

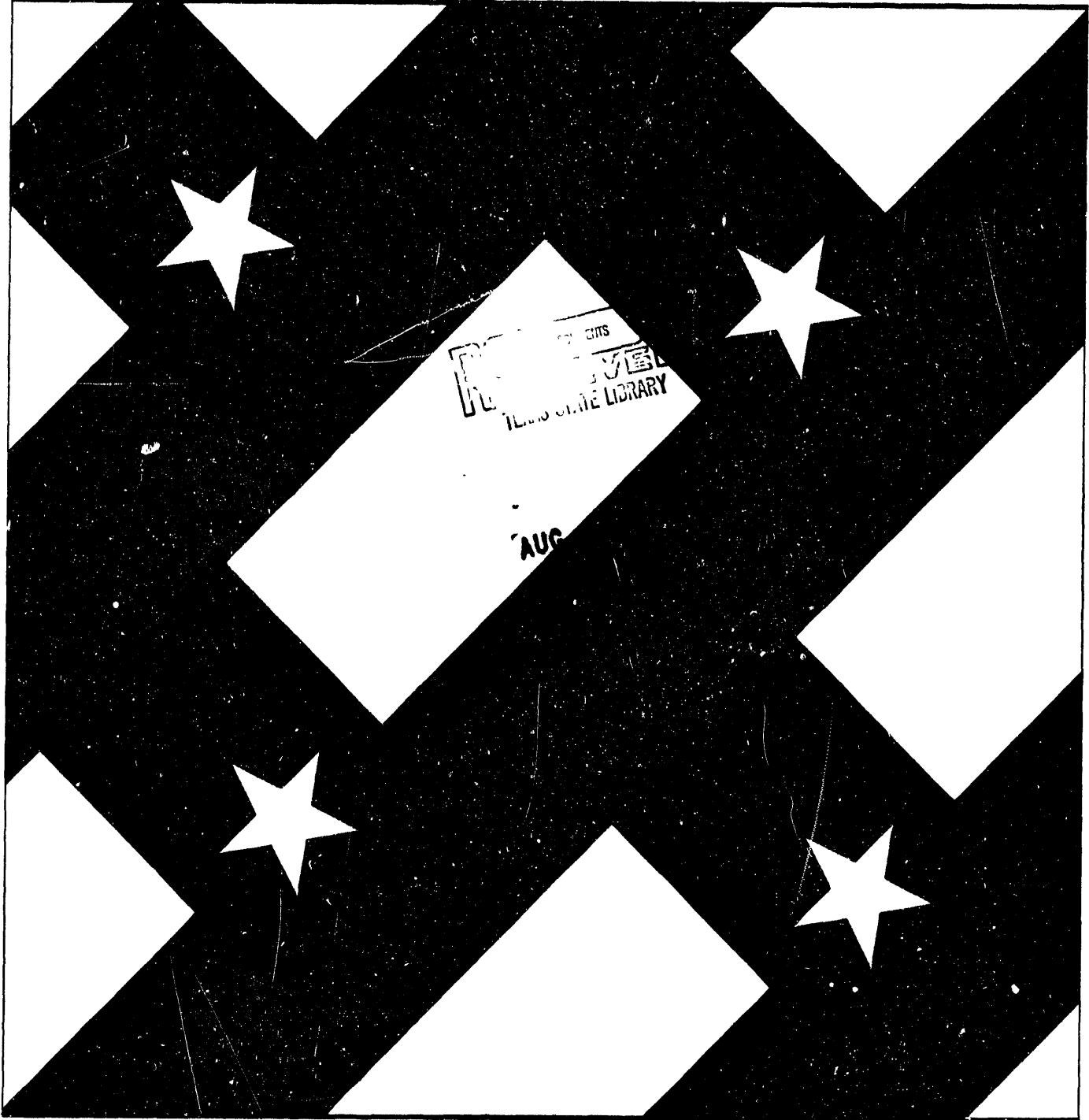
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Texas Register

Volume 10, Number 63, August 23, 1985

Pages 3197 - 3236



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The Comptroller of Public Accounts adopts an emergency amendment to a section concerning tax administration. Effective date - August 16.....page 3202

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Office of
the Secretary
of State

Texas Register

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

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- Attorney General—summaries of requests for opinions, opinions, and open records decisions
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- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 TexReg 3."

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

Texas Administrative Code

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

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

TAC stands for the *Texas Administrative Code*;

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



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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

Appointment Made August 13

Sixth Supreme Judicial District

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

Ben Z. Grant
Harrison County Courthouse
Marshall, Texas 75670

Judge Grant is replacing Bun L. Hutchinson of Texarkana, who resigned.

Issued in Austin, Texas, on August 13, 1985.

TRD-857487

Mark White
Governor of Texas

★ ★ ★

Appointments Made August 14

Texas Board of Irrigators

For a term to expire January 31, 1991:

John Alan Heidman
9009 Arbor Park Drive
Dallas, Texas 75243

Mr. Heidman is replacing Robert I. Goehrs of Houston, whose term expired.

38th Judicial District

To be district attorney for Uvalde, Medina, and Real Counties, until the next general election and until his successor shall be duly elected and qualified:

Rogelio F. Munoz
231 South Getty
Uvalde, Texas 78801

Mr. Munoz is replacing Earle Caddel of Uvalde, who resigned.

Issued in Austin, Texas, on August 14, 1985

TRD-857487

Mark White
Governor of Texas

★ ★ ★



Emergency

Rules

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

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 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

★ 10 TAC §9.3

The Texas Department of Community Affairs adopts on an emergency basis an amendment to §9.3, concerning the Economic Development Program fund under the Texas Community Development Program. The amendment adopts a new policy concerning changes in applications and permits a successful applicant to substitute a different for-profit business for the one originally proposed in its application under certain limited circumstances.

The amendment is adopted on an emergency basis to provide a greater opportunity for economically distressed communities to create and retain jobs within the community. The amendment reduces the imminent peril to public health, safety, and welfare in communities throughout Texas by creating and maintaining jobs for persons of low and moderate income.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413(201), §4A, which provide the Texas Department of Community Affairs (TDCA), with the authority to allocate federal community development block grant nonentitlement area funds to eligible units of general local government in Texas in accordance with rules and regulations adopted by the TDCA

§9.3. *Economic Development Program Fund.*

(a) General provisions. This fund covers projects which will result in either an increase in new, permanent employment within a community or retention of existing permanent employment. All jobs being created or maintained must primarily benefit low and moderate income persons.

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

(4) In the event a for-profit business included in an economic development project fund application which was selected

for funding chooses not to locate within the jurisdiction of the applicant, the TDCA will consider funding the applicant as long as the applicant substitutes a different for-profit business that satisfies all of the requirements of this fund and receives a score hereunder which is at least as high as the score the for-profit business originally proposed by the applicant received. The substitution of such a business must occur within 90 days after the date the governor announces the contract awards for the funding cycle in which the applicant was selected for funding.

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

Issued in Austin, Texas, on August 16, 1985

TRD-857521

Douglas C Brown
General Counsel
Texas Department of
Community Affairs

Effective date August 16, 1985

Expiration date December 14, 1985

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

★ ★ ★

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter L. Motor Fuels Tax

★ 34 TAC §3.190

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.190, concerning temperature adjustment conversion table. The amendment requires the metering of gasoline and diesel fuel as a basis for computing taxes and requires that the temperature be taken at the time cargo tanks are loaded, as a basis for volume adjustments. The amendment also requires testing of meters and thermometers.

This amendment is adopted on an emergency basis to provide guidelines for measuring the quantity of fuel delivered. The current provisions calling for calibration of cargo tanks are being repealed as of August 26, 1985. This section provides

standards and guidelines for affected taxpayers for periods after August 26.

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

§3.190. *Temperature Adjustment Conversion Table.*

(a) Basis for temperature adjustment. For purposes of computation of tax, sales of gasoline or [and] diesel fuel, when purchased for resale in single deliveries of 5,000 gallons or more, must be temperature adjusted in volume to 60°F based on the gross metered gallons [of the cargo tank as determined from the authorized measurement certificate issued for the cargo tank].

(b) (No change.)

(c) Metering.

(1) All sales or deliveries of gasoline or diesel fuel into cargo tanks must be metered except:

(A) deliveries by a person into his own cargo tank when the volume does not require temperature correction and the cargo tank is equipped with a meter to accurately measure in gallons the sale or delivery from the cargo tank;

(B) when deliveries are made as provided by §3.182 of this title (relating to Motor Fuel Transporting Documents); and

(C) deliveries into a cargo tank with a capacity of less than 5,000 gallons or into a compartmentalized tank from which no single delivery in excess of 5,000 gallons will be made. The capacity must be documented and determined by an independent party using generally accepted industry measurement standards.

(2) All permitted distributors of gasoline and suppliers of diesel fuel must compute and pay tax based on gross gallons metered except as provided by Texas Tax Code, §153.103, for gasoline and Texas Tax Code, §153.204, for diesel fuel or the number of gallons delivered into a measured cargo tank as authorized by subsection (c)(1)(C) of this section

(d) Temperature. The temperature of gasoline or diesel fuel sold or delivered under the provisions of Texas Tax Code, §153.103 or §153.204, must be taken and recorded on the cargo manifest at the time of loading of the product. The temperature

may be taken by either in-line thermometers or other devices designed to accurately measure the temperature of the delivered fuel at the time of loading.

(e) Testing and accuracy of meters and thermometers or other devices designed to accurately measure the temperature of fuel. Meters must be tested each 90 days or after five million gallons through-put, whichever occurs first. The accuracy of any meter being used must be maintained within one-tenth of 1.0% of correct volume during all loading or unloading operations. The tests of meters shall be determined by the methods provided by the American Society of Mechanical Engineers-American Petroleum Institute for the installation proving and operation of meters in liquid hydrocarbon service. Thermometers or other devices designed to accurately measure the temperature of fuel must be tested each 90 days and must conform to standards set by the American Society of Mechanical Engineers-American Petroleum Institute or National Bureau of Standards.

(f) Records. A record of all tests must be maintained, open for examination by the comptroller, for a period of four years.

(g) Posting of results. The results of the most recent test on all meters and thermometers or temperature measuring devices being used must be posted in a conspicuous place at each terminal where the tests are required.

Issued in Austin, Texas, on August 16, 1985

TRD-857517

Bob Bullock
Comptroller of Public
Accounts

Effective date August 16, 1985
Expiration date: December 14, 1985
For further information, please call
(512) 463-4606.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 11. Commodity Programs

Emergency Food Assistance Program

★40 TAC §11.6010

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

The Texas Department of Human Resources adopts on an emergency basis the repeal of §11.6010, concerning advance payments in the Emergency Food Assistance Program rules. Because of technical difficulties, the rule was adopted in the August 6, 1985, issue of the *Texas Register*, rather than withdrawn as the department intended. The department intended to withdraw the rule because issuing advance payments jeopardizes the limited funds available for the Emergency Food Assistance Program.

The department adopts the repeal on an emergency basis to ensure the program can continue to meet its financial obligations. Failure to implement the repeal would result in imminent peril to the health, safety, and welfare of emergency food assistance recipients.

The repeal is adopted on an emergency basis under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

§11.6010. Advance Payment.

Issued in Austin, Texas, on August 16, 1985

TRD-857528

Marlin W Johnston
Commissioner
Texas Department of
Human Resources

Effective date: August 19, 1985
Expiration date: December 17, 1985
For further information, please call
(512) 450-3766.

★ ★ ★

Chapter 48. CCAD Model Waiver Program

★40 TAC §48.2501, §48.2502

The Texas Department of Human Resources adopts on an emergency basis new §48.2501 and §48.2502, concerning the Model Waiver Program in its Community Care for Aged and Disabled (CCAD) chapter. Section 48.2501 concerns client eligibility criteria for admission into the program according to the terms of the 1915(c) waiver request approved by the Health Care Financing Administration (HCFA). Section 48.2502 concerns an applicant's right to appeal denial of services. Failure to implement the policies immediately would circumvent the intent of the Medicaid waiver to provide home and community-based coverage for multiply disabled individuals who currently receive no assistance. Delayed implementation would result in imminent peril to the health, safety, and welfare of the individuals as other alternatives for care have been exhausted. In response to the Texas Board of Human Resources, the Office of Services to Aged and Disabled developed a waiver request authorized by Public Law 97-35, §2178, and the

Social Security Act, §1915(c), as amended. The waiver was required to allow Title XIX (Medicaid) reimbursement for certain home and community-based services provided as cost-effective alternatives to placement in nursing facilities (ICF, SNF) or intermediate care facilities for the mentally retarded (ICF-MR). The services will be provided to a limited number of eligible clients. The home and community-based services approved for Title XIX reimbursement under the authority of the waiver request include: the full benefits of the Texas State Medicaid Plan, case management, home health aides, personal care, and nursing services. Under the terms of the waiver request approved by HCFA, admission into the Model Waiver Program is limited to 50 eligible clients per year. Implementation of the Model Waiver Program is scheduled for September 1, 1985. Simultaneous proposed rules appear in this issue of the *Texas Register*.

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

§48.2501. Client Eligibility Criteria.

(a) To be determined eligible by the Texas Department of Human Services for the Model Waiver Program, an applicant must:

- (1) be 18 years or under;
- (2) have been denied eligibility for Supplemental Security Income (SSI) benefits in the home or community setting based on the deeming rules for parental or spouse income as determined by the Social Security Administration and therefore, be ineligible for Medicaid benefits;
- (3) meet income and resource requirements for assistance from the Texas Medicaid Program based on the requirements of the SSI Program;
- (4) live in Texas;
- (5) meet the level-of-care criteria for SNF, ICF, or ICF-MR according to applicable state and federal regulations and as verified on the level-of-care assessment form. Re-evaluations are performed every six months using the same criteria, process, and documentation used by the Texas Department of Health (TDH) in making pre-admission level-of-care determinations;
- (6) meet criteria for disability, as documented on the appropriate DHR forms, using the SSI disability criteria;
- (7) have a physician approved plan of care which specifies the type of waiver services, the units of waiver services, and their frequency, duration, and cost. The physician's approval of a plan of care certifies that the authorized services are necessary to avoid an institutional placement and are appropriate to meet the applicant's needs in the home.

(b) An applicant who meets the ICF-MR level-of-care criteria must have an individual plan of care developed by a Texas

Department of Mental Health and Mental Retardation (TDMHMR) certified comprehensive diagnosis and evaluation center's interdisciplinary team. The individual plan of care must:

(1) be based on a diagnostic evaluation that includes examination of the medical, psychological, social, behavioral, and developmental aspects of the applicant's situation;

(2) be developed by an interdisciplinary team of physicians and other personnel who provide services to ICF-MR patients;

(3) list service objectives;

(4) prescribe an integrated program of therapies, activities, and experiences designed to meet the plan objectives; and

(5) include a discharge plan that coordinates inpatient services and related community services with the client's family, school, and community. The discharge plan must be designed to ensure continuity of care after the client is discharged.

(c) For any fiscal year, the estimated cost of the applicant's plan of care cannot exceed the average per capita expenditure for medical assistance had the individual been institutionalized.

(d) An applicant and/or parent or guardian must be provided the option of participation in the waiver services as specified in the plan of care or of placement in institutional care or refusal of both options.

(e) The home and community-based services approved for Title XIX (Medicaid) reimbursement under the authority of the waiver request include: the full benefits of the Texas State Medicaid Plan, case management, home health aides, personal care, and nursing services. According to the terms of the waiver approved by HCFA, admission into the Model Waiver Program is limited to 50 eligible clients per year for the three-year waiver period. The 50 clients served are selected on a first-come, first-served basis. After the maximum number of clients has been selected, the department

maintains a waiting list from which other eligible clients may be selected.

§48.2502. Right to Appeal. Any applicant denied admission into the 1915(c) Model Waiver Program is entitled to a fair hearing conducted by the Texas Department of Human Services according to applicable agency rules.

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

TRD-857492

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: September 1, 1985
Expiration date: December 30, 1985
For further information, please call
(512) 450-3786.



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 VI. Credit Union

Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

Organization Procedures

★7 TAC §91.212

The Credit Union Department proposes new §91.212, concerning approval of foreign insurers of foreign state credit union branch offices. The new section specifies procedures and standards for qualifying as a foreign (out-of-state) insurer.

John R. Hale, credit union commissioner, has determined that for the first five-year period the section 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 section.

Mr. Hale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is the assurance that the monies deposited in foreign credit union branch offices by Texas residents is insured or guaranteed in amounts comparable to that of credit unions chartered pursuant to the Act.

The anticipated economic cost to share insurers who are required to comply with the section as proposed is \$500 for initial application.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752.

This new section is proposed under Texas Civil Statutes, Article 2481, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act, and from time to time, amend the same.

