

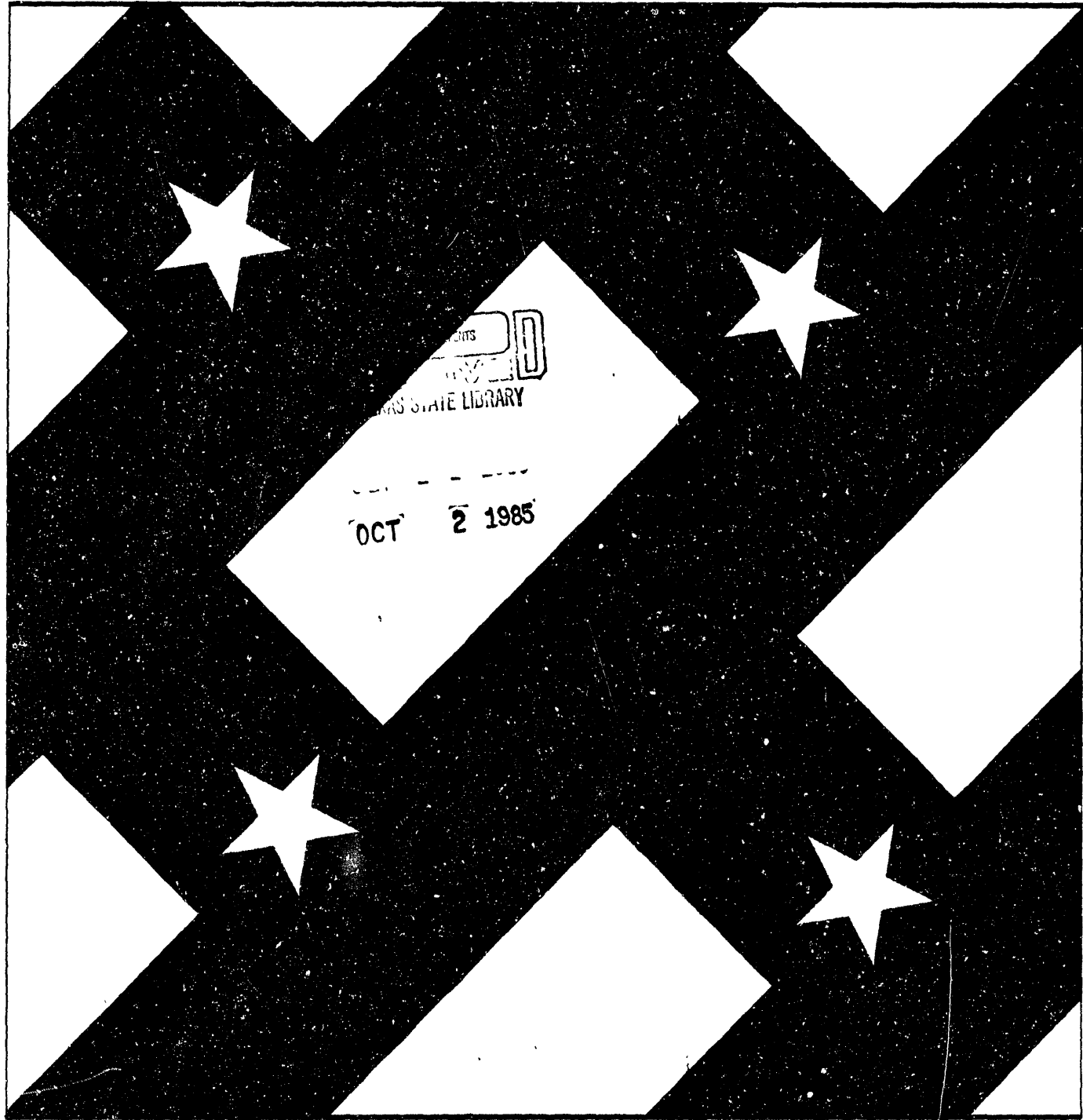
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73

# Texas Register

FILE COPY

Volume 10, Number 73, October 1, 1985

Pages 3785 - 3818



## Highlights

**The Comptroller of Public Accounts** adopts an emergency new section concerning miscellaneous taxes based on gross receipts. Effective date - October 1.....page 3788

**The Texas Department of Agriculture**

proposes amendments concerning seeds. Earliest possible date of adoption - November 1.....page 3790

