amendment to the RFP (10 TexReg 1301) shall continue to apply, except to the extent that they conflict with this modification. Any questions regarding this notice of modification should be directed to Ms. Del Hendricks, contracts officer, TDCA/DAPD at (512) 475-2311.

Issued in Austin, Texas, on July 15, 1985.

TRD-856252 Douglas C Brown  
General Counsel  
Texas Department of Community Affairs

Filed: July 15, 1985  
For further information, please call (512) 443-4100.

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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) 07/22/85-07/28/85	18.00%	18.00%
Monthly Rate— Article 1.04(c) <sup>(1)</sup> 07/01/85-07/31/85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/85-09/30/85	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 <sup>(3)</sup> 07/01/85-09/30/85	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) <sup>(3)</sup> 07/01/85-09/30/85	16.50%	N/A

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
Standard Annual Rate— Article 1.04(a)(2) <sup>(2)</sup> 07/01/85-09/30/85	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 <sup>(3)</sup> 07/01/85-09/30/85	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 06/01/85-09/30/85	18.42%	N/A
Judgment Rate— Article 1.05, §2 06/01/85-08/31/85	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 July 15, 1985.

TRD-856263 Sam Kelley  
Consumer Credit  
Commissioner

Filed: July 15, 1985  
For further information, please call (512) 475-2111.

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### Coordinating Board, Texas College and University System Appointment to Board of Directors

Appointment made June 24, 1985, by the Texas Guaranteed Student Loan Corporation to the Board of Directors for a term to expire January 31, 1987: Ms. Ruth-Ellen Gura, 3909 Becker Avenue, Austin, Texas 78751. Ms. Gura is appointed as the student member of the Board of Directors pursuant to the Texas Education Code, §57.13(d), replacing Mr. Ross Crow, of Houston, who resigned.

Issued in Austin, Texas, on July 9, 1985

TRD-856166 Kenneth H. Ashworth  
Commissioner of Higher Education  
Coordinating Board, Texas College  
and University System

Filed: July 11, 1985  
For further information, please call (512) 475-2033.

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### Texas Department of Health Public Hearing

Hays County has filed Application 1787 with the department for a permit to operate a proposed Type V municipal solid waste processing facility (transfer station) to be

located approximately one mile west of Wimberley, 0.9 mile south of FM Road 2325, at the south terminus of County Road 278 adjacent to the existing landfill, in Hays County.

The site consists of approximately 1.19 acres of land, and is to receive daily approximately 13 tons of solid waste under the regulatory jurisdiction of the Texas Department of Health.

The application is being processed, and the final decision will be made by the department pursuant to the provisions of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, the Texas Department of Health's municipal solid waste management regulations, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision.

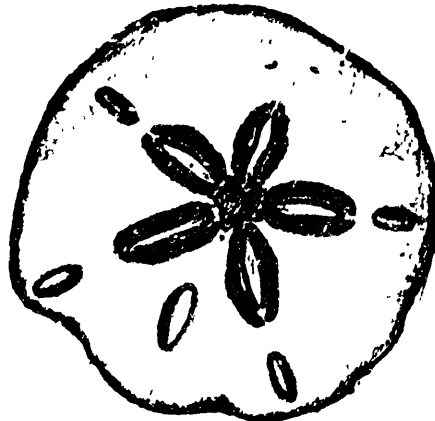
Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 6 headquarters located at 2408 South 37th Street, Temple, Texas 76503, (817) 778-6744.

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

TRD-856176 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: July 11, 1985  
For further information, please call (512) 458-7271.

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## Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

### NEW LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Dallas	GAF Building Materials	05-3811	Dallas	0	06/28/85
Throughout Texas	D-Arrow Inspection, Inc.	11-3816	Houston	0	06/28/85

### AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Bay City	Ebasco Services Inc	11-3370	Bay City	7	06/28/85
Cypress	Texas Instruments, Inc.	11-3489	Houston	3	06/25/85
Dallas	Presbyterian Hospital of Dallas	05-1586	Dallas	39	06/21/85
Denison	Conway Oil Company	05-3553	Denison	3	06/14/85
El Paso	Sierra Medical Center	03-2365	El Paso	14	06/17/85
Evadale	Temple-Eastex, Inc	10-1095	Silsbee	21	06/20/85
Fort Worth	Medical Plaza Hospital	05-2171	Fort Worth	14	06/21/85
Fort Worth	Petrochemicals/De-Soto, Inc	05-1115	Fort Worth	13	06/25/85
Harlingen	Valley Eye Center, P A	08-2639	Harlingen	2	06/21/85
Houston	Baylor College of Medicine	11-680	Houston	23	06/05/85
Houston	Baylor College of Medicine	11-420	Houston	23	06/05/85
Houston	PPG Industries, Inc	11-2439	Houston	6	06/26/85
Houston	Atlantic Richfield Company	11-187	Houston	25	06/25/85
Lone Star	Hospital in the Pines	07-3468	Lone Star	1	06/21/85
Lubbock	Texas Tech University	02-1869	Lubbock	33	06/12/85
Odessa	City of Odessa	12-2183	Odessa	4	06/25/85
Pasadena	TENN-USS Chemicals Company	11-3421	Pasadena	1	06/14/85
Pasadena	Mobil Chemical Company	11-3399	Pasadena	5	06/28/85
Pasadena	AES Deepwater, Inc	11-3746	Pasadena	1	06/28/85
Port Arthur	Texaco, U S A	10-227	Port Arthur	18	06/28/85
Richardson	The University of Texas at Dallas	05-2114	Richardson	26	06/21/85
San Antonio	Diagnostic Imaging Center, Ltd	09-3518	San Antonio	1	06/14/85
San Antonio	The University of Texas	09-1279	San Antonio	34	06/14/85
San Antonio	Nutopes	09-3709	San Antonio	3	06/21/85
San Antonio	Southwest General Hospital	09-2689	San Antonio	7	06/21/85
Stafford	Burzynski Research Institute, Inc	11-2948	Stafford	3	06/21/85
Throughout Texas	Pan American Industries, Inc	11-3669	Houston	2	06/17/85
Throughout Texas	Odell Geer Construction Company, Inc.	06-1804	Harker Heights	8	05/20/85
Throughout Texas	McClelland Engineers, Inc	11-58	Houston	19	05/20/85
Throughout Texas	Texas Nuclear	06-3524	Austin	2	05/20/85
Throughout Texas	Rountree & Company	07-3412	Longview	5	06/21/85

Throughout Texas	Component Sales and Service	11-2343	Houston	8	06/14/85
Throughout Texas	Pickett-Jacobs Consultants, Inc.	07-3690	Tyler	2	06/14/85
Throughout Texas	Satterfield Surveys Inc.	04-2307	Clyde	6	06/14/85
Throughout Texas	K and N Perforators	08-2300	Victoria	12	06/14/85
Throughout Texas	Celanese Chemical Company, Inc.	08-409	Corpus Christi	35	06/14/85
Throughout Texas	Cotton's Inspection Service, Inc.	12-2869	Odessa	7	06/14/85
Throughout Texas	Texas Department of Health	06-1155	Austin	21	06/11/85
Throughout Texas	All American Maintenance, Inc.	09-1336	San Antonio	11	06/19/85
Throughout Texas	Refrigeration Engineering Corp	09-3483	San Antonio	2	06/14/85
Throughout Texas	W H Henken Industries, Inc	05-967	Arlington	12	06/25/85
Throughout Texas	Ector County Health Department	12-3356	Odessa	1	06/25/85
Throughout Texas	Baker, Shiflett and Associates	05-2906	Fort Worth	4	06/25/85
Throughout Texas	Southwestern Laboratories	05-1934	Dallas	7	06/25/85
Throughout Texas	Armadillo Wireline Service, Inc.	12-3186	Andrews	7	06/25/85
Throughout Texas	Coastal Inspection Co.	11-3716	Abilene	5	06/27/85
Throughout Texas	Southwestern Laboratories	11-299	Houston	44	06/27/85
Throughout Texas	Dow Chemical Company	11-451	Preport	37	06/27/85
Throughout Texas	Lower Colorado River Authority	0-2738	Austin	6	06/27/85
Throughout Texas	Step Rate Testers, Inc.	12-3700	Odessa	1	06/24/85
Throughout Texas	Southwestern Laboratories	05-339	Dallas	35	06/26/85
Throughout Texas	Southwestern Laboratories	10-299	Beaumont	29	06/26/85
Throughout Texas	Troxler Electronics Laboratories	05-1286	Research Triangle	16	06/28/85
Throughout Texas	Pengo Wireline	05-3079	Fort Worth	21	06/28/85
Throughout Texas	SIE, Inc.	05-747	Fort Worth	36	06/28/85
Throughout Texas	Well Analysis Company, Inc.	07-3682	Tyler	2	06/28/85
Throughout Texas	Petroleum Measurement Corp	11-3060	Houston	4	06/27/85
Throughout Texas	Tyler Medical Center Hospital	07-977	Tyler	39	06/14/85
Throughout Texas	Woodville S & T Fabricators, Inc.	10-3652	Woodville	3	06/11/85

### RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Middletian	Gifford-Hill Cement Company of Texas	05-894	Middletian	11	07/01/85
San Antonio	Medical Center Opthamology	09-1343	San Antonio	9	06/21/85

### TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Angleton	Polymetals, Inc.	11-2996	Angleton	2	06/27/85
Garland	Texas Opto-electronics, Inc	05-3126	Garland	3	06/27/85
Houston	Houston Lighting and Power Co.	11-2634	Houston	7	06/25/85
Port Neches	Neches Butane Products Company	10-2308	Port Neches	3	06/25/85
Throughout Texas	Reservoir Data, Inc.	11-3235	Houston	1	06/20/85
Throughout Texas	ATEC Associates, Inc	11-2342	Houston	10	06/25/85
Throughout Texas	CAMCO Wireline, Inc.	08-2115	Corpus Christi	10	06/25/85
Throughout Texas	Southwestern Laboratories	07-1363	Temarkana	9	06/25/85
Throughout Texas	Caldwell Logging and Perforating Company, Inc.	06-2709	Caldwell	5	06/25/85
Throughout Texas	Southwestern Laboratories	05-2719	Dallas/Fort Worth	5	06/25/85

**LICENSES REVOKED:**

Location	Name	License #	City	Amend-ment #	Date of Action
Throughout Texas	United X-Ray Co	11-2376	Houston	8	06/19/85

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

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

TRD-856175 Robert A. MacLean,  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: July 11, 1985  
For further information, please call (512) 835-7000.



**State Board of Insurance  
Company Licensing**

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

(1) Application for admission to do business in Texas of Republic Indemnity Company of America, a foreign fire and casualty insurance company. The home office is in Encino, California.

(2) Application for a name change by Holiday Life Insurance Company, a foreign life insurance company. The home office is in Lincoln, Nebraska. The proposed new name is Combined American Insurance Company.

(3) Application for admission to do business in Texas of Citizens Security Life Insurance Company, a foreign life insurance company. The home office is in Frankfort, Kentucky.

(4) Application for an incorporation of Physicians Health Plan of West Texas, Inc., to be a domestic health maintenance organization. The home office is in El Paso, Texas.

(5) Application for an incorporation of Texas Health Plans, Inc., to be a domestic health maintenance organization. The home office is to be in Austin, Texas.

(6) Application for a name change by Columbus Mutual Life Insurance Company, a foreign life insurance company. The home office is in Columbus, Ohio. The proposed new name is Columbus Life Insurance Company.

(7) Application for admission to do business in Texas of Twentieth Century Life Insurance Company, a foreign life insurance company. The home office is in Cary, North Carolina.

(8) Application for admission to do business in Texas of Executive Life Insurance Company of New York, a foreign life insurance company. The home office is in Jericho, New York.

(9) Application for incorporation of Texas Dental Health Services, Inc., to be a domestic health maintenance organization. The home office is in Austin, Texas.

Issued in Austin, Texas, on July 9, 1985.

TRD-856254 James W. Norman,  
Chief Clerk  
State Board of Insurance

Filed: July 15, 1985  
For further information, please call (512) 475-2060.



## Texas Savings and Loan Department

### Application to Establish Remote Service Units

Application has been filed with the savings and loan commissioner of Texas by Richardson Savings and Loan Association, for approval to establish and operate remote service unit(s) at the following location(s): Consierge Center at Valley View Mall, Dallas.

The applicant association asserts that security of the association's funds and that of its account holders will be maintained, and the proposed service will be a substantial convenience to the public.

Anyone desiring to protest the application must file a written protest with the commissioner within 10 days following this notice. The commissioner may dispense with a hearing.

This application is filed pursuant to 7 TAC §§53.11-53.16 of the rules and regulations for savings and loan associations. Such rules are on file with the Office of the Secretary of State, Texas Register, or may be seen at the department's offices at the Finance Commission Building, 2601 North Lamar, Suite 201, Austin.

Issued in Austin, Texas, on July 8, 1985

TRD-856128      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 10, 1984  
For further information, please call (512) 475-7901.

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### Loan Office Application

Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent/Attorney
Number 85-122, Laredo Savings and Loan Association, Loan Office for 111 Soledad, Suite 1700, San Antonio, Bexar County	John Minne, CEO-President, Laredo Savings and Loan Association, Town Lake, 5219 McPherson, Laredo, Texas 78041-5219

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 53.5-53.7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas

The applicant association asserts that there is a need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such

enclosure may be counters or railings of less than ceiling height).

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than July 25, 1985

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on July 10, 1985.

TRD-856130      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 10, 1985  
For further information, please call (512) 479-1250.

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### Loan Office Application

Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent/Attorney
Number 85-112, First Texas Savings Association, Loan Office for 4803 Northwest Loop 410, Suite 212, San Antonio, Bexar County	Joe Epps, Vice President, First Texas Savings Association, 14951 Dallas Parkway, Dallas, Texas 75240

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 53.5-53.7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas.

The applicant association asserts that there is a need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height).

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than July 25, 1985.