§91.212. *Foreign Insurers of Foreign State Credit Union Branch Offices.*

(a) An insurer or guarantor (foreign credit union insurer) of accounts of a credit union chartered by a foreign state and

which desires to operate a branch office in Texas pursuant to §91.211 of this title (relating to Foreign State Credit Union Branch Offices) shall be required to file a written application for a certificate of authority to provide insurance or guarantees on such accounts as a foreign credit union insurer.

(1) The commissioner shall prescribe the forms required for application.

(2) The foreign credit union insurer making application shall pay an application fee of \$500.

(3) The commissioner shall grant or deny a certificate of authority within 90 days of receipt of an application.

(b) The amounts of coverage provided by a foreign credit union insurer on share and deposit accounts shall equal or exceed the coverages provided by the national credit union share insurance fund or Texas Share Guaranty Credit Union to credit unions chartered pursuant to the Act, unless otherwise approved by the commissioner.

(c) A foreign credit union insurer shall provide a complete copy of the report of its annual audit by a certified public accounting firm. Such report shall be furnished to the department prior to June 30 each year.

(d) The department shall have the right to examine a foreign credit union insurer in connection with an application for a certificate of authority, and thereafter as the commissioner deems necessary. The cost of such examination shall be borne by the foreign credit union insurer and in accordance with fees specified in §97.114 of this title (relating to Examination Fees). In lieu of performing a periodic examination, the commissioner may accept the most recent examination report on the foreign credit union insurer prepared by examiners of the principal regulatory agency of the state in which the foreign credit union insurer was incorporated.

(e) The foreign credit union insurer must show evidence of the existence of an effective system of monitoring the financial well-being of its insured credit unions.

(1) This monitoring system should be designed to prospectively identify those credit unions that have a high probability of needing financial assistance within the next two or three years.

(2) The monitoring system should be based upon the insurer's own experience,

supplemented to the extent necessary by the experience of other credit union insurers and other relevant data and information.

(3) The data and information considered in developing the monitoring system parameters and formulae should include credit union asset items, liability items, income items, expenditure items, and other relevant data and information.

(4) The evaluation of individual credit unions' well-being should be performed at least semiannually.

(5) The monitoring system, its parameters and formulae should be reevaluated at least biannually by an independent actuary unless otherwise approved by the commissioner.

(f) The foreign credit union insurer shall provide evidence of adequate capitalization, reserving, financial structure, and liquidity satisfactory to the commissioner. Such evidence is to be provided during each December and June, unless otherwise approved by the commissioner.

(1) This evaluation should be based upon the results of the monitoring system, the experience of the foreign credit union insurer, the experience of other credit union insurers, reinsurance, limits of liability, and other relevant internal and external data and information.

(2) The capital and surplus level and income adequacy must include a provision sufficient to cover significant operating losses under adverse economic conditions, as determined by an independent actuary or certified public accountant satisfactory to the department.

(3) The needed capital and reserve level and income adequacy should be reevaluated at least biannually by an independent actuary or certified public accountant satisfactory to the commissioner.

(g) The results of applications of the monitoring system and subsequent actuarial or accountant evaluations of the capital and reserve level and income adequacy must be provided to the department within 30 days of receipt by a foreign credit union insurer.

(h) The commissioner shall have the right to order the cancellation of a certificate of authority for cause upon providing written notice at least 90 days prior to cancellation. Such notice and order must state the grounds for cancellation with reasonable certainty. Written notice of impending cancellation of a certificate of authority also

shall be given to any foreign credit union affected by such cancellation, at least 90 days prior to cancellation.

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 August 16, 1985.

TRD-857522 John R. Hale
 Commissioner
 Credit Union
 Department

Earliest possible date of adoption:

September 23, 1985

For further information, please call
(512) 837-9236.

★ ★ ★

Investments

★7 TAC §91.802

The Credit Union Department proposes new §91.802, concerning certain investments by credit unions. The new section specifies authorized investments which presently are not specified by either statutes or rules.

John F. Hale, credit union commissioner, has determined that for the first five-year period the section 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 section.

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

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752.

The new section is proposed under Texas Civil Statutes, Article 2481, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act, and from time to time, to amend the same.

§91.802. Other Investments.

(a) General. In addition to the other powers granted to credit unions by the Act, §8.01 thereof describes certain investments which are authorized for credit unions operating under the Act. Under §8.01(9), the commission may authorize other investments by rules which must be responsive to changes in economic conditions or competitive practices, and the need for safety and soundness of credit union investments. Although this rule interprets some of the provisions of §8.01 and authorizes certain in-

vestments, it does not apply to or otherwise limit the powers granted or other investments authorized by the Act or by other rules.

(b) Definitions of terms.

(1) Bailment for hire contract—A contract whereby a third party, bank, or other financial institution, for a fee, agrees to exercise ordinary care in protecting the securities held in safekeeping for its customers.

(2) Bankers' acceptance—A time draft that is drawn on and accepted by a bank, and that represents an irrevocable obligation of the bank.

(3) Cash forward agreement—An agreement to purchase or sell a security with delivery and acceptance being mandatory and at a future date in excess of 30 days from the trade date.

(4) Eurodollar deposit—A deposit in a foreign branch of a United States financial institution.

(5) Federal funds transaction—A short-term or open-ended transfer of funds to a financial institution.

(6) Financial institution—A credit union, bank, savings and loan association, savings association, mutual savings bank, or central liquidity facility, any one of which is operating in accordance with state or federal law.

(7) Repurchase transaction—A transaction in which a credit union agrees to purchase a security from a vendor and to resell the same or any identical security to that vendor at a later date. A repurchase transaction may be of three types.

(A) Investment-type repurchase transaction—A purchase transaction where the credit union purchasing the security takes physical possession of the security, or receives written confirmation of the purchase and a custodial or safekeeping receipt from a third party under a written bailment for hire contract, or is recorded as the owner of the security through the Federal Reserve book-entry system.

(B) Financial institution-type repurchase transaction—A repurchase with a financial institution.

(C) Loan-type repurchase transaction—Any repurchase transaction that does not qualify as an investment-type or financial institution-type repurchase transaction.

(8) Reverse repurchase transaction—A transaction whereby a credit union agrees to sell a security to a purchaser and to repurchase the same or any identical security from that purchaser at a future date and at a specified price.

(9) Security—Any security, obligation, account, deposit, or other item authorized for investment by the Act, §8.01, or this section other than an investment authorized by the Act, §8.01(1).

(10) Settlement date—The date originally agreed to by a credit union and

a vendor for settlement of the purchase or sale of a security.

(11) Trade date—The date a credit union originally agrees, whether orally or in writing, to enter into the purchase or sale of a security.

(12) Yankee dollar deposit—A deposit in a United States branch of a foreign bank licensed to do business in the state in which it is located, or a deposit in a state chartered, foreign controlled bank.

(13) Trust—A company or association in which ownership or membership is confined or restricted to credit unions and their members or organizations of credit unions.

(c) Authorized activities.

(1) General authority. A credit union may contract for the purchase or sale of a security provided that delivery of the security is to be made within 30 days from the trade date.

(2) Cash forward agreements. A credit union may enter into a cash forward agreement to purchase or sell a security, provided that:

(A) the period from the trade date to the settlement date does not exceed 180 days;

(B) if the credit union is the purchaser, it has written cash flow projections evidencing its ability to purchase the security;

(C) if the credit union is the seller, it owns the security on the trade date; and

(D) the cash forward agreement is settled on a cash basis at the settlement date.

(3) Repurchase transactions. A credit union may enter into an investment-type repurchase transaction or a financial institution-type repurchase transaction provided the purchase price of the security obtained in the transaction is at or below the market price. A repurchase transaction not qualifying as either an investment-type or financial institution-type repurchase transaction will be considered a loan-type repurchase transaction subject to the Act.

(4) Reverse repurchase transactions. A credit union may enter into a reverse repurchase transaction. A reverse repurchase transaction is a borrowing transaction subject to the Act.

(5) Federal funds. A credit union may enter into a federal funds transaction with a financial institution, provided that the interest or other consideration received from the financial institution is at the market rate for federal funds transactions and that the transaction has a maturity of one or more business days or the credit union is able to require repayment at any time.

(6) Yankee dollars. A credit union may invest in yankee dollar deposits.

(7) Eurodollars. A credit union may invest in eurodollar deposits.

(8) Bankers' acceptances. A credit union may invest in bankers' acceptances.

(9) Trusts. A credit union may invest in trusts.

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 August 16, 1985.

TRD-857524 John R. Hale
Commissioner
Credit Union
Department

Earliest possible date of adoption:
September 23, 1985
For further information, please call
(512) 837-9236.

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TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

★ 10 TAC §9.3

(Editor's note: The Texas Department of Community Affairs proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)

The Texas Department of Community Affairs proposes an amendment to §9.3, concerning the Economic Development Program fund under the Texas Community Development Program. The amendment adopts a new policy concerning changes in applications. The amendment permits a successful applicant to substitute a different for-profit business for the one originally proposed in its application under certain limited circumstances.

Douglas C. Brown, general counsel, has determined that for the first five-year period the section 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 section.

Mr. Brown also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is a greater opportunity for economically distressed communities to create and retain jobs for persons of low and moderate income.

There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Douglas C. Brown, General Counsel, P.O. Box 13166, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 4413(201), which provide the Texas Department of Community Affairs with the authority to allocate federal community development block grant nonentitlement area funds to eligible units of general local government in Texas in accordance with rules and regulations adopted by the Texas Department of Community Affairs.

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 August 23, 1985.

TRD-857540 Douglas C. Brown
General Counsel
Texas Department of
Community Affairs

Earliest possible date of adoption:
September 23, 1985
For further information, please call
(512) 443-4100, ext. 210.

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TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 1. Library Development

LSCA Annual Program and Long-Range Plan

★ 13 TAC §1.21

The Texas State Library and Archives Commission proposes an amendment to §1.21, concerning the federal Library Services and Construction Act annual program and long-range plan. The proposed amendment adopts a new annual program and long-range plan which establishes general criteria for the use of 1986 federal funds and describes the types of assistance and services that will be available to public libraries and systems of libraries. The agency proposes to adopt this plan and program by reference to apply for federal funds.

Raymond Hitt, Library Development Division director, has determined that for the first five-year period the section 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 section.

Mr. Hitt also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is enhanced library services, additional materials and improved facilities, available through the libraries which receive grants as a result of this program.

There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Raymond Hitt, Library Development Division Director, Texas State Library, P.O. Box 12927, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 5436a which provide the Texas State Library and Archives Commission with the authority to adopt a state plan for improving public library services.

§1.21. Adoption by Reference. The Texas State Library and Archives Commission adopts by reference all rules contained in the LSCA Annual Program, 1986 [1985] and Long-Range Plan, 1986-1988 [1985-1987 as amended in January 1985]. Copies may be obtained from the Library Development Division of the Texas State Library, P.O. Box 12927, Austin, Texas 78711.

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 August 16, 1985.

TRD-857549 William D. Gooch
Assistant State
Librarian
Texas State Library and
Archives Commission

Earliest possible date of adoption:
September 23, 1985
For further information, please call
(512) 475-2166.

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TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Quality of Service

★ 16 TAC §23.66

The Public Utility Commission of Texas proposes amendments to §23.66, concerning arrangements between qualifying facilities and electric utilities. Additional terms have been defined and more specific language to rules has been added, governing wheeling and small power producers.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the section 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 section.

Ms. Ryan also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is further fine tuning of rules associated with cogeneration so that qualifying facilities and electric utilities may successfully negotiate contracts and hopefully delay or lessen the need for additional utility plants, with savings to the ratepayers. The anticipated economic cost to individuals who are required to comply with the section as proposed cannot be estimated at this time.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendments are proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, and in administering the provisions of this Act.

§23.66. Arrangements between Qualifying Facilities and Electric Utilities.

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

(1)[(17)] **Avoidable generating unit**—A power plant or set of power plants in a utility's commission-approved generation expansion plan that may be displaced or deferred due to firm capacity provided to the utility by qualifying facilities.

(2)[(1)] **Avoided costs**—The incremental costs to an electric utility of electric energy or capacity or both, which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

(3)[(2)] **Back-up power**—Electric energy or capacity supplied by an electric utility to replace energy or capacity ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the qualifying facility.

(4)[(16)] **Committed unit basis (CUB) methodology**—A means of identifying avoided capacity costs. Under the CUB methodology, the expected revenue requirement stream associated with an avoidable generating unit, or set of avoidable units, is defined. The expected net present value of this cash flow stream represents an upper bound to the net present value of the

payment stream that shall be offered to a qualifying facility in exchange for capacity with characteristics identical to the avoided unit(s).

(5)[(3)] **Cost of decremental energy**—The cost savings to a utility associated with the utility's ability to back-down some of its units or to avoid firing units, or to avoid purchases of power from another utility because of purchases of power from qualifying facilities.

(6)[(4)] **Firm power**—From a qualifying facility, power or power-producing capacity that is available to the electric utility pursuant to a legally enforceable obligation for scheduled availability over a specified term.

(7) **Host utility**—The utility with which the qualifying facility is directly interconnected.

(8)[(5)] **Interconnection costs**—The reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, engineering, and administrative costs incurred by the electric utility directly related to the installation of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding costs that the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

(9)[(6)] **Interruptible power**—Electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

(10)[(7)] **Maintenance power**—Electric energy or capacity supplied by an electric utility during scheduled outages of the qualifying facility.

(11)[(8)] **Nonfirm power from a qualifying facility**—Power provided under an arrangement that does not guarantee scheduled availability, but instead provides for delivery as available.

(12) **Parallel operation**—A mode of operation which enables a qualifying facility of a design capacity of 100 KW or less to export automatically any electric capacity which is not consumed by the qualifying facility or the user of the qualifying facility's output. Parallel operation results in three possible states of operation at any point in time.

(A) The qualifying facility is generating an amount of capacity that is less than the customer's load. The customer is therefore a net consumer.

(B) The qualifying facility is generating an amount of capacity that is more than the customer's load. The customer is therefore a net producer.

(C) The qualifying facility is generating an amount of capacity that is

equal to the customer's load. The customer is therefore neither a net producer nor a net consumer.

(13)[(9)] **Purchase**—The purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(14) **Purchasing utility**—The utility which is purchasing a qualifying facility's capacity and/or energy.

(15)[(10)] **Qualifying facility**—A cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of the Federal Energy Regulatory Commission's regulations under the Public Utility Regulatory Policies Act of 1978, §201, as enacted on the date of adoption of that section, with regard to cogeneration and small power production.

(16)[(11)] **Quality of firmness of a qualifying facility's power**—The degree to which the capacity offered by the qualifying facility is an equivalent quality substitute for the utility's own generation or firm purchased power. At a minimum, the following factors should be considered in determining the quality of firmness:

(A)-(J) (No change.)

(17)[(12)] **Rate**—Any price, rate, charge, or classification made, demanded, observed, or received with respect to the sale, purchase, or transmission of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification, and any contract pertaining to the sale or purchase of electric energy or capacity.

(18) **Renewable resources**—Non-fossil fuels such as solar, wind, hydro, and geothermal.

(19)[(13)] **Sale**—The sale of electric energy or capacity or both supplied by an electric utility to a qualifying facility.

(20)[(14)] **Supplementary power**—Electric energy or capacity supplied by an electric utility, regularly used by a qualifying facility in addition to that which the facility generates itself.

(21)[(15)] **System emergency**—A condition on a utility's system that is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

(b)-(c) (No change.)

(d) Electric utility obligations.

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

(4) **Transmission to other electric utilities**. If a qualifying facility with a rated capacity greater than 10 megawatts requests, an electric utility [that would otherwise be obligated to purchase energy and/or capacity from such qualifying facility] shall transmit [the] energy and/or capacity from the qualifying facility [on a firm or nonfirm basis at the option of the qualifying facility for the term of the power purchase contract] to any other electric utility designated by the qualifying facility, provided that such transmittal is not in violation of federal law or other jurisdictional authority. No electric utility is required to enter into any[a]

transmission arrangement [with any other electric utility] if, solely by reason of such transmission arrangement, the electric utility would become subject to regulation as a public utility under the Federal Power Act, Part II. [If facilities are not available or adequate to transmit a qualifying facility's energy and/or capacity to a purchasing utility, the intermediate utility shall, at the request of the qualifying facility, expeditiously construct such additional facilities as may be required by the qualifying facility to wheel the energy and/or capacity. The cost of such construction shall be borne by the qualifying facility to the extent that construction was required to transmit its energy and/or capacity. The methods for determining and billing such construction costs shall be on a nondiscriminatory basis.] Any electric utility to which such energy and/or capacity is transmitted shall purchase such energy and/or capacity [under this paragraph] as if the qualifying facility were supplying energy and/or capacity directly to such electric utility. [The rate for purchase by the electric utility to which such energy is transmitted shall be adjusted up or down to reflect the costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility. The rate paid by the purchasing utility shall not include any charges for transmission; however, the transmitting utility shall be paid a reasonable transmission charge, including consideration of line leases by the qualifying facility. Charges for firm or nonfirm wheeling within the meaning of this section shall apply only to transmission from the qualifying facility to the purchasing utility. Such charges or a methodology for calculating such charges shall be determined by the commission in a generic docketed or rules proceeding after notice and opportunity for hearing. In the interim, until the generic wheeling docket or rules proceeding is decided, such charges shall not exceed the charges calculated according to the methods of §23.67 of this title (relating to Wheeling Service for the Transmission of Firm Power). Energy losses or credits resulting from the transmission of the qualifying facility's power shall accrue to the qualifying facility based upon the estimated average annual loading of the transmission lines which will carry the qualifying facility energy and/or capacity to the purchasing utility. All utilities filing applications for the approval of wheeling tariffs with the Federal Energy Regulatory Commission, or any other federal agency having jurisdiction of wheeling tariffs, shall give notice to the PUC of such filing by providing the PUC with a duplicate copy of any and all documents filed with the FERC or a competent federal agency.] **Transmission to other electric utilities shall be governed by the following:**

(A) Transmission arrangements. The qualifying facility is responsible for all necessary transmission arrangements with

utilities whose transmission systems are impacted by the transmission of the qualifying facility's energy and/or capacity. However, at the qualifying facility's request, the purchasing utility shall make all such arrangements including, but not limited to, negotiation of contract terms and conditions and determination of additional facilities, if any, required to facilitate wheeling of the energy and/or capacity. Furthermore, if the host utility and the qualifying facility agree, then the host utility shall make all such arrangements. The qualifying facility shall be notified of all negotiations and have the right to participate fully in all negotiations and be a party to each wheeling agreement. In addition, all information pertaining to such arrangements shall be furnished to the qualifying facility or purchasing utility upon request.