**The Public Utility Commission of Texas** proposes a new section concerning dial announcing devices. Earliest possible date of adoption - November 1.....page 3794

**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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**Information Available:** The 11 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- 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

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

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

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

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

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

a division of the  
Office of the Secretary of State  
P.O. Box 13824  
Austin, Texas 78711-3824  
512-463-5561

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Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

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# Table of Contents

---

## The Governor

- Appointment Made September 18
  - 3787— Texas State Board of Medical Examiners
- Appointments Made September 23
  - 3787— Board of Pardons and Paroles
  - 3787— Texas Judicial Council
  - 3787— Seventh Administrative Judicial District

## Emergency Rules

- Comptroller of Public Accounts
  - 3788— Tax Administration

## Proposed Rules

- Texas Department of Agriculture
  - 3790— Herbicide Regulations
  - 3790— Seed Division
- Railroad Commission of Texas
  - 3792— Oil and Gas Division
- Public Utility Commission of Texas
  - 3794— Substantive Rules
- Comptroller of Public Accounts
  - 3797— Tax Administration

## Withdrawn Rules

- Railroad Commission of Texas
  - 3801— Surface Mining and Reclamation Division
- State Board of Veterinary Medical Examiners
  - 3801— Rules of Professional Conduct

## Adopted Rules

- Texas Department of Community Affairs
  - 3802— Texas Community Development Program
- Texas Parks and Wildlife Department
  - 3802— Wildlife
- Comptroller of Public Accounts
  - 3803— Tax Administration
- Texas Department of Human Services
  - 3804— Medicaid Eligibility

## Open Meetings

- 3806— Texas Department of Agriculture
- 3806— Texas State Board of Dental Examiners
- 3806— Texas Education Agency
- 3806— Texas Department of Health
- 3807— Texas Health and Human Services Coordinating Council
- 3807— Texas Housing Agency
- 3807— Texas Department of Human Services
- 3807— State Board of Insurance
- 3808— Texas Department of Mental Health and Mental Retardation
- 3808— State Occupational Information Coordinating Committee
- 3808— Board of Pardons and Paroles
- 3808— Texas State Board of Public

## Accountancy

- 3808— Public Utility Commission of Texas
- 3809— State Committee of Examiners for Speech-Language Pathology and Audiology
- 3809— Advisory Council for Technical-Vocational Education in Texas
- 3809— Regional Agencies

## In Addition

- Texas Department on Aging
  - 3810— Consultant Proposal Requests
- Texas Department of Agriculture
  - 3811— Consultant Contract Awards
- Texas Air Control Board
  - 3811— Correction of Error
- Texas Commission on Alcohol and Drug Abuse
  - 3811— Regional Alcohol and Drug Abuse Advisory Committee
- Automated Information and Telecommunications Council
  - 3812— Adopted Rules
- Banking Department of Texas
  - 3812— Application to Acquire Control of a State Bank
- Texas Department of Community Affairs
  - 3812— Extension of Deadline
- Comptroller of Public Accounts
  - 3813— Decision 16,677
- Court Reporters Certification Board
  - 3813— Announcement of Meeting
- Texas Economic Development Commission
  - 3813— Private Activity Bond Allocation Report
- Office of the Governor
  - 3814— Correction of Error
- Texas Department of Health
  - 3814— Intent to Revoke a Radioactive Material License
  - 3814— Radioactive Material License Revocation and Cease and Desist Order
- State Board of Insurance
  - 3815— Company Licensing
- Texas Department of Mental Health and Mental Retardation
  - 3815— Consultant Contract Award
- Railroad Commission of Texas
  - 3815— Public Hearing
- Texas Southern University
  - 3816— Amendment to Consultant Contract Award
- Texas Water Commission
  - 3816— Applications for Waste Disposal Permits
  - 3817— Correction of Error
- Office of the Secretary of State
  - 3818— Texas Register Publication Schedule

# TAC Titles Affected

## TAC Titles Affected—October

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

### TITLE 4. AGRICULTURE

#### Part I. Texas Department of Agriculture

4 TAC §11.8 .....	3800
4 TAC §§19.3-19.8, 19.9, 19.12 .....	3790

### TITLE 10. COMMUNITY DEVELOPMENT

#### Part I. Texas Department of Community Affairs

10 TAC