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on July 10, 1985

TRD-856134      Russell R. Oliver  
                         General Counsel  
                         Texas Savings and Loan  
                         Department

Filed: July 10, 1985  
For further information, please call (512) 479-1250.

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## Loan Office Application

Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent/Attorney
Number 85-111, First Texas Savings Association, Loan Office, 2600 South Loop West, Suite 210, Houston, Harris County	Joe Epps, Vice President, First Texas Savings Association, 14951 Dallas Parkway Dallas, Texas 75240

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 53.5-53.7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas.

The applicant association asserts that there is a need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height).

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than July 25, 1985.

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on July 10, 1985

TRD-856129	Russell R. Oliver General Counsel Texas Savings and Loan Department
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Filed: July 10, 1985  
For further information, please call (512) 479-1250.

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## Loan Office Application

Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent/Attorney
Number 85-110, First Texas Savings Association, Loan Office, 9821 Katy Freeway, Suite 140, Houston, Harris County	Joe Epps, Vice President, First Texas Savings Association, 14951 Dallas Parkway Dallas, Texas 75240

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 53.5-53.7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas.

The applicant association asserts that: there is a need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height).

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than July 25, 1985.

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on July 10, 1985

TRD-856133	Russell R. Oliver General Counsel Texas Savings and Loan Department
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Filed: July 10, 1985  
For further information, please call (512) 479-1250.

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## Loan Office Application

Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent/Attorney
Number 85-108, Killeen Savings and Loan Association, Loan Office, One North Park East, Suite 200, Dallas, Dallas County	Odis E. Pippins, President, Killeen Savings and Loan Association, 616 North Gray Killeen, Texas 76541

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 53.5-53.7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas.

The applicant association asserts that there is a need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height).



Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than July 25, 1985.

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on July 10, 1985

TRD-856131      Russell R. Oliver  
                    General Counsel  
                    Texas Savings and Loan  
                    Department

Filed: July 10, 1985  
For further information, please call (512) 479-1250.

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### Loan Office Application

Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent/Attorney
Number 85-071, Meridian Savings Association, for 719 Ryan Plaza Drive, Suite 1G3, Arlington, Dallas County, Texas	Carl E. Oates Akin, Gump, Strauss, Hauer, & Feld 2800 RepublicBank Building Dallas, Texas 75201

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 53.5-53.7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas

The applicant association asserts that there is a need for the proposed office, the association has no serious supervisory problems which would affect its ability to properly operate such office, the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height)

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than July 25, 1985.

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on July 10, 1985

TRD-856132      Russell R. Oliver  
                    General Counsel  
                    Texas Savings and Loan  
                    Department

Filed: July 10, 1985  
For further information, please call (512) 479-1250

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### Texas Department of Mental Health and Mental Retardation Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation through Austin State Hospital serves notice of invitation for bids on a continuation of services heretofore performed by Adele Wallace, CSW, ACP.

**Description of Services.** Under the contract, the consultant will provide adult, child, and/or family psychotherapy to Austin State Hospital, Fort Bend County Outreach Center patients at Richmond. The consultant will also assist the center director with the development of treatment plans and updates, social histories and updates, and other related professional services on an as needed basis, which is to be determined by the outreach center director.

The consultant will be required to provide services at the Richmond office approximately two days per week, one of which must be Thursday between the hours of 8 a.m.-5 p.m. Services under the contract are to be provided from September 1, 1985-August 31, 1986. Bids should be submitted on a per hour basis. Submission deadline is 5 p.m. on August 15, 1985

**Evaluation Criteria.** The consultant must have a Master's Degree in social work from a school of social work accredited by the Council on Social Work Education, and must be certified by the state certification board as a certified social worker, advanced clinical practitioner. The consultant must have a minimum of three years paid experience in child and family counseling/psychotherapy. Some experience in substance abuse counseling is preferred.

**Contact Person.** Prospective bidders should contact Bascom L. Hodges, Director of Community Programs, Austin State Hospital, 4110 Guadalupe, Austin, Texas 78751, (512) 452-0381.

Issued in Austin, Texas, on July 12, 1985

TRD-856235      Gary E. Miller, M.D.  
                    Commissioner  
                    Texas Department of Mental Health  
                    and Mental Retardation

Filed: July 12, 1985  
For further information, please call (512) 465-4591.

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### Texas Rehabilitation Commission Correction of Error

A request for proposal submitted by the Texas Rehabilitation Commission contained an error as published in the July 5, 1985, issue of the *Texas Register* (10 TexReg 2209).

One of the project activities to be funded was inadvertently omitted and should read: Regional rehabilitation technology services for persons with developmental disabilities—A demonstration project to enhance the independent functioning of individuals with developmental disabilities by providing coordinated services and information about currently available technology and resources.

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