(B) Payment of transmission charges. All utilities that can show that their transmission systems are impacted by the transmission of a qualifying facility's energy and/or capacity (impacted utilities) are entitled to payment for transmission wheeling service as defined in paragraph (5) of this subsection. At the option of the qualifying facility, all transmission wheeling charges by impacted utilities are payable by the qualifying facility or the purchasing utility. If the purchasing utility pays the transmission charges the sum of such payments and the payments to the qualifying facility for energy and/or capacity shall not exceed the purchasing utility's avoided cost.

(C) System additions. Reasonable costs of interconnecting facilities provided by the host utility shall be borne by the qualifying facility as provided in subsection (k)(1) and (2) of this section. The cost of all other additions or improvements to impacted utilities systems necessitated by the provision of planned capacity transmission wheeling service for energy and/or capacity from the qualifying facility as described in paragraph (5) of this subsection will be the responsibility of the impacted utility. The impacted utility shall construct such system additions or improvements as expeditiously as possible. For provision of as available transmission wheeling service under paragraph (5) of this subsection, the cost of system additions or improvements reasonably needed to accommodate the transaction may be born by the qualifying facility or by the purchasing utility at the purchasing utility's option.

(D) Interruption of transmission wheeling service. Planned capacity transmission wheeling service may only be interrupted in case of a system or area emergency when the continuance of such service would contribute to the emergency. As available transmission wheeling service shall be subject to interruption in the same circumstances or when continuation of such service would impair the ability of the utility providing such service to provide reliable

and economical service to its firm customers.

(E) Tariffs and agreements.

(i) Each utility that may provide transmission wheeling service subject to this section shall, within 30 days of the effective date of the section, file a tariff that specifies the facilities rate per megawatt for planned capacity transmission wheeling service and the charge per megawatt-mile for as available transmission service as calculated according to paragraph (5)(C) of this subsection. The tariff shall also include general terms and conditions for providing transmission wheeling service for capacity and/or energy from a qualifying facility to a purchasing utility in accordance with these rules. Notice of the initial tariff filing shall be made by a one-time publication in a newspaper of general circulation within the utility's service area. The tariff and charges are subject to review and change in each subsequent rate case of the utility.

(ii) Nothing in this subsection shall prohibit an impacted utility and a qualifying facility or its representative from agreeing to a rate and terms and conditions for provision of transmission wheeling service for capacity and/or energy from the qualifying facility to a purchasing utility that differ from those specified in this section. To the extent required by the Public Utility Regulatory Act, such agreements are subject to review and approval by the commission.

(iii) All utilities filing applications for approval of wheeling tariffs with the Federal Energy Regulatory Commission (FERC) or any other federal agency having jurisdiction of wheeling tariffs shall give notice to the commission of such filing by providing the commission with a duplicate copy of any and all such documents filed with the FERC or other federal agency.

(F) General obligations.

(i) The host utility shall notify the qualifying facility upon request of all utilities potentially impacted by a proposed wheeling transaction. At the qualifying facility's request and expense the host utility shall conduct preliminary impact studies for specified wheeling transactions. All utilities subject to this section shall provide the commission with annual impact studies for several hypothetical wheeling transactions as specified by the commission staff.

(ii) All requests for transmission wheeling service under this section shall be made in writing and shall provide information in sufficient detail to allow evaluation of the transaction. An impacted utility shall respond in writing to such request within 60 days of receipt of the request unless the power transfer is of such magnitude, duration, and/or complexity that additional time is needed to evaluate its impact. Under no circumstances shall a response be made later than 120 days following the date of the request.

(iii) The impacted utility shall use its best efforts to include in its response cost and schedule information reasonably necessary to enable the qualifying facility to evaluate the impact of the transmission charges on its proposed sales or, in the case of denial of transmission service as allowed in paragraph (5) of this subsection, an explanation of the reasons for denial. Such information shall include, but not necessarily be limited to, all pertinent load flow data, parameters used and cost and schedule information for necessary system additions and improvements. The normal Electric Reliability Council of Texas summer peak load data base shall be provided to the qualifying facility upon request under mutually agreeable arrangements.

(iv) Upon request of the qualifying facility, an impacted utility shall provide information on terms and conditions of existing contracts for transmission wheeling service to other utilities.

(5) Charges for transmission wheeling service. Transmission wheeling service shall be offered on a planned capacity or on an as available capacity basis at the option of the qualifying facility. However, for any single transaction, wheeling contracts with impacted utilities must all be of the same time (i.e., planned capacity or as available capacity). Planned capacity transmission wheeling service shall be provided with the same level of resource commitment, the same priorities, similar contractual conditions in accordance with this section and other treatment similar to that provided to other customers of the utility who use firm services provided by the utility. Planned capacity transmission wheeling service can only be denied if an impacted utility successfully petitions the commission and shows that the cost and/or scheduling of needed system improvements are such that there would be a significant detrimental effect on their other customers or that such service is prohibited by actions of any regulatory authority having jurisdiction. As available capacity transmission wheeling service may be denied under the same circumstances or if there is insufficient capacity available on the transmission system of the impacted utility or if the transaction will create an undue interference on the utility's obligation to serve its existing firm customers. Charges for transmission wheeling service shall be determined as follows.

(A) Cost of transmission service. The annual cost of providing transmission service on the system of each impacted utility shall be determined from the utility's cost of service as approved by the commission in the utility's most recent rate case. If such a study is not available, the cost shall be based on the annual expenses found in FERC expense accounts 560-564 and 566-573 (or accounts with similar contents) plus the depreciation, federal income taxes, other taxes, and the commission-allowed rate of return based on FERC plant accounts 350-359 (or accounts with similar

contents) less accumulated depreciation and associated deferred taxes. In addition, the cost shall include portions of administrative and general expenses and return on portions of general plant and other rate base items such as construction work in progress (CWIP), materials, and supplies and prepayments allocated to transmission service in a manner consistent with the utility's cost of service study. It is recommended, though not required by the commission, that municipally owned utilities providing wheeling service use the cost of service study most recently approved by their regulatory body or, in the absence of such a study, the expenses and plant accounts as outlined in this subparagraph.

(B) Billing units. The billing units for planned capacity transmission wheeling service to be used in this calculation shall be equal to the highest monthly system total peak demand (including both firm and interruptible load and losses) experienced during the same annual period used for cost determination in subparagraph (A) of this paragraph, plus the sum of the contracted capacity of planned capacity transmission wheeling service obligations in effect during that same period for which the utility is receiving compensation as a designated contract path utility as described in subparagraph (D) of this paragraph. Billing units for as available transmission wheeling service shall be the megawatt-miles for the transmission system used in calculating the cost of transmission service. The megawatt-miles for a system shall be the sum of the products of 80% of the thermal rating of each line (75°C conductor, 25° air, 1.4 miles per hour wind, and emissivity of 0.5) times the length in miles of the line for transmission lines whose nominal operating voltage is at least 60,000 volts measured phase to phase.

(C) Facilities rates. The annualized facilities rate for providing planned capacity transmission wheeling service is found by dividing the annual cost of providing transmission service as found in subparagraph (A) of this paragraph by the planned capacity billing units as found in subparagraph (B) of this paragraph. The annualized facilities rate for as available transmission wheeling service is found by dividing the annual cost of providing transmission service as found in subparagraph (A) of this paragraph by the as available capacity billing units found in subparagraph (B) of this paragraph. These rates shall be specified in the utility's tariff as required in paragraph (4)(E)(i) of this subsection.

(D) Facilities charges for planned capacity transmission wheeling service. The facilities charge for planned capacity wheeling by contract path utilities shall be the facilities rate for planned capacity wheeling as calculated in subparagraph (C) of this paragraph multiplied by contract capacity of the power contract with the purchasing utility. Contract path utilities will include

the host utility and other utilities whose transmission lines of 345 kilovolts or higher rating are necessary to make a direct electrical connection with the purchasing utility's system. Planned capacity wheeling facilities charges for all other impacted utilities shall be calculated according to subparagraph (E) of this paragraph.

(E) Facilities charge for as available transmission wheeling service. The charge for as available transmission wheeling service shall be the as available facilities rate as calculated in subparagraph (C) of this paragraph multiplied by the megawatt-mile change on the impacted utility's transmission system due to the transaction. The megawatt-mile change on the utility's system shall be determined by multiplying the increase in power flow in each line by the length of the line and summing the resultant products for each line on the system. Lines that have no change or decreases in power flows shall be ignored in this calculation. Power flow changes due to the transaction shall be determined annually by the end of the first quarter of the calendar year from peak load period power flow studies that employ the most recently revised data base and applicable programs maintained by the Electric Reliability Council of Texas Engineering Subcommittee. Impacts for simultaneous transactions shall be based on the megawatt flow changes resulting from the separate addition of each transaction to the peak load power flow base case.

(F) Provision for losses. The losses incurred by an impacted utility due to a transaction shall be determined from the scheduled transfer used in conjunction with loss matrices produced by the Electric Reliability Council of Texas Engineering Subcommittee or upon average system losses at the option of the qualifying facility. Losses shall be repaid in kind at the time of the transfer.

(G) Term of transmission wheeling contracts. For planned capacity transmission wheeling contracts impacted utilities shall offer a term at least as long as the term of the qualifying facility's purchase power contract with the purchasing utility. For as available transmission wheeling contracts the impacted utility shall not be required to offer a term longer than one year.

(6)[(5)] Parallel operation. Each electric utility shall offer to operate in parallel with a qualifying facility within its service area.

(e) (No change.)

(f) Standard rates for purchases from qualifying facilities with a design capacity of 100 kilowatts or less [small power production facilities].

(1) [Not later than June 30, 1982,] There shall be included in the tariffs of each electric utility standard rates for purchases from qualifying facilities with a design capacity of 100 kilowatts or less. The rates for purchases under this paragraph:

(A) (No change.)

(B) shall consider the aggregate capacity value provided by dispersed qualifying facilities with a design of 100 kilowatts or less [small power production systems]. If an aggregate capacity value can be reasonably estimated, a capacity payment [credit] shall be included in the standard rates provided there is an avoided capacity cost; and

(C) (No change.)

(2) Terms and conditions unique to qualifying facilities with a design capacity of 100 kilowatts or less [small power production customers] such as metering arrangements, safety equipment requirements, liability for injury or equipment damage, [and] access to equipment and additional administrative costs, if any, shall be included in a standard tariff.

(3) The standard tariff shall offer at least the following options: [The terms and conditions contained in the standard tariff for small power production shall be subject to review and revision by the commission.]

(A) parallel operation with interconnection through a single meter that measures net consumption;

(i) net consumption for a given billing period shall be billed in accordance with the standard tariff applicable to the customer class to which the use of the qualifying facility's output belongs;

(ii) net production will not be metered or purchased by the utility and therefore there will be no interconnection charge and no additional customer charge imposed on the qualifying facility;

(B) parallel operation with interconnection through two meters with one measuring net consumption and the other measuring net production,

(i) net consumption for a given billing period shall be billed in accordance with the standard tariff applicable to the customer class to which the user of the qualifying facility's output belongs;

(ii) net production for a given billing period shall be purchased at the standard rate provided for in paragraph (1)(A) and (B) of this subsection;

(C) interconnection through two meters with one measuring all consumption by the customer and the other measuring all production by the qualifying facility;

(i) all consumption by the customer for a given billing period shall be billed in accordance with the standard tariff applicable to the customer class to which the customer would belong in the absence of the qualifying facility;

(ii) all production by the qualifying facility for a given billing period shall be purchased at the standard rate provided for in paragraph (1)(A) and (B) of this subsection.

(4) In addition, each electric utility shall offer qualifying facilities with an aggregate design capacity of 25 kilowatt or less at least the following option of interconnec-

ting through a single meter that runs forward and backward [Until a standard tariff has been approved by the commission, the rate for purchases shall be not less than the current monthly fuel cost factor].

(A) Any consumption for a given billing period shall be billed in accordance with the standard tariff applicable to the customer class to which the user of the qualifying facility's output belongs.

(B) Any production for a given billing period shall be purchased at the standard rate provided for in paragraph (1)(A) of this subsection.

(5) Interconnection requirements necessary to permit interconnected operations between the qualifying facility and the utility and the costs associated with such requirements shall be dealt with in a manner consistent with subsection (k) of this section.

(6) The rates, terms, and conditions contained in the standard tariff for qualifying facilities with a design capacity of 100 kilowatt hours or less shall be subject to review and revision by the commission.

(7) Requirements for the provision of insurance under this subsection shall be of a type commonly available from insurance carriers in the region of the state where the customer is located and for the classification to which the customer would belong in the absence of the qualifying facility.

(g)-(m) (No change)

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

Issued in Austin, Texas, on August 16, 1985.

TRD-857532

Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Earliest possible date of adoption:
September 23, 1985
For further information, please call
(512) 458-0100.

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★ 16 TAC §23.68

The Public Utility Commission of Texas proposes new §23.68, concerning embedded customer premises equipment. The Federal Communications Commission (FCC) has directed the state utility regulatory commission to adopt rules concerning imbedded customer premises equipment by September 1, 1985, or accept rules promulgated by the FCC.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the section 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 section.

Ms. Ryan also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is the direction of local exchange carriers to either transfer or sell equipment already in place at a customer's premises within prescribed periods of time, thereby allowing customers the opportunity to buy such equipment rather than renting. The rule is federally mandated. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The new section is proposed under Texas Civil Statutes, Article 1446c, §18, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

§23.68. Embedded Customer Premises Equipment.

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

(1) Customer premises equipment (CPE)—Telephone terminal equipment located at a customer's premises. This does not include overvoltage protection equipment, inside wiring, coin-operated or pay telephones, "company-official" equipment, mobile telephone equipment, "911" equipment, equipment necessary for provision of communications for national defense, or multiplexing equipment used to deliver multiple channels to the customer.

(2) Embedded customer premises equipment—All CPE owned by a telecommunications utility, including inventory, which was tariffed or subject to the separations process as of January 1, 1983.

(b) Scope. The provisions of this section apply to the detariffing, transfer, and valuation of embedded CPE of all local exchange carriers which own embedded CPE as of the effective date of this rule.

(c) Detariffing plan. No local exchange carrier shall continue to provide CPE on a tariffed basis after December 31, 1987, except as provided under subsection (j) of this section. Necessary tariff revisions shall be filed by the carrier to accomplish such purpose, pursuant to the Public Utility Regulatory Act and the Public Utility Commission of Texas rules governing tariffs.

(d) Transfer or sale of embedded CPE. Each local exchange carrier must implement a plan for the sale of in-place embedded CPE to current customers for a pe-

riod of no less than 120 days prior to detariffing. The carrier may, no earlier than the detariffing date, transfer or sell the embedded CPE to a nonregulated account subsidiary of the carrier or to a third party. Local exchange carriers which choose not to offer detariffed leasing of embedded CPE shall provide at least 90 days' notice in writing to customers before detariffing. The notice shall contain a description of the proposed change, information regarding the disposition of embedded CPE upon detariffing, and a description of the options available to the customer. In any notice requiring the customer to choose between purchase and lease of CPE, the steps necessary to make each choice shall be the same, and a customer's failure to respond to the question will be treated as a decision to continue leasing.

(e) Sale procedures and valuation. The local exchange carrier shall use the following criteria in determining the sale or transfer price of embedded CPE covered within this section:

(1) the carrier shall attempt to recover the net book value and sales transaction costs allocated to embedded CPE within each account;

(2) the carrier may establish sale or transfer prices for embedded CPE based on factors other than net book value, such as reasonable market value. The carrier must provide sufficient justification and support for use of such factors for sale or transfer pricing;

(3) for customers currently leasing multiline and nonstandard CPE, the local exchange carrier shall provide written sale price quotations upon request and guarantee these price quotations for 120 days or until the detariffing date, whichever is shorter;

(4) any differential between the revenue from actual sales or transfer of embedded CPE, and the combination of net book value and transaction costs shall be amortized in accordance with §23.61(i)(3) of this title (relating to Telephone Utilities).

(f) Warranties. Embedded CPE sold by the utility must carry no less than a 90-day limited warranty, excluding telephone housings and cords.

(g) Installment purchase. Local exchange carriers may charge interest, subject to applicable laws, in connection with installment purchases of embedded CPE.

(h) Party-line equipment. Local exchange carriers shall offer embedded party-line CPE for sale and shall offer repairs of that equipment at nontariffed rates to ensure that malfunctioning party-line CPE does not impair service to other parties.

(i) Billing. After deregulation of CPE, the local exchange carrier may bill customers for lease payments, including applicable sales taxes, for equipment owned by the carrier as part of its nonregulated operations or owned by another entity. Bills must clearly distinguish between nonregu-

lated charges for equipment and regulated charges for services.

(j) Specialized equipment. Local exchange carriers must provide, under tariff, specialized CPE needed by persons whose hearing, speech, vision, or mobility is impaired. This equipment shall be furnished in compliance with Code of Federal Regulations, Title 47, Part 68. Complaints regarding the provisions of such equipment will be addressed as required by the commission and its staff.

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 August 18, 1985.

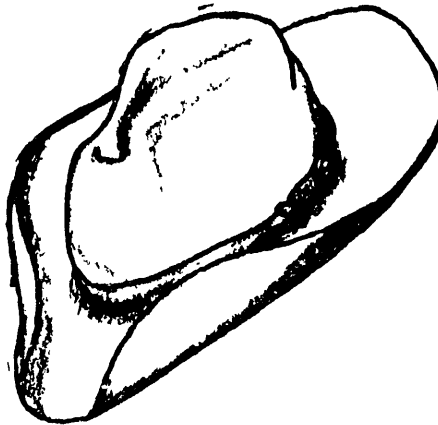
TRD-857533

Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Earliest possible date of adoption:
September 23, 1985

For further information, please call
(512) 458-0100.

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**TITLE 34. PUBLIC
FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter V. Bingo Regulation
and Tax**

★ 34 TAC §3.555

The Comptroller of Public Accounts proposes new §3.555, concerning certain charitable distributions. The new section allows the establishment of dedicated building funds and funds for charitable purposes other than those relating to buildings used in the authorized activities of licensed authorized organizations. It prohibits licensed authorized organizations from using money in a dedicated

fund for any purpose other than for which the fund was established. The new section allows licensed authorized organizations to engage in charitable activities such as scholarship programs or purchases of fire fighting equipment which necessarily involve the accumulation of funds over more than one quarter.

Billy Hamilton, director of revenue estimating for the comptroller, has determined that for the first five-year period the section 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 section.

Mr. Hamilton also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is the authorization to accumulate funds, which will enable organizations to participate in a broader range of charitable activities. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ches Stubblefield, Manager, Miscellaneous Services, P.O. Box 13528, Austin, Texas 78711.

This new section is proposed under Texas Civil Statutes, Article 179d, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.555. Certain Charitable Distributions.

(a) The expenditure of funds by a licensed authorized organization for mortgage payments for premises owned by that organization, or lease payments not to exceed \$300 per occasion made by a licensed authorized organization to a commercial lessor, may be considered to be a distribution for charitable purposes under the guidelines of this section.

(b) The expenditures under subsection (a) of this section may be considered a charitable distribution only with regard to premises which are or will be used for those charitable purposes stated in the Bingo Enabling Act, §2(9)(A) and (B), Texas Civil Statutes, Article 179d, and in §3.544 of this title (relating to Definitions). That part of a lease payment authorized as a charitable distribution under subsection (a) of this section qualifies only if the licensed authorized organization does not own premises adequate and suitable for conducting games.

(c) Licensed authorized organizations may establish a separate interest bearing account known as the dedicated building fund. Money accumulated in the dedicated building fund may be used only for purchasing, constructing, improving, or repairing a building or real property of the organization or a building the use of which serves other charitable purposes stated in the

Bingo Enabling Act, §2(9)(A) and (B), Texas Civil Statutes, Article 179d, and listed in the definition of charitable purposes in §3.544 of this title (relating to Definitions). Complete records of deposits to and expenditures from the dedicated building fund shall be available for inspection by the comptroller.

(d) Licensed authorized organizations may also establish a separate interest bearing account dedicated to another specific charitable purpose of the type stated in the Bingo Enabling Act, §2(9)(A) and (B), and in §3.544 of this title (relating to Definitions), such as scholarships, ongoing youth programs, or the purchase of firefighting equipment. An organization may establish more than one such fund, so long as each separate fund is dedicated to a separate specific purpose. Complete records of deposits to and expenditures from each dedicated fund shall be available for inspection by the comptroller.

(e) A deposit of money into the organization's dedicated building fund may be considered a distribution for charitable purposes under the same guidelines as are provided in this section with regard to mortgage payments. A deposit of money into another dedicated fund of the organization may be considered a distribution for charitable purposes.

(f) A licensed authorized organization which has deposited money in a dedicated fund established under this section may not use that money for any purpose other than that for which the fund was established.

(g) A licensed authorized organization which has established a dedicated fund under this section and which ceases to conduct bingo must disburse the balance in the fund for a charitable purpose not later than the last day of the quarter following the quarter in which the organization ceases to conduct bingo.

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 August 14, 1985

TRD-857449 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
September 23, 1985
For further information, please call
(512) 463-4606.

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★ 34 TAC §3.556

The Comptroller of Public Accounts proposes new §3.556, concerning minimum charitable distribution. The new section requires each licensed authorized organization to distribute to charity each quarter an amount not less than 35% of

its adjusted gross receipts from the last preceding quarter. This provision makes it clear that the 35% minimum is to be based on the quarter before the quarter covered by the report. The section provides clear direction to affected licensees and ensures compliance with reporting and distribution requirements.

Billy Hamilton, director of revenue estimating for the comptroller, has determined that for the first five-year period the section 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 section.

Mr. Hamilton also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is increased distributions for charitable purposes, but that the increase probably will not be substantial. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ches Stubblefield, Manager, Miscellaneous Service, P.O. Box 13528, Austin, Texas 78711.

This new section is proposed under Texas Civil Statutes, Article 179d, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.556. *Minimum Charitable Distribution.*

(a) For the purposes of this section, the term "adjusted gross receipts" means gross receipts less the amount awarded as prizes.

(b) By the end of each quarter, each licensed authorized organization shall disburse for charitable purposes an amount not less than 35% of the organization's adjusted gross receipts from the last preceding quarter.

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 August 14, 1985.

TRD-857448 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
September 23, 1985
For further information, please call
(512) 463-4606.

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★ 34 TAC §3.557

The Comptroller of Public Accounts proposes new §3.557, concerning manufac-

turer's and distributor's quarterly reports. The new section imposes a reporting requirement on persons holding a manufacturer's license or a distributor's license, and specifies the information required to be reported. This section is proposed to implement a reporting system which will establish a better audit trail for use by the comptroller in identifying bingo equipment cards, and supplies sold by manufacturers and distributors to licensed authorized organization. It assists the comptroller in verifying gross receipts from the conduct of bingo and in insuring that the maximum amount of proceeds are available for charitable purposes.

Billy Hamilton, director of revenue estimating for the comptroller, has determined that for the first five-year period the section 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 section. However, new reporting requirements will provide additional data for audit and enforcement purposes, which could result in a slight increase in tax revenues.

Mr. Hamilton also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is enhanced audit capability on the part of the comptroller, resulting in improved enforcement of the Bingo Act. The costs involved in complying with these filing requirements will not be significant.

Comments on the proposal may be submitted to Ches Stubblefield, Manager, Miscellaneous Services, P.O. Box 13528, Austin, Texas 78711.

This new section is proposed under Texas Civil Statutes, Article 179d, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.557. *Manufacturer's and Distributor's Quarterly Reports.*

(a) Each manufacturer and each distributor holding or required to hold a license issued by the comptroller under the Bingo Enabling Act, Texas Civil Statutes, Article 179d, shall file a report, on forms prescribed by the comptroller, reflecting the information listed in this section with regard to each sale of bingo equipment, cards, and supplies to a person or organization in this state or for use in this state.

(b) The report shall be filed with regard to each calendar quarter and is due on or before the last day of the month following each calendar quarter.

(c) The report shall contain the customer's name and license number, and the invoice number, date, and amount of each sale of:

(1) instant bingo cards;

- (2) other bingo cards, sheets, and pads;
- (3) daubers, glue sticks, and other bingo supplies; and
- (4) all other bingo equipment.

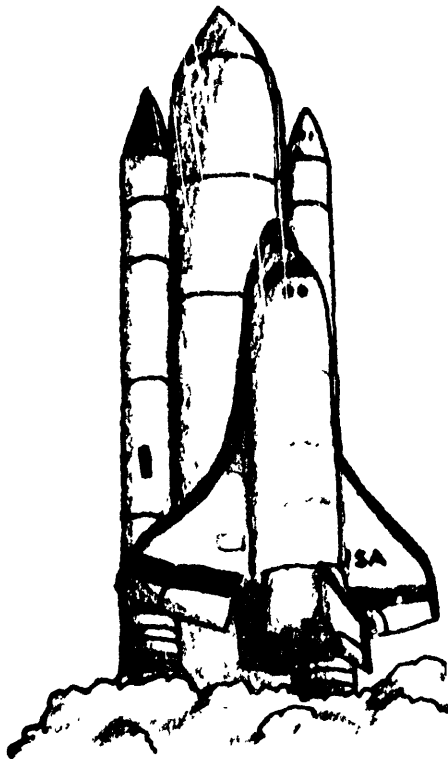
(d) The manufacturer or distributor shall retain a copy of the report in his records for at least four years after the date on which the return is filed.

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

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TRD-857447 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
September 23, 1985
For further information, please call
(512) 463-4806.



Part IV. Employees Retirement System of Texas Chapter 81. Insurance

★34 TAC §81.7

The Employees Retirement System of Texas proposes an amendment to §81.7, concerning enrollment and participation in the State Uniform Group Insurance Program. The proposed amendment per-

mits an employee or retiree to add eligible dependents to his or her HMO coverage only during the dependents' first 31 days of eligibility or during the annual limited enrollment period.

Henry Eckert, director of group insurance, has determined that for the first five-year period the section 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 section.

Mr. Eckert also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be limitation of adverse selection against the HMOs in the state health benefits program. Adverse selections have the effect of raising employee premiums. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Edward C. Davenport, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711.

The amendment is proposed 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 state insurance program established by this Act, including standards for determining disability.

§81.7. Enrollment and Participation.

- (a)-(e) (No change.)
- (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 to the insured plan, 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. The application shall consist of the general purpose form provided by the Employees Retirement System 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 and the carrier. When the application has been approved by the carrier, a notice shall be sent to the Employees Retirement System. Coverage will become effective the first day of the month following the date approval is received by the Employees Retirement System, 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.

(2) (No change.)

(3) An employee or retiree who wishes to add eligible dependents to his or her HMO coverage may do so only during the annual enrollment period with the following exception: an eligible dependent who is insured as an employee for health coverage under the uniform group insurance program becomes eligible for coverage as a dependent on the day following termination of employment. Eligible dependent children who are insured as dependents for health coverage under the uniform group insurance program by the terminating employee also become eligible for coverage on the day following termination of employment, provided they meet the definition of dependent contained in §81.1 of this title (relating to Definitions). The effective date of coverage will be the first day of the month following termination of employment if application is submitted on or within 30 days following the date the dependent becomes eligible under this section.

(4)((3)) An employee or retiree, who moves his or her place of residence into an HMO service area, is eligible to apply for coverage on 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.

(5)((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.

(6)((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. The pre-existing conditions clause and evidence of insurability provision will not apply in these cases. Coverages in the new HMO will be effective September 1.

(g)-(i) (No change.)

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

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

Issued in Austin, Texas, on August 16, 1985.

TRD-857548

Clayton T. Garrison
Executive Director
Employees
Retirement System of
Texas

Earliest possible date of adoption:

September 23, 1985

For further information, please call
(512) 476-6431, ext. 212.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 11. Commodity Program

Emergency Food Assistance Program

★ 40 TAC §11.6010

(Editor's note: The Texas Department of Human Resources proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Texas Department of Human Resources proposes the repeal of §11.6010, concerning advance payments in the Emergency Food Assistance Program rules. The department is repealing the rule because issuing advance payments jeopardizes the limited funds available for the Emergency Food Assistance Program. A simultaneous emergency repeal appears in this issue of the *Register*.

Clifton Martin, associate commissioner for programs, has determined that there will be no fiscal implications for state or local governments or small businesses as a result of the repeal.

Mr. Martin also has determined that for each year of the first five years the proposal is in effect the public benefit anticipated as a result of the repeal is the continued ability of the program to meet its financial obligations and thus serve people in need of emergency food assistance. There is no anticipated economic

cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-231, Texas Department of Human Services, 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 33 which authorizes the department to administer public assistance programs.

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 August 16, 1985.

TRD-857529

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:

September 23, 1985

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

★ ★ ★

Chapter 48. CCAD Model Waiver Program

★ 40 TAC §48.2501, §48.2502

(Editor's note: The Texas Department of Human Resources proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is published in the Emergency Rules section of this issue.)

The Texas Department of Human Resources proposes new §48.2501 and §48.2502, concerning the Model Waiver Program in its Community Care for Aged and Disabled (CCAD) chapter. Section 48.2501 concerns client eligibility criteria for admission into the program according to the terms of the 1915(c) waiver request approved by the Health Care Financing Administration (HCFA). Section 48.2502 concerns an applicant's right to appeal denial of services.

In response to the Texas Board of Human Resources, the Office of Services to Aged and Disabled developed a waiver request authorized by Public Law 97-35, §2176, and the Social Security Act, §1915(c), as amended. The waiver was required to allow Title XIX (Medicaid) reimbursement for certain home and community-based services provided as cost-effective alternatives to placement in nursing facilities (ICF, SNF) or intermediate care facilities for the mentally retarded (ICF-MR). The

services will be provided to a limited number of eligible clients. The home and community-based services approved for Title XIX reimbursement under the authority of the waiver request include: the full benefits of the Texas state Medicaid plan, case management, home health aides, personal care, and nursing services. Under the terms of the waiver request approved by HCFA, admission into the Model Waiver Program is limited to 50 eligible clients per year. Implementation of the Model Waiver Program is scheduled for September 1, 1985. Simultaneous emergency rules appear in this issue of the *Texas Register*.

Clifton Martin, associate commissioner for programs, has determined that for the first three-year period the sections will be in effect there will be fiscal implications as a result of enforcing or administering the sections (The waiver is valid for only a three-year period.) The estimated additional cost to state government will be \$155,496 in fiscal year 1986; \$165,121 in fiscal year 1987; and \$175,924 in fiscal year 1988. There are no fiscal implications for units of local government or small businesses.

Mr. Martin has also determined that for each year of the first three years the sections as proposed are in effect the public benefit will be alternatives to institutional care for eligible clients. There are no economic costs to individuals required to comply with the sections as proposed.

Comments on the proposal may be sent to Cathy Rossberg, Administrator, Policy Development Support Division-450, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

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 August 15, 1985.

TRD-857491

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:

September 23, 1985

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

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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 VI. Credit Union Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

Investments

★ 7 TAC §91.802

The Credit Union Department has withdrawn from consideration for permanent adoption proposed new §91.802, concerning investments. The text of the new section as proposed appeared in the June 21, 1985, issue of the *Texas Register* (10 TexReg 2058).

Issued in Austin, Texas, on August 16, 1985.

TRD-857523

Harry L. Elliott
Staff Services Officer
Credit Union
Department

Filed: August 16, 1985
For further information, please call
(512) 837-9236.

★ ★ ★



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 22. EXAMINING BOARDS

Part XX. Texas Board of Private Investigators and Private Security Agencies

Chapter 423. Rules of Procedure and Seal

Regulation or Code of Professional Responsibility and Conduct

★ 22 TAC §423.1

The Texas Board of Private Investigators and Private Security Agency adopts an amendment to §423.1, without changes to the proposed text published in the July 5, 1985, issue of the *Texas Register* (10 TexReg 2183).

The amendment prohibits possession of a simulated firearm by a security officer while in the course and scope of his employment as a security officer. The amendment is needed so that licensees and security guards will know that simulated firearms are not to be worn, and practice of deception is prohibited. If a security guard has a simulated firearm in his possession while in the scope of his employment, a complaint may be filed and disciplinary action can be taken.

No comments were received regarding adoption of the amendment.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

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

TRD-857486

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

Effective date: September 5, 1985
Proposal publication date: July 5, 1985
For further information, please call
(512) 475-3944.

★ ★ ★

Chapter 445. Fees

★ 22 TAC §455.1

The Texas Board of Private Investigators and Private Security Agencies adopts an amendment to §455.1, with changes to the proposed text published in the July 16, 1985, issue of the *Texas Register* (10 TexReg 2275).

A substantial percentage of fingerprints submitted by licensees to this agency are rejected by the Texas Department of Public Safety as unclassifiable. House Bill 759 provides that a fee may be charged for processing of fingerprints that have been resubmitted. The amendment is needed so that the agency may recoup the processing costs.

The amendment provides that a fee of \$12.50 must accompany the resubmission of fingerprints. This will cover the cost of processing the resubmission.

No comments were received regarding adoption of the amendment.

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

§445.1. *Fees.* The board has established the following fees for the administration of this Act:

(1)-(16) (No change.)

(17) Resubmission of fingerprints—

\$12.50.

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 August 16, 1985.

TRD-857510

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

Effective date: September 6, 1985
Proposal publication date: July 16, 1985
For further information, please call
(512) 475-3944.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 351. Regionalization Upper Brushy Creek Watershed

★ 31 TAC §351.111-351.113

The Texas Water Development Board adopts new §§351.111-351.113, without changes to the proposed text published in the February 15, 1985, issue of the *Texas Register* (10 TexReg 584).

A public hearing held November 7, 1984, in Round Rock, Williamson County, established the need for regional wastewater treatment and disposal services within the Upper Brushy Creek Watershed in southwest Williamson County.

After evaluation of the evidence and testimony received at this hearing, the department designated Brushy Creek Water Control and Improvement District

(WCID) 1 of Williamson and Milam Counties as the regional entity to provide wastewater treatment and disposal services within the regional area encompassed by the Upper Brushy Creek Watershed in Williamson County. These rules formally designate the Upper Brushy Creek Watershed, including the cities of Cedar Park, Leander, Round Rock, portions of the extraterritorial jurisdiction of the City of Austin, and the unincorporated area of approximately 90,000 acres surrounding these cities, as a regional service area.

A number of interested individuals and local governments have provided comments in response to the department's section proposals. Joseph Ventura, city attorney for the City of Leander, and Georgia Crump, attorney for the City of Cedar Park, have expressed support for the general concept of providing wastewater treatment services on a regional basis. However, the City of Leander requested that the department consider designating a smaller portion of the Upper Brushy Creek Watershed with Leander as the regional service entity. Cedar Park also requested consideration of a less-inclusive regional area, to be serviced by Cedar Park either individually or jointly with Leander, emphasizing the fact that Cedar Park has invested substantial Environmental Protection Agency monies, funds from a Texas Water Development Board water quality enhancement fund loan, and revenues from the sale of certificates of obligation to finance construction of its own collection system and sewage treatment plant.

The department believes that the originally proposed regional service area is more appropriate than either of the more limited areas suggested by Leander and Cedar Park, based on both current and projected wastewater service needs and the additional concern of accommodating anticipated growth within the designated service area while protecting areas of recharge to the Edwards Aquifer. See the May 7, 1985, issue of the *Texas Register* (10 TexReg 1421). Furthermore, Texas Water Code, §26.084(b), protects individuals, including local governments, from involuntary inclusion in a regional wastewater system unless the Texas Water Commission affirmatively finds that such individuals "will not suffer undue financial hardship."

E. Charles Shafer, partner in the Integrated Capital Group, a real estate investment company, expressed concern that designation of a regional service area and the Brushy Creek WCID as a regional entity would preclude development of the Cedar Park wastewater collection and treatment systems, thereby precluding proposed residential development for a number of years. The department notes, however, that the designation of a regional area and a regional entity does not, *ipso facto*, affect any existing or

planned development activities. Such designation establishes a framework within which wastewater services will be provided on a regional basis at such time as regional sewage treatment plant capacity is available, either by voluntary participation, or by forced inclusion in the regional system subject to the protection afforded individuals under the Texas Water Code, §26.084(b).

A number of concerns centering on the propriety of certain individuals serving on the board of directors for the Brushy Creek WCID were raised by individuals at the public hearing held in Round Rock, prior to publication of the proposed rules, and these concerns were raised again in response to the publication of the sections for comment. Carlos W. Higgins, president of the Good Government League, raised questions centering on claimed conflicts of interest under the Texas Water Code, Chapter 50 and Chapter 51. On January 10, 1985, the department was advised through attorney general Opinion JM-296 that developers within the district's boundaries would be disqualified from serving on the board. Shortly thereafter, the board members in question resigned.

The city of Round Rock and Austin have indicated their support of the rules as proposed.

The new sections are adopted under Texas Water Code, §§5.131, 5.132, 26.011, and 26.081-26.087, which provide the Texas Water Development Board with the authority to promulgate rules for the purposes of water quality management and implementation of regionalization.

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 August 15, 1985.

TRD-857485

Susan Plettman
General Counsel
Texas Department of
Water Resources

Effective date: September 6, 1985
Proposal publication date: February 15, 1985
For further information, please call
(512) 463-8087.

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TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public Accounts
Chapter 3. Tax Administration
Subchapter E. Miscellaneous Taxes Based on Gross Receipts

★34 TAC §3.57

The Comptroller of Public Accounts adopts the repeal of §3.57, without

changes to the proposal published in the July 12, 1985, issue of the *Texas Register* (10 TexReg 2220). The tax on car companies was repealed by Senate Bill 237 of the recent regular session of the legislature, and this provision is no longer of any effect.

No comments were received regarding adoption of the repeal.

This repeal 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 miscellaneous taxes based on gross receipts.

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 August 16, 1985.

TRD-857518

Bob Bullock
Comptroller of Public
Accounts

Effective date: September 6, 1985
Proposal publication date: July 12, 1985
For further information, please call
(512) 463-4608.

★ ★ ★

Subchapter O. State Sales and Use Tax

★34 TAC §3.292

The Comptroller of Public Accounts adopts an amendment to §3.292, with changes to the proposed text published in the July 12, 1985, issue of the *Texas Register* (10 TexReg 2224). The changes involve relettering of the subsection references in subsections (d)(1) and (d)(2) and (e)(2)(E) to conform with the relettering of the subsections of the amended rule.

One definition is amended to conform to the same definition found in §3.291. The primary amendment concerns consumable supplies related to taxable services. When taxable services become subject to sales tax, the Tax Code, §151.056, ceased to apply to those persons repairing tangible personal property other than motor vehicles, aircrafts, and certain vessels. Those who provide taxable services pay sales tax on their purchases of consumable supplies just as they always have. Now, however, they are required to collect sales tax on the total charge to their customers for the service which they provide. If part of that charge is for consumable supplies, the repairman must nonetheless collect sales tax on this charge.

No comments were received regarding adoption of the amendment.

The 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.

§3.292. Repair, Remodeling, Maintenance, and Restoration of Tangible Personal Property.

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

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

(3) Contractors—Persons who repair real property are treated as contractors under §3.291 of this title (relating to Contractors). Persons who process or fabricate tangible personal property belonging to others so that the physical characteristics of the tangible personal property are changed, or the object of the fabrication is to substantially improve or to cause the tangible personal property to operate in a new or different manner, are governed by the provisions of §3.300 of this title (relating to Manufacturing, Custom Manufacturing, Fabricating, Processing).

(4)-(5) (No change.)

(6) Lump-sum contract—A contract in which the agreed price for doing a job is one lump-sum amount and in which the charges for materials are not separate from the charges for skill and labor. Separated invoices issued to the customer will not change a lump-sum contract into a separated contract unless the terms of the contract require separated invoices.

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

(b) Repair of aircraft, aircraft parts, motor vehicles, motor vehicle parts, commercial vessels, and parts for commercial vessels.

(1) Responsibilities of repairmen operating under lump-sum contracts.

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

(E) Consumable supplies and equipment. Tax must be paid by the repairman at the time of purchase of those supplies, tools, and equipment which are used in the performance of the repair but which are physically incorporated into the property of the customer. The repairman may not collect tax from the customer on the charge for the consumables; however, tax cost may be recouped in the price billed to the customer.

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

(c) Repair of tangible personal property except aircraft, commercial vessels, and motor vehicles. Repairs under either lump-sum or separated contracts.

(1) Repairmen are retailers and must obtain a tax permit and collect tax on the entire charge for materials, parts, labor, consumable supplies, equipment, and any charge incidental to the transportation of a repair, remodeling, restoration, or maintenance service.

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

(5) Consumable supplies and equipment. Tax must be paid by the repairman at the time of purchase of those supplies, tools, and equipment which are used in the performance of the repair but which are not physically incorporated into the property of the customer. If the charge for the repair includes charges for consumable

supplies or for use of the repairman's equipment, sales tax must be collected from the customer on these charges.

(d) Responsibilities of remodelers.

(1) The responsibilities of remodelers of aircraft and commercial vessels will be the same as those of repairmen as outlined in subsection (b) of this section.

(2) The responsibilities of remodelers of motor vehicles, and other tangible personal property not covered in paragraph (1) of this subsection, are the same as the responsibilities of repairmen under subsection (c) of this section.

(e) Repairs under warranties.

(1) (No change.)

(2) Extended warranties and service contracts.

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

(E) A repairman performing services under an extended warranty covering a motor vehicle, aircraft, or commercial vessel must collect tax on the parts and labor as required under subsection (b) of this section.

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 August 14, 1985.

TRD-857451

Bob Bullock
Comptroller of Public
Accounts

Effective date: September 4, 1985

Proposal publication date: July 12, 1985

For further information, please call
(512) 463-4606.

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State Board of Insurance Exempt Filings

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

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

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

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

The State Board of Insurance has approved a filing by the Surety Association of America, of a new endorsement form Rider SR 5380a, for use with credit union blanket bond, Standard Form 23.

Rider SR 5380a broadens insuring clause (A) and adds certain exclusions. The rider merely combines language contained in two separate riders—SR 5380 and SR 6035a.

The revised endorsement has been approved by the National Credit Union Administration, which is the federal regulatory body for the supervision of federal credit unions.

There is no rate consideration involved in the revision of this form.

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

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

ministrative Procedure and Texas Register Act.

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

TRD-857513

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: September 8, 1985
For further information, please call
(512) 463-6326.

★ ★ ★

The State Board of Insurance has approved a filing by the Surety Association of America, of a revision of E.R.I.S.A. Rider SR 6145 (Endorsement 222) approved under Board Order 46109.

Two corrections in the form are necessary.

(1) The last sentence in paragraph six has been eliminated as no

deductible should apply to loss sustained by any employee benefit plan or employee pension plan through actions of any employees of such plans.

(2) The other change involves the deletion from the original filing of the wording to be included in the lower left hand corner of the approved rider: "Note: this rider should not be used for any insured exempted from the bonding provision of the Act."

This revision does not change or alter the meaning of the provisions of the rider. This is a correction of the original filing.

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

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

Issued in Austin, Texas, on August 14, 1985.

TRD-857495

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: September 8, 1985
For further information, please call
(512) 463-6326.

★ ★ ★

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual*.

The board has adopted physical damage rating symbols for certain new models of 1985 private passenger automobiles and adjusted physical damage rating symbols for certain 1985 model private passenger automobiles. All of the models for which new symbols have been adopted are newly announced models or models for which data was not available from the manufacturer at the time of their introduction. The new symbols and adjusted symbols adopted were developed from manufacturers F.O.B. list price data and adjusted in accordance with the prescribed vehicle series rating rule. The F.O.B. list price symbol chart from which the appropriate symbols are derived is on page 2 of the symbol and identification section of the *Texas Automobile Manual*.

If applicable, the appropriate symbol has been raised or lowered based on the experience thresholds set out in the vehicle series rating rule in the symbol and identification section of the *Texas Automobile Manual*.

The amendment is effective at 12:01 a.m. on the 15th day after notice of this action is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.96, which ex-

empts it from the requirements of the Administrative Procedure and Texas Register Act.

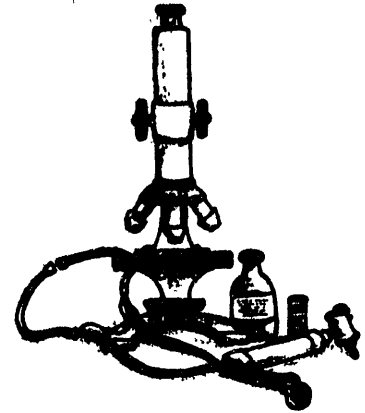
Issued in Austin, Texas, on August 14, 1985.

TRD-857494

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: September 8, 1985
For further information, please call
(512) 463-6326.

★ ★ ★



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 Air Control Board

Friday, August 23, 1985, 10 a.m. The Texas Air Control Board will meet in the Map Room, John E. Gray Institute, Lamar University, 855 Florida Avenue, Beaumont. According to the agenda summary, the board will approve the July 26, 1985, meeting minutes; receive reports, including the hearing examiner's report; consider and act on proposed revisions to Regulation V and the state implementation plan; discuss the hearing examiner's report and use of remote data terminals in the central office; consider a request for a leave of absence; and new business. The board will also discuss personnel appointments in executive session.

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

Filed: August 15, 1985, 3:57 p.m.
TRD-857506

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State Aircraft Pooling Board

Thursday, August 29, 1985, 1:30 p.m. The State Aircraft Pooling Board will meet in Conference Room 107, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will approve the previous meeting minutes; ratify the Texas Department of Public Safety's helicopter, aircraft hourly rates, maintenance rates, fuel rates, and liability insurance; hear a report on TSTI; and discuss other board operational matters.

Contact: Bob DuLaney, John H. Reagan Building, 105 West 15th Street, Room 204, Austin, Texas 78711, (512) 477-8900.

Filed: August 20, 1985, 9:21 a.m.
TRD-857604

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State Banking Board

Thursday, August 15, 1985, 4 p.m. The State Banking Board met in emergency session via telephone conference call originating at 2601 North Lamar Boulevard, Austin. According to the agenda, the board considered an application for a charter for a state bank to purchase some of the assets and assume some of the liabilities of a failed bank. If there is an applicant, it will be the bidder chosen by the FDIC Board of Directors. The emergency status was necessary because failure of the bank would disrupt banking services in the community.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: August 15, 1985, 1:33 p.m.
TRD-857489

Friday, August 16, 1985, 11 a.m. The State Banking Board met in emergency session via telephone conference call originating at 2601 North Lamar Boulevard, Austin. According to the agenda, the board considered an application for a charter for a state bank to purchase some of the assets and assume some of the liabilities of a failed bank. If there is an applicant, it will be the bidder chosen by the FDIC Board of Directors. The emergency status was necessary because failure of the bank would disrupt banking services in the community.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: August 16, 1985, 8:11 a.m.
TRD-857509

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State Board of Barber Examiners

Tuesday, September 10, 1985, 8 a.m. The State Board of Barber Examiners will meet in Suite C-275, 1300 East Anderson Lane, Austin. Items on the agenda include previ-

ous meeting minutes; interview of out-of-state applicants; signing of teacher and school certificates; adoption of 22 TAC §51.94, concerning barber shops and regulation of dress in a barber shop; and letters and reports to the board by the executive director. The board will also meet in executive session.

Contact: Jo King McCrorey, 1300 East Anderson Lane, Suite C-275, Austin, Texas 78752, (512) 835-2040.

Filed: August 20, 1985, 8:56 a.m.
TRD-857601

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Battleship Texas Advisory Board

Saturday, August 24, 1985, 1 p.m. The Battleship of Texas Advisory Board will meet at 3527 Battleground Road, La Porte. Items on the agenda include approval of minutes, update on architectural report, update on fund raising, discussion on planning for Texas veterans reunion, and discussion of subject of the choice of the board. The board will also meet in executive session.

Contact: W. Douglas Williams, 3633 Chimney Rock, Houston, Texas 77056, (713) 783-7200.

Filed: August 16, 1985, 1:36 p.m.
TRD-857525

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Texas Department of Community Affairs

Wednesday and Thursday, August 28 and 29, 1985, 9 a.m. daily. The State Review Committee of the Texas Department of Community Affairs will meet in the first floor conference room, 2015 IH 35 South, Austin. According to the agenda summary, the committee will consider minutes and old

business, a summary of the selection process for the community development project fund and the statewide area revitalization fund, state appeals, regional appeals, regional and state funding recommendations under the community development project fund, statewide area revitalization funding recommendations, and new business.

Contact: Bill Pluta, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 301.

Filed: August 15, 1985, 3:52 p.m.
TRD-857505

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Texas Education Agency

Friday, September 6, 1985, 9 a.m. The Committee for Long-Range Planning of the State Board of Education of the Texas Education Agency will meet in the Venus Room, lower level, East Tower, Amfac Hotel, Dallas/Fort Worth Airport, Irving. According to the agenda, the committee will review the results of public meetings and consider the revision of the draft statement of the mission, goals, and objectives of the long-range plan for public education in Texas.

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

Filed: August 19, 1985, 12:47 p.m.
TRD-857558

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Employees Retirement System of Texas

Thursday, August 22, 1985, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas made an emergency revision to the agenda of a meeting held in the Employees Retirement System Building, 18th and Brazos Streets, Austin. The revision concerned consideration of and action on the proposed sale of Arkansas Power and Light and New Orleans public service bonds. The emergency status was necessary because authorization is required to sell the bonds. There is an urgent public necessity that the bonds be sold as soon as possible so as to minimize their adverse effect on the system's portfolio.

Contact: Clayton T. Garrison, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: August 19, 1985, 1:20 p.m.
TRD-857573

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Texas Housing Agency

Tuesday, August 27, 1985, 8 a.m. The Finance and Audit Committee of the Texas Housing Agency will meet in the conference room, Suite 700, 411 West 13th Street, Austin. Items on the agenda include consideration and possible action on the fiscal year 1986 budget, the status report from Coopers & Lybrand, the agency's financial advisor status, the agency's auditor status, the agency's trustee status, and a report from the senior manager on 1985 single family program and disposition of management fees.

Contact: Earline Jewett, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812.

Filed: August 19, 1985, 4:48 p.m.
TRD-857594

Tuesday, August 27, 1985, 10 a.m. The Programs and Legislation Committee of the Texas Housing Agency will meet in the conference room, Suite 700, 411 West 13th Street, Austin. According to the agenda, the committee will consider and possibly act on approval of grandfathered multifamily developments.

Contact: Earline Jewett, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812.

Filed: August 19, 1985, 4:47 p.m.
TRD-857595

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Texas Department of Human Resources

Monday, August 26, 1985, 10 a.m. The Income Assistance Services Advisory Committee of the Texas Department of Human Resources will meet on the third floor, West Tower, 701 West 51st Street, Austin. Items on the agenda summary include the committee evaluation for fiscal year 1985, goals and objectives for fiscal year 1986, indigent health care, the Job Training and Partnership Act, grant diversion, and the status of hunger bill implementation.

Contact: Pam Martin, P.O. Box 2960, Austin, Texas 79769, (512) 450-3399.

Filed: August 16, 1985, 3:30 p.m.
TRD-857534

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State Board of Insurance

Tuesday, August 20, 1985, 10 a.m. The State Board of Insurance made emergency additions to the agenda of a meeting held in Room 414, 1110 San Jacinto Street, Austin. The additions concerned consideration of an interagency contract between the board and the attorney general, and discussion of the personnel manual, pages 5, 6,

and 46-53, as well as the location and assignment of agency personnel. The emergency status was necessary because work on cases affected by the contract should begin as soon as possible, and this information was not available at the time of the regular posting and must be handled as soon as possible.

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

Filed: August 19, 1985, 3:15 p.m.
TRD-857583

Monday, August 26, 1985, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9072—reinsurance agreement whereby Lone Star Insurance Association, McKinney, will be reinsured by United Benefit Life Insurance Company, Dallas.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6526.

Filed: August 16, 1985, 4:39 p.m.
TRD-857542

Wednesday, August 28, 1985, 2 p.m. The State Board of Insurance will meet in Room 107, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the board will consider revisions to rates of the *Commercial Lines Manual* Texas, division six, general liability filed by Insurance Services Office, Incorporated. The filings are subline 316, revision of basic limits bodily injury and property damage rates for products completed/operations; subline 314, revision of bodily injury increased limit tables for premises/operations; subline 313, bodily injury increased limit tables for premises/operations and property damage increased limit tables for contractual, owners or contractors protective and premises/operations; sublines 314 and 326, revision of basic limits bodily injury rates for premises/operations; subline 313, revision of bodily injury and property damage basic limits rates for premises/operations.

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

Filed: August 15, 1985, 3:46 p.m.
TRD-857507

Wednesday, August 28, 1985, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9065—application of Peggy Ann Allison, Dallas, for a group I legal reserve life insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6524.

Filed: August 19, 1985, 12:28 p.m.
TRD-857580

Thursday, August 29, 1985, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9062—whether disciplinary action should be taken against the Workmen's Circle, New York, New York, which holds a certificate of authority issued by the board.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6525.

Filed: August 19, 1985, 12:28 p.m.
TRD-857581

Friday, August 30, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9025—whether Texas Republic Title Company, Houston, has complied with commissioner's Order 85-1788, dated July 1, 1985.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-5498.

Filed: August 19, 1985, 12:28 p.m.
TRD-857582

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Texas Department of Labor and Standards

Thursday, September 12, 1985, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet at 810 Dixie, Odessa. According to the agenda, the division will discuss license and registration, suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-6560.

Filed: August 20, 1985, 9:09 a.m.
TRD-857603

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Legislative Audit Committee

Wednesday, August 28, 1985, 1:30 p.m. The Legislative Audit Committee will meet in Room 309, State Capitol, Austin. According to the agenda, the committee will discuss the 1986 fiscal year operating budget and the audit planning process and review selected prior audits.

Contact: Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 475-4115.

Filed: August 19, 1985, 1:11 p.m.
TRD-857557

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Legislative Budget Board

Wednesday, August 28, 1985, 9 a.m. The Legislative Budget Board will meet in Room 309, State Capitol, Austin. According to the agenda, the board will consider the operating budget for fiscal year 1986 and any other subjects that come before the board.

Contact: Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 475-3426.

Filed: August 15, 1985, 3:41 p.m.
TRD-857504

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Texas State Library and Archives Commission

Thursday, September 12, 1985, 10 a.m. The Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. Items on the agenda include approval of June 13, 1985, meeting minutes; a request for the loan of archival documents; an appeal from the Dawson County Library Board; appointments to the Library Systems Act Advisory Board and the Library Services and Construction Act (LSCA) Advisory Council; planning guidelines for the 1988-1989 Library Development Division budget request; the LSCA resource sharing plan for 1986-1988; designation of a regional historical resource depository at the University of Texas at Arlington; and committee reports.

Contact: Dorman H. Winfrey, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166.

Filed: August 19, 1985, 9:07 a.m.
TRD-857550

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Texas Low-Level Radioactive Waste Disposal Authority

Tuesday, August 20, 1985, 5 p.m. The Texas Low-Level Radioactive Waste Disposal Authority met in emergency rescheduled session in Room 658, Main Administration Building, 301 University Boulevard, University of Texas Medical Branch, Galveston. According to the agenda summary, the authority approved minutes from a previous meeting; received a communications report, the general manager's report, a proposal to study disposal of short-lived radionuclides, and public comments. The emergency status was necessary because the meeting was originally scheduled for 3 p.m.

on the same day, but was rescheduled because of a lack of quorum.

Contact: L. R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752. (512) 835-6795.

Filed: August 19, 1985, 11:21 a.m.
TRD-857553

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Texas Department of Mental Health and Mental Retardation

Monday, August 26, 1985, 9:30 a.m. The Executive Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in emergency session in the central office, 909 West 45th Street, Austin. According to the agenda, the committee will discuss a proposed board policy on provider contracts and an officer's financial disclosure. The emergency status is necessary because the board is required to approve its policies regarding both of these items prior to September 1, 1985.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: August 19, 1985, 3:54 p.m.
TRD-857588

Monday, August 26, 1985, 10 a.m. The Business Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in emergency session in the auditorium, 909 West 45th Street, Austin. According to the agenda, the committee will approve transfer of unexpended construction funds to emergency repairs and maintenance, transfer fiscal year 1985 funds, revise and add to the quarterly budget for fiscal year 1985, transfer fiscal year 1986 funds, and review the quarterly operating budget for fiscal year 1986. The emergency status is necessary because the agenda items include the 1986 operating budget which must have board approval prior to the next fiscal year.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: August 19, 1985, 3:55 p.m.
TRD-857589

Monday, August 26, 1985, 10:45 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in emergency session at the central office, 909 West 45th Street, Austin. Items on the agenda include approval of the August 2, 1985, minutes; the commissioner's calendar; Executive and Business Committee recommendations for board consideration; citizen's comments; and the status of pending or contemplated litigation. The emer-

gency status is necessary for the board to approve its policies regarding agenda items listed prior to September 1, 1985.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: August 19, 1985, 3:55 p.m.
TRD-857590

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North Texas State University

Thursday, August 22, 1985, 3 p.m. The Role and Scope Committee of the Board of Regents of the Texas College of Osteopathic Medicine met in the boardroom, Administration Building, North Texas State University, Denton. Items on the agenda concerning North Texas State University included personnel, leave of absence, faculty leaves of absence report, signature authority for Welch Foundation grants, small class reports, master of science with major in criminal justice, program options in marriage and family counseling, holidays for the 1985-1986 academic year, and policy manuals. Items on the agenda concerning Texas College of Osteopathic Medicine included personnel, professor emeritus recommendation, tenure recommendation, academic holiday schedule, administrative policy manual, and consortium of departments. The committee also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2, paragraphs (e), legal; (f), real estate; and (g), personnel.

Contact: Jan Dobbs, P.O. Box 13737, North Texas Station, Denton, Texas 76203, (817) 565-2198.

Filed: August 16, 1985, 8:56 a.m.
TRD-857514

Friday, August 23, 1985, 9 a.m. The Board of Regents of the Texas College of Osteopathic Medicine of North Texas State University will meet in the boardroom, Administration Building, North Texas State University, Denton. Items on the agenda concerning North Texas State University include approval of minutes; recommendations from the Role and Scope Committee, the Budget and Finance Committee, Facilities Committee, and Student Affairs Committee; and resolutions of appreciation. Items on the agenda concerning Texas College of Osteopathic Medicine include approval of minutes; recommendations from the Role and Scope Committee, Budget and Finance Committee, Facilities Committee, and Student Affairs Committee; and other business. The board also will meet in executive session pursuant to Texas Civil

Statutes, Article 6252-17, §2, paragraphs (e), legal; (f), real estate; and (g), personnel.

Contact: Jan Dobbs, P.O. Box 13737, North Texas Station, Denton, Texas 76203, (817) 565-2198.

Filed: August 16, 1985, 8:56 a.m.
TRD-857516

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Board of Pardons and Paroles

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

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

Filed: August 16, 1985, 10:20 a.m.
TRD-857519

Wednesday, August 28, 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: August 16, 1985, 10:20 a.m.
TRD-857520

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Texas State Board of Pharmacy

Tuesday, August 27, 1985, 1 p.m. The Texas State Board of Pharmacy will meet in the Austin South Plaza Hotel, IH 35 South and Woodward Street, Austin. Items on the agenda include review of the state auditor's report; board action on issue of pharmacies not having a biennial inventory; computer transfer of prescription information; report on board advisory committee on Class D pharmacy practice; board member per diem and travel guidelines; budgetary line item for staff travel; board action on TSBP-TPA impaired pharmacist contract; memo of understanding proposed by

the Texas State Board of Medical Examiners; action on the need for a new license number when a pharmacy changes its name; report on the Strategic Planning Committee; rules discussion and board approval of rules for final adoption, including 22 TAC §§283.13, 291.32, 291.84, 309.5, and 291.75; and rules discussion and board approval for proposed amendments to 22 TAC §§283.11 and §291.75. The board will also meet in executive session to discuss pending litigation and personnel matters.

Contact: Fred S. Brinkley, Jr., 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827.

Filed: August 19, 1985, 3:46 p.m.
TRD-857586

Wednesday and Thursday, August 28 and 29, 1985, 8:30 a.m. daily. The Texas State Board of Pharmacy will meet in the Austin South Plaza Hotel, IH 35 South and Woodward Street, Austin. According to the agenda summary, the board will hear testimony and review evidence of alleged violations of those laws which persons are subject to administrative sanctions and what form the sanctions are to take.

Contact: Roger Hernandez, 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827.

Filed: August 19, 1985, 3:46 p.m.
TRD-857587

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Public Utility Commission of Texas

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

Tuesday, August 27, 1985, 9 a.m. A prehearing conference in Docket 6376—inquiry of the commission concerning the amount of fuel overrecoveries and fixed fuel factor of Gulf States Utilities Company.

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

Filed: August 15, 1985, 3 p.m.
TRD-857502

Thursday, August 29, 1985, 10 a.m. A prehearing conference in Docket 6439—application of AT&T Communications to offer a new custom network service called software defined network service.

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

Filed: August 16, 1985, 2:57 p.m.
TRD-857530

Thursday, September 5, 1985, 10 a.m. A rescheduled hearing on the merits in Docket

6234—application of Fort Bend Telephone Company for tariff revisions for private pay telephone service. The hearing originally was scheduled for September 4, 1985, at 10 a.m., as published at 10 TexReg 2133.

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

Filed: August 16, 1985, 2:57 p.m.
TRD-857531

Friday, September 6, 1985, 9 a.m. A prehearing conference in Docket 6415—petition of Contel Cellular of El Paso, Inc., for an order barring Southwestern Bell Telephone Company from imposing charges for the reservation and use of NXX Code.

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

Filed: August 15, 1985, 3 p.m.
TRD-857503

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State Purchasing and General Services Commission

Thursday, August 22, 1985, 10 a.m. The State Purchasing and General Services Commission made an emergency revision to the agenda of a meeting held in Room 916, LBJ Building, 111 East 17th Street, Austin. According to the agenda summary, the commission considered the 1986 operating budget; an automated services consultant study and computer acquisition; final adoption of 1 TAC §§117.12, 117.14-117.16, and 117.18; the method of handling legal services for the Telecommunications Division fiscal year 1986; prospective bond issuance by the Texas Public Building Authority pursuant to the provisions of Texas Civil Statutes, Article 601d; proposed changes in delegated purchases; and proposed rules and/or procedural changes effected by House Bill 620, Senate Bill 526, House Bill 1903, House Bill 1278, and House Bill 2375. The commission will also meet in executive session to consider personnel matters and the purchase of real property. The emergency status was necessary because important business was added.

Contact: Rochelle Pemberton, P.O. Box 13047, Austin, Texas 78711, (512) 463-3446.

Filed: August 15, 1985, 11:17 a.m.
TRD-857488

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Railroad Commission of Texas

Monday, August 19, 1985, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in

the auditorium east, first floor, William B. Travis Building, 1701 North Congress Avenue, Austin. The addition concerned the application of Odeen Hibbs Trucking Company (Docket 028752A8A) for an amended certificate. The emergency status was necessary because the matter was properly posted for conference on August 12, 1985, and was passed.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: August 15, 1985, 10:59 a.m.
TRD-857469

Monday, August 19, 1985, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the auditorium east, first floor, William B. Travis Building, 1701 North Congress Avenue, Austin. The addition concerned consideration of emergency rule-making proceeding (16 TAC §5 587) regarding the applications of T.J.M.A.C., Inc. (Docket 036728A3A) and Texas Auto Carriers, Inc. (Docket 036431B2A) to amend SMC certificates and the application of Gary Vickers and Sons, Inc. (Docket 036961A1N) for a new SMC certificate. The emergency status was necessary due to the lack of availability of motor vehicles to the general public.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: August 15, 1985, 10:59 a.m.
TRD-857470

Monday, August 26, 1985, 9 a.m. The Railroad Commission of Texas will meet in the auditorium east, first floor, William B. Travis Building, 1701 North Congress Avenue, 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) 463-7149.

Filed: August 15, 1985, 11 a.m.
TRD-857471

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: August 15, 1985, 10:59 a.m.
TRD-857472

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

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: August 15, 1985, 11 a.m.
TRD-857473

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: August 15, 1985, 10:57 a.m.
TRD-857474

Addition to the previous agenda:

Consideration of gas utilities Docket 5400—appeal of Lone Star Gas Company form the action of the City of Valley Mills.

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

Filed: August 16, 1985, 2:16 p.m.
TRD-857526

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

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711 (512) 463-6710.

Filed: August 15, 1985, 10:59 a.m.
TRD-857475

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, (512) 463-6931.

Filed: August 15, 1985, 10:59 a.m.
TRD-857476

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

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

Filed: August 15, 1985, 10:58 a.m.
TRD-857478

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: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: August 15, 1985, 10:57 a.m.
TRD-857477

Consideration of a protested interim order in oil and gas Docket 10-85,911—application of Williford Energy Company to consider reducing the allowable and adopt a net gas-oil ratio or alternatively to shut-in the Sell (Upper Morrow) field, Lipscomb County.

Contact: Billy Thomas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1289.

Filed: August 15, 1985, 10:58 a.m.
TRD-857479

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

Contact: Mark K. Hogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: August 15, 1985, 10:57 a.m.
TRD-857480

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

Contact: Gail Gembeling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: August 15, 1985 10:59 a.m.
TRD-857481

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, 1701 North Congress Avenue, Austin, Texas 78704, (512) 463-7149.

Filed: August 15, 1985, 11 a.m.
TRD-857482

The Surface Mining and Reclamation Division consideration of final bond release; site close-out; termination of Permit 012, Basic Resources, Inc., *In situ* gasification project; acceptance of a rider to existing bond required for incidental boundary revision at ALCOA's Sandow Mine, Permit 1; and division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-7149.

Filed: August 15, 1985, 10:58 a.m.
TRD-857483

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

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: August 15, 1985, 10:58 a.m.
TRD-857484

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Texas Rehabilitation Commission

Wednesday, August 28, 1985, 9:30 a.m. The Recognition and Awards Subcommittee of the Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet via conference call originating in Room 104, 158 East Riverside Drive, Austin. Items on the agenda include a review of nominations and the selection of winners for the employment awards program.

Contact: Virginia Roberts, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8276.

Filed: August 20, 1985, 8:56 a.m.
TRD-857602

Wednesday, August 28, 1985, 10 a.m. The Planning Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Texas Department of Human Resources Room 6W, John H. Winters Human Services Center, 701 West 51st Street, Austin. Items on the agenda include approval of minutes; use of current grants to support future goals; council long-range goals including alternative community living arrangement services and employment-related services; state plan tasks; and unfinished business.

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

Filed: August 19, 1985, 1:03 p.m.
TRD-857555

Thursday and Friday, September 5 and 6, 1985, 4:45 p.m. and 3:30 p.m. respectively. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet at the Austin South Plaza Hotel, IH 35 South, Austin. Items on the agenda include the Monitoring and Evaluation Committee report on grants management, request for proposal process, project advisory committees, and council member grants visits; Advocacy and Public Information Committee report on ICF-MR, federal legislation, and council recognition awards; the executive director and chairman's reports; Executive Committee's report on council policies, long-range plans and developmental disabilities state plan for fiscal year 1987-1989; recognition of former council members; the Planning Committee report on the council mission statement, long-range goals, developmental disabilities state plan for 1987-1989, including goals and objectives; unfinished business; public comments; and announcements.

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

Filed: August 19, 1985, 1:03 p.m.
TRD-857556

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State Textbook Committee

Monday-Wednesday, August 26-28, 1985, 8:30 a.m. daily. The State Textbook Committee will meet in Room 255, Bevington Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the committee will ballot for selection of textbooks

for recommendation to the State Board of Education.

Contact: J. Henry Perry, Jr., 201 East 11th Street, Austin, Texas 78711, (512) 834-4065.

Filed: August 16, 1985, 4:15 p.m.
TRD-857541

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Texas Turnpike Authority

Wednesday, August 28, 1985, 2 p.m. The Permanent Contract Awards Committee of the Texas Turnpike Authority will meet at 3015 Raleigh Street, Dallas. According to the agenda summary, the committee will consider an award of Contract DNT-124 for toll collection equipment on the Dallas north tollway extension project.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: August 20, 1985, 8:22 a.m.
TRD-857597

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Texas Water Commission

Wednesday, August 28, 1985, 10 a.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 discuss water district applications for bond issues, release from escrow, use of surplus funds, the transfer of escrowed funds, water quality proposed permits, amendments and renewals, the extension of time applications, amendment to a certified filing, amendments to certificates of adjudication, an amendment to a contractual permit, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 16, 1985, 3:38 p.m.
TRD-857535

Friday, August 30, 1985, 10 a.m. The Texas Water Commission made an addition to the agenda of a meeting to be held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerns consideration of the fiscal year 1986 operating budget for the commission.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 16, 1985, 3:39 p.m.
TRD-857536

The Texas Water Commission will meet in Room 118, Stephen F. Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Wednesday, September 4, 1985, 9:30 a.m.
Hearing on TA-5279 of Reynolds Metals Company for a permit to divert and use 18,000 acre-feet of water for a three-year period from Port Bay, tributary Copano Bay, tributary Aransas Bay, San Antonio-Nueces Coastal Basin, for industrial purposes in Aransas County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 15, 1985, 1:31 p.m.
TRD-857496

Additions to the previous agenda:

Hearing on TA-5268 of North Texas Municipal Water District for a permit to divert and use 50,000 acre-feet of water for a three-year period from East Fork Trinity River, tributary Trinity River, Trinity River Basin, for municipal purposes in Collin County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 15, 1985, 1:32 p.m.
TRD-857497

Hearing on TA-5281—L. H. Lacy Company for permit to divert and use 50 acre-feet of water for a one-month period from Trinity River, Trinity River Basin, for industrial purposes in Dallas County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 15, 1985, 1:32 p.m.
TRD-857498

Hearing on TA-5282 of J. D. Abrams, Inc., for a permit to divert and use 267 acre-feet of water for a two-year period from Colorado River, Colorado River Basin, for industrial purposes in Fayette County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 15, 1985, 1:33 p.m.
TRD-857499

Hearing on TA-5278 of Gary Scott Lehmann for a permit to divert and use 250 acre-feet of water for one-year period from Colorado River, Colorado River Basin, for irrigation purposes in Bastrop County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 15, 1985, 1:36 p.m.
TRD-857500

Tuesday, September 10, 1985, 2 p.m. Recommendations of the executive director of the Texas Department of Water Resources regarding revocation of various water quality permits.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 16, 1985, 3:39 p.m.
TRD-857537

Wednesday, September 11, 1985, 2 p.m.
Application by AMVAC Chemical Corporation for proposed Permit 02738, Sabine River Basin, Harrison County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 16, 1985, 3:39 p.m.
TRD-857538

Monday, September 30, 1985, 10 a.m. The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the request of El Dorado Homes Association, Inc., to extend the time of commencement of construction to repair an existing dam forming a 29-acre-foot capacity reservoir on an unnamed tributary of Beitel Creek, tributary of Salado Creek, tributary of San Antonio River, San Antonio River Basin, in Bexar County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: August 16, 1985, 3:40 p.m.
TRD-857539

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Regional Agencies Meetings Filed August 15

The Border Area Nutrition Council, Board of Directors, will meet in the Falcon Room, Zapata National Bank, Zapata, on August 29, 1985, at 11 a.m. Information may be obtained from Alberto Rivera, Jr., P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The Dallas Area Rapid Transit, Work Program Committee and Budget and Finance Committee, met in emergency session at 601 Pacific Avenue, Dallas, on August 16, 1985, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Deep East Texas Council of Governments, Board of Directors, met at the Trinity Community Center, Trinity, on August 22, 1985, at 1:30 p.m. Information may be obtained from Betty Snowden, 274 East Lamar, Jasper, Texas 75951, (409) 384-7627.

The Lower Colorado River Authority, Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, on August 21, 1985, at 8 a.m. The following committees also met at the same location on the same day at the following times:

Finance and Administration—9:30 a.m.

Energy Operations—1 p.m.

Natural Resources—2:30 p.m.

Committee on Policy and Public

Planning—4:30 p.m.

The Board of Directors met at the same location on August 22, 1985, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The South Texas Development Council, STED Corporation Board of Trustees, will meet in the Falcon Room, Zapata National Bank, Zapata, on August 29, 1985, at 11:30 a.m. The board of directors also will meet at the same location on the same day at 1 p.m. Information may be obtained from Robert Mendiola, 600 South Sandman, P.O. Box 2187, Laredo, Texas 78044-2187, or Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

TRD-857490

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Meetings Filed August 16

The Austin-Travis County Mental Health Mental Retardation Center, Finance and Control Committee, met at 1430 Collier Street, Austin on August 21, 1985, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Dallas Area Rapid Transit, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on August 19, 1985, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Gillespie County Appraisal District, Board of Directors, will meet in the assembly room, city hall, Fredericksburg, on August 28, 1985, at 9 a.m. Information may be obtained from Gary Neffendorf, P.O. Box 429, Fredericksburg, Texas 78624.

The Gregg Appraisal District, Board of Review, will meet at 2010 Gilmer Road, Longview, on August 26, 1985, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Leon County Central Appraisal District, Appraisal Review Board, met in emergency session in the courtroom, Leon County Courthouse, Centerville, on August 19-21, 1985, at 9 a.m. daily. Information may be obtained from Tom G. Holmes, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on August 22, 1985, at

1:30 p.m. Information may be obtained from Ken Jones, Texas Commerce Bank Building, Suite 707, 1701 Highway 83 West, McAllen, Texas 78501, (512) 682-3481.

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on August 22, 1985, at 12:45 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Sabine Valley Regional Mental Health Mental Retardation Center, Board of Trustees, met at the Oak Haven Recovery Center, Route 5, Box 120, Marshall, on August 22, 1985, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The San Antonio River Authority, Board of Directors, met in the Leonard H. Von Dohlen Conference Room, swimming pool annex, Goliad State Historical Park, Goliad, on August 21, 1985, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

TRD-857515

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Meetings Filed August 19

The Amarillo Mental Health Mental Retardation Center, Board of Trustees, will meet in the boardroom, 1901 Medi-Park, Amarillo, on August 29, 1985, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Central Texas Council of Governments, Central Texas Private Industry Council, will meet at 302 East Central, Belton, on August 29, 1985, at 10 a.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-3771.

The Deep East Texas Regional Mental Health Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room, administration facility, 4101 South Medford Drive, Lufkin, on August 27, 1985, at 5:30 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas (409) 639-1141.

The Region XVI Education Service Center, Board of Directors, will meet in the Lubbock Room, Sutphen's, 16th and Madison Streets, Amarillo, on August 29, 1985, at 1 p.m. Information may be obtained from Kenneth M. Laycock, 1601 South Cleveland, Amarillo, Texas 79120, (806) 376-5521.

The Golden Crescent Service Delivery Area, Private Industry Council, will meet in the Americana Room, second floor, Interfirst Bank, 1908 North Laurent, Victoria, on August 28, 1985, at 6:30 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Lone Star Municipal Power Agency will meet in the council chambers, city hall, 1212 Avenue M, Huntsville, on August 29, 1985, at 5:30 p.m. information may be obtained from Cathy Locke, 8240 MoPac Expressway, Austin, Texas 78759, (409) 764-3509.

The Mills County Appraisal District met in emergency session at the district office, county courthouse, Goldthwaite, on August 19, 1985, at 1 p.m. Information may be obtained from Doran E. Lenke, P.O. Box 55, Goldthwaite, Texas 76844, (915) 648-2253.

The Parmer County Appraisal Office, Board of Directors, will meet at 305 Third Street, Bovina, on September 3, 1985, at 8:30 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Tarrant Appraisal District, Board of Directors, met at 1701 River Run, Suite 300, Fort Worth, on August 22, 1985, at 9 a.m.

Information may be obtained from Ms. Perrin, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-8722.

The Trinity River Industrial Development Authority, Board of Directors, met in emergency session at 5300 South Collins, Arlington, on August 21, 1985, at 11 a.m. Information may be obtained from Ramona A. Winer, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Trinity River Authority of Texas, Board of Directors, will meet at 5300 South Collins, Arlington, on August 28, 1985, at 10:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

TRD-857511

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Meetings Filed August 20

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, will meet at 408 Mulberry Drive, Brownwood, on August 26, 1985, at 4:30 p.m. Information may be obtained from Randy K. Harkey, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574.

The Comal Appraisal District, Board of Directors, will meet at 644 North Loop 337, New Braunfels, on August 26, 1985, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Ellis County Tax Appraisal District will meet at 406 Sycamore Street, Waxahachie, on September 12, 1985, at 5 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

TRD-857600

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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 Air Control Board Correction of Error

An adopted rule submitted by the Texas Air Control Board contained two errors as published in the August 13, 1985, issue of the *Texas Register* (10 TexReg 3089).

In §116.3(a)(13), the second sentence should read: "The term 'executive director' shall replace the term 'administrator' except in 40 CFR §52.21(b)(17), (f)(1)(v), (f)(3), (f)(4)(i), (g), and (t). 'Administrator or executive director' shall replace 'administrator' in 40 CFR §52.21(b)(3)(iii) and 'administrator and executive director' shall replace 'administrator' in 40 CFR §52.21(p)(2).

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Texas Commission on Alcoholism Meeting of Advisory Council

The Advisory Council of the Texas Commission on Alcoholism will meet on September 5, 1985, at 1 p.m. and on September 6, 1985, from 8:30 a.m. until noon. The meetings will be held at the Joe C. Thompson Conference Center in Austin.

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

TRD-857446 Ross Newby
 Executive Director
 Texas Commission on Alcoholism

Filed: August 14, 1985
For further information, please call (512) 475-2577.

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State Banking Board Amended Hearing Date

The date of the hearing for the charter application of Citizens Bank of Red Oak, Red Oak, previously scheduled on June 25, 1985, has been rescheduled to begin at 9 a.m. on September 16, 1985, at the Banking Department of Texas, 2601 North Lamar, Austin.

The rescheduling of the hearing in this matter shall not alter the deadline for the filing of a petition in intervention by any party under State Banking Board rules.

Issued in Austin, Texas, on August 14, 1985.

TRD-857493 William F. Aldridge
 Director of Corporate Activities
 Banking Department of Texas

Filed: August 15, 1985
For further information, please call (512) 475-4451.

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Comptroller of Public Accounts Correction of Error

An emergency amendment and proposed new rule submitted by the Comptroller of Public Accounts contained several errors as published in the August 6, 1985, issue of the *Texas Register*.

On page 2504, the third and fourth sentences of the bracketed language in emergency §3.403(a) should read:

The only exception from the foregoing is a special reporting method granted to a corporation by the comptroller under the provisions of §3.393 of this title (relating to Special Reporting Procedures—Texas Civil Statutes, Article 12.02, Chapter 12, Title 122A). In this section, the phrases 'Texas receipts' and 'business done in Texas' are synonymous and used interchangeably.]

On page 2505 in subsection (c)(21)[(22)], the acronym DISC should not be bracketed as a deletion.

In proposed §3.412 on page 2532, the last sentence of subsection (c) should read: "The report and payment will be due March 2, 1987 (91 days after the date of merger), not January 29, 1987 (89 days after the first anniversary date)."

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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 3069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 08/26/85-09/01/85	18.00%	18.00%
Monthly Rate—Article 1.04(c)(1) 08/01/85-08/31/85	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 ⁽³⁾ 07/01/85-09/30/85	18.00%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) ⁽³⁾ 07/01/85-09/30/85	16.50%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 07/01/85-09/30/85	18.00%	18.00%
Retail Credit Card Annual Rate—Article 1.11 ⁽³⁾ 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 07/01/85-09/30/85	18.42%	N/A
Judgment Rate—Article 1.05, §2 09/01/85-09/30/85	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 August 19, 1985.

TRD-857547 Sam Kelley
Consumer Credit
Commissioner

Filed: June 24, 1985
For further information, please call (512) 475-2111.



Office of Court Administration Consultant Contract Award

This consultant award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the July 5, 1985, issue of the *Texas Register* (10 TexReg 2207).

Description of Project. The project includes development of case management and caseload management systems for the trial courts of Texas.

Name and Address of the Consultant. The consultant is the Justice Institute, California Western School of Law, 350 Cedar Street, San Diego, California 92101.

Total Value and Dates of Contract. The term of this contract began August 9, 1985, ends November 30, 1985, and will not exceed \$65,000.

Due Dates of Documents. All reports and deliverables prepared by the consultant under this contract shall be submitted upon completion throughout the period of performance of this contract.

Issued in Austin, Texas, on August 13, 1985.

TRD-857485 Jim Hutcherson
General Counsel
Office of Court Administration

Filed: August 15, 1985
For further information, please call (512) 475-2421.



Texas Commission for the Deaf Consultant Proposal Request

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf (TCD) is requesting proposals for services of consultant(s) to conduct interpreter training workshops.

Description of Services. The consultant(s) will conduct both intensive and short term training workshops for beginning and advanced sign language and/or oral interpreters for the deaf and hearing-impaired in legal, medical, deaf-blind, and mental health interpreting situations. Certification preparation workshops will also be conducted prior to certification evaluations. The consultant(s) will offer training sessions to consumers on effective and efficient use of interpreters. Those workshops vary from one to three days in length and may involve at least 10 interpreters/participants for each scheduled workshop. The workshops may be set up in local areas in which interpreter services are provided through provisions of the TCD contract. The consultant(s) will work closely with contractors to have workshops in their respective areas.

Evaluation Criteria. The consultant must have a minimum of a bachelor's degree in relation to the services requested with American Sign Language and interpreting skills (or substituted by a minimum of five years experience in interpreter training or related field of training), be licensed or certified by the TCD Board for Evaluation of Interpreters to hold a minimum of certification Level III, and have a minimum of five years experience in interpreter training. Proposals will be evaluated using the following criteria: cost, geographic distribution of services, number of workshops, qualifications of consultants, previous relevant experience, certifications, knowledge of topic areas, services offered in addition to the workshops, and content of workshops.

Selection. Final selection will be made by the TCD based upon evaluations. The TCD will award a contract to the individual, organization, or agency which is considered to be best able to perform the services requested. However, the TCD reserves the right to reject, in total or part, any and/or all proposals received if it is considered to be in the best interest and intent of the commission. Issu-

ance of this notice in no way constitutes a commitment by the TCD to award a contract.

Contract Term. The contract period will be from November 1, 1985-August 31, 1986. Contracts will be awarded to ensure maximum coverage to 16 areas of providing interpreter services through provision of the TCD contract. Total funding will not exceed \$18,000; \$12,000 for workshop expenses, plus \$6,000 travel and per diem. The maximum amount for any one contract per workshop will be \$750. In no instance will a former TCD employee be awarded the contract under the 69th Legislature, Senate Bill 384.

Closing Date for Proposals. The closing date for receipt of proposals is October 1, 1985, postmarked. Proposals sent by mail should be addressed to William F. Eckstein, Coordinator of Direct Services, Texas Commission for the Deaf, 510 South Congress Avenue, Suite 300, P.O. Box 12904, Austin, Texas 78711. One original and three copies of the proposal are required. Proposals received after that time will not be considered.

Contact Person. For additional information, or to notify the TCD of intent to make a proposal, contact William F. Eckstein, 510 South Congress Avenue, Suite 300, P.O. Box 12904, Austin, Texas 78711, (512) 475-2492.

Issued in Austin, Texas, on August 16, 1985.

TRD-857545 Larry D. Evans
Executive Director
Texas Commission for the Deaf

Filed: August 19, 1985
For further information, please call (512) 475-2492.

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State Department of Highways and Public Transportation Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the State Department of Highways and Public Transportation furnishes this notice of contract award. The consultant proposal request appeared in the March 1, 1985, issue of the *Texas Register* (10 TexReg 764). The consultant will conduct an advertising and public awareness campaign which is designed to increase public awareness of the litter problem in Texas and to help curb the rising cost of litter pickup along the state's highway rights of way. The systematic program will include creation and development of advertising messages, including graphics, copywriting, and production; placement of these messages in appropriate media; solicitation of free media time and/or space; solicitation of corporate cooperation and sponsorship; development and production of additional materials for use in public awareness and education programs; coordination of special events and activities which would focus on litter cleanup; and the hiring of a sub-consultant who would develop a benchmark for measuring the extent of litter in Texas before and after the campaign.

The contract is G & S Associates, Inc., doing business as Gurasich, Spence, Darilek & McClure, 1250 Capital of Texas Highway South, Austin, Texas 78746. The total contract is not to exceed \$2 million. The contract began

on August 6, 1985, and will terminate on August 31, 1986. A final report will be due by September 30, 1986.

Issued in Austin, Texas, on August 14, 1985.

TRD-857512 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: August 16, 1985
For further information, please call (512) 475-2141.

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Texas Department of Human Resources Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) furnishes this notice of contract award. The notice for request for proposals was published in the May 31, 1985, issue of the *Texas Register* (10 TexReg 1760).

Description of Services. The contractors will provide one or more of the following services: psychological/developmental testing; individual, group and family counseling/therapy; and court testimony regarding specific child protective services cases.

Name of Contractors and Value of Contracts. Deep East Texas Regional Mental Health Retardation Services, 4101 South Medford Drive, Lufkin, Texas 75901—\$28,000; Frankie Clark, Ph.D., 4000 South Medford Drive, Lufkin, Texas 75901—\$35,000; James Armsworth, ACSW, LPC, 4848 NE Stallings Drive, Nacogdoches, Texas, 75961—\$31,200; Beaumont Neuropsychiatric Clinic, 3240 Fannin, Beaumont, Texas 77701—\$21,000; Phyllis Ford-Kerr, P.O. Box 12095, Beaumont, Texas 77706—\$14,000; Dr. Ray Cox, 1417 Central Drive, Beaumont, Texas, 77706—\$17,575; Beaumont Psychological Services, 2095 Broadway, Suite 108, Beaumont, Texas, 77701—\$14,000.

Effective Date of Contracts. The contracts will be from September 1, 1985-August 31, 1986.

Due Date of Reports. All reports will be issued within the times specified in each contract and are confidential due to client-specific information.

Issued in Austin, Texas, on August 19, 1985.

TRD-857543 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: August 19, 1985
For further information, please call (512) 450-3768.

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Amended Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) published notice of an award of a consultant contract. The invitation for offers was published in the October 23, 1984, issue of the *Texas Register* (9 TexReg 5492).

The notice of award was published in the February 5, 1985, issue of the *Texas Register* (10 TexReg 437).

Description of Study. The contractor will review and compare certain inpatient hospital reimbursement systems and recommend an appropriate system to be used in the Texas Medical Assistance Program.

Value of Contract. The original contract term runs from January 7, 1985-December 31, 1985, for a total cost not to exceed \$150,000. The term of the contract remains the same and the total cost will be increased by \$50,000.

Issued in Austin, Texas, on August 14, 1985.

TRD-857440 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: August 14, 1985
For further information, please call (512) 450-3768.

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Contract Award

The Texas Department of Human Resources announces the award of a contract for program evaluator for the Nutrition Education and Training (NET) Program. The request for proposal was published in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1455). The program evaluator will design an evaluation plan and measurement tools, and conduct a formal evaluation of the Nutrition Education and Training Program.

The contractor selected is Cynthia Roberts-Gray, 7600 Woodhollow #1313, Austin, Texas 78731.

The contract begins October 1, 1985, and ends September 30, 1987; total value of the contract is \$48,000.

Reports are due monthly as stated in the contract.

Issued in Austin, Texas, on August 14, 1985.

TRD-857441 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: August 14, 1985
For further information, please call (512) 450-3768.

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State Board of Insurance Public Hearing

The State Board of Insurance hereby gives notice of a public hearing to be held at 9 a.m. on Thursday, September 5, 1985, in Room 101, Reagan Building, 105 West 15th Street, Austin. The purpose of this hearing is to consider the following.

(I) Amending joint underwriting association rule of operation 059.21.50.005, medical liability insurance. Request by the Texas Medical Liability Insurance Underwriting Association (JUA) to amend Rule 059.21.50.005 to:

(1) increase the net retention at risk limits of the primary coverage from \$25,000 per occurrence to \$200,000 per occurrence and from \$75,000 aggregate per annum to \$600,000 aggregate per annum;

(2) cause the excess policy to continue to provide excess coverage in the event the underlying primary policy of medical liability insurance is not maintained for any reason, except exhaustion by payment of a loss or losses; if the primary policy is exhausted by payment of a loss or losses, then the excess policy would provide primary coverage;

(3) provide that no hospital or other institutional health care provider or physicians, surgeons, podiatrists, dentists, pharmacists, or chiropractors that have employed physicians, surgeons, podiatrists, dentists, pharmacists, or chiropractors can be accepted for coverage in the association without evidence that all physicians, surgeons, podiatrists, dentists, pharmacists, or chiropractors with staff privileges or employed by the applicant are insured for their individual medical (professional) liability with limits of at least \$200,000 per occurrence and \$600,000 aggregate per annum.

(II) Amending institution and noninstitutional excess medical (professional) liability insurance coverage parts, application forms and questionnaire for excess liability insurance, and the *Texas Medical Liability Insurance Manual*. Request for the JUA to make amendments to:

(1) institutional and noninstitutional excess medical (professional) liability insurance coverage parts which would cause the excess policy to continue to provide excess coverage in the event that the underlying primary policy of medical liability insurance is not maintained for any reason, except exhaustion by payment of a loss or losses. In the event of such exhaustion, the excess policy would provide primary coverage;

(2) the application forms and questionnaire for excess liability insurance which would:

(a) change minimum deposits to reflect a rate change approved May 22, 1985, and implement rates applicable to proposed reclassified podiatrists;

(b) obtain additional information from the applicant;

(c) allow the JUA to avoid liability created by employed physicians or surgeons or staff physicians and surgeon who do not provide coverage for their own individual liability;

(d) enable the JUA to avoid exposing itself to unnecessary liability under the physicians and other noninstitutional health care providers or hospital and other institutional health care providers medical (professional) liability insurance in the instance where physicians, surgeons, podiatrists, dentists, pharmacists, or chiropractors who have staff privileges or are employed by the insured are not financially able to respond to claims due to their own negligence;

(e) reflect proposed amendments to Rule 059.21.50.005;

(f) require the deposit to include a policyholders stabilization reserve fund charge; and

(g) require deposits for renewal policies to equal the full estimated renewal premium quoted.

(III) Amending the *Texas Medical Liability Insurance Manual* and rates for podiatrists. Request by the JUA to change from the present single classification code for podiatrists to two separate classifications which would distinguish podiatrists who perform surgery from those who do not. The proposal would result in a -10% or -40% base rate change for podiatrists who do not perform surgery and a $\pm 200\%$ or $\pm 350\%$ base rate change for podia-

trists who do perform surgery, depending on the podiatrist's geographic location. The JUA requests suspension of the 90-day notice requirement. The result would be an immediate rate increase.

(IV) Determining whether to retain or dissolve the Texas medical liability insurance underwriting association (JUA). The 68th Legislature, 1983, by the passage of House Bill 1575, added an additional section, §12, to Article 21.49-3, which governs the Texas JUA. The new section captioned authority of the board over dissolution provides that as soon as may be reasonably practicable after December 31, 1984, the board shall determine if the JUA is needed to provide an adequate medical malpractice market. The section further provides that at least 10 days notice shall be given to the Texas Medical Association, Texas Hospital Association, Texas Podiatry Association, and other affected individuals and organizations, informing them of a public hearing to consider whether or not the JUA shall be retained or dissolved.

(V) Charging the Texas JUA policyholders stabilization reserve fund and assessing policyholders and members. The JUA requests that the board confirm that a deficit exists for the calendar year 1984 in the amount of \$11,179,810 and allow it to recoup that deficit. The result would be total depletion of the policyholder stabilization reserve fund (\$381,815 together with accrued interest in the amount of \$197,881); an assessment against policyholders who held policies in force during 1983 or 1984, based on the earned premiums during those years (totaling \$6,179,154); and an assessment against all insurers that are members of the JUA (totaling \$4,420,960).

The proposed changes are considered under authority of the Insurance Code, Article 5.97 and 21.49-3. Paragraph I is a rule-making proposal under the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on August 19, 1985.

TRD-857552 James W. Norman
Chief Clerk
State Board of Insurance

Filed: August 19, 1985
For further information, please call (512) 475-2950.

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Texas State Library and Archives Commission Consultant Contract Award

The Texas State Library and Archives Commission has awarded a private consultant contract. The request for proposals was filed under the provisions of Texas Civil Statutes, Article 6252-11c, and was published in the July 2, 1985, issue of the *Texas Register* (10 TexReg 2175)

The consultant will provide research, compilation, drafting, consultation, and editing services required to produce publications setting forth and explaining the use of records retention guidelines for Texas counties and special district offices.

The name and address of the contractor are Dr. Michael W. Heskett, 9617 Great Hills Trail, #1113, Austin, Texas 78759.

Total costs of the contract are not to exceed \$54,800. The beginning date of the contract is September 1, 1985, and completion date is August 31, 1987.

Due date for the report is August 31, 1987.

Issued in Austin, Texas, on August 16, 1985.

TRD-857546 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: August 19, 1985
For further information, please call (512) 475-2100.

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Texas Department of Mental Health and Mental Retardation Consultant Contract Amendment

On September 1, 1984, the central office of the Texas Department of Mental Health and Mental Retardation entered into a consultant contract with George L. Jenkins, R.Ph., pursuant to which Mr. Jenkins agreed to provide consultation to the department in pharmacy management and operations.

Said contract is hereby amended by increasing the maximum amount to be paid to Mr. Jenkins from \$12,450 to \$17,660.

This increase is based upon additional hours to be worked by Mr. Jenkins during the months of July and August 1985.

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

TRD-857527 Gary E. Miller
Commissioner
Texas Department of Mental Health
and Mental Retardation

Filed: August 16, 1985
For further information, please call (512) 465-4501.

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Railroad Commission of Texas Correction of Error

A proposed rule submitted by the Railroad Commission of Texas contained several errors as published in the August 13, 1985, issue of the *Texas Register* (10 TexReg 3045).

In §3.8(d)(6)(C), the eighth and ninth sentences should read:

The director shall determine the form of the notice to be published. The notice shall be published once each week for two consecutive weeks by the applicant in a newspaper of general circulation in the county where the pit will be located or the disposal will take place.

In subsection (e)(1)(B)(D), the first sentence should read: "[Solid combustible waste may be burned and the ashes may be disposed of into Texas offshore and adjacent estuarine zones.]"

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State Securities Board Correction of Error

Rules proposed by the State Securities Board contained several errors as submitted and published in the August 6, 1985, issue of the *Texas Register*.

On page 2516, the first sentence of §115.1(a)(5) should read: "Each office in Texas in which either records are maintained or control over and review of the activities of registered persons exists is a branch office and must be registered as such."

On page 2517, §115.1(e)(1)(B)(i) should read: "written notice from each employer stating consent to such proposed multiple registration and further stating that such persons or entities agree to assume joint and several liability with all other employers for any violation of the Texas Securities Act;

On page 2518, the fourth line of §115.3(c)(3)(A) should read: "tests" instead of "test."

On the same page, §115.3(c)(3)(d) should read:

Applicants [Any person] seeking registration as a securities dealer or salesman] for the purpose of dealing exclusively in real estate syndication interests and/or condominium securities, provided such persons are [person is] licensed, at the time of [his] application, under the Real Estate License Act of Texas. Such persons are [person is] not required to take the general securities portion of the examination prescribed by §13.D, but are [is] required to pass an examination on state securities law as required by subsection (b)(2) of this section.



Texas Tourist Development Agency Consultant Contract Award

This consultant service selection report is filed in accordance with the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the May 24, 1985, issue of the *Texas Register* (10 TexReg 1706)

The consultant is to design, produce, and place advertising, with Texas Tourist Development Agency board approval, all tourism advertising for the State of Texas and serve as a public relations arm of the state.

The name and address of the consultant selected in Neal Spelce Communications, P.O. Box 1905, Austin, Texas 78767.

The cost of this contract is in accord with standard advertising agency rates of 17.65% of the cost of advertising placed plus hourly costs dependent upon the expertise and type of agency individuals involved in design and production of the state's advertising.

The contract begins September 1, 1985, and ends August 31, 1987; however, with the concurrence of both parties may be extended for all or a part of the successive biennium.

Issued in Austin, Texas, on August 13, 1985.

TRD-857466 Larry Todd
Executive Director
Texas Tourist Development Agency

Filed: August 15, 1985

For further information, please call (512) 475-4326.

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Texas State Treasury Department Consultant Contract Award

This notice of award of consulting service contract is filed pursuant to Texas Civil Statutes, Article 6252-11c(6)(b). The request for consultant proposals was published in the June 28, 1985, issue of the *Texas Register* (10 TexReg 2144)

The consultant will be designing and installing an items processing system.

The name and address of the consultant is Norcross Software Associates, 1425 North Dallas Avenue, Suite 305, Lancaster, Texas 75134.

The total value of the contract is \$16,000. The beginning date is August 10, 1985, and the ending date is September 30, 1985.

Due date for completion of system installation is September 30, 1985.

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

TRD-857501 J. Stephen Ravel
General Counsel
Texas State Treasury Department

Filed: August 15, 1985

For further information, please call (512) 463-5971.

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Texas Youth Commission Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Youth Commission is requesting proposals for the services of a consultant.

Notice of Invitation. The Sunset Advisory Commission and its staff are currently reviewing the Youth Commission's operations and enabling legislation. The technical assistance to be provided by the consultant involves advising the agency on the requirements of the Sunset review process; assisting the agency in compiling and preparing reports which are required; assisting the agency in evaluating the findings of the Sunset Advisory Commission's staff, and analyzing and drafting proposed changes to the Texas Youth Commission's enabling acts. Other services to be provided by the consultant will related to the efficient exchange of information between the Sunset Ad-

visory Commission and its staff and the staff and Board of the Youth Commission. The proposed term of service will be 15 months, commencing on October 1, 1985.

Agency Contact. To obtain additional information, please contact Gary Fuchs, Administrative Assistant, Texas Youth Commission, 8900 Shoal Creek Boulevard, P.O. Box 9999, Austin, Texas 78766, (512) 452-8111.

Response Date. To be considered, proposals must be received at the Texas Youth Commission, Office of the Executive Director, 8900 Shoal Creek Boulevard, P.O. Box 9999, Austin, Texas 78766, before 5 p.m. on September 16, 1985.

Selection Criteria. Proposals will be reviewed by, and final selection will be made by, the executive director of the Texas Youth Commission. Proposals will be evaluated on the basis of the offeror's qualifications and previous

experience working with the Sunset review process in Texas as well as the offeror's proposed operational approach to the task. The Youth Commission intends to award the contract for these consulting services to a private consultant who is presently performing these services unless a better offer is received from a person having the necessary qualifications and experience.

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

TRD-857508

Neil E. Nichols
General Counsel
Texas Youth Commission

Filed: August 15, 1985

For further information, please call (512) 452-8111.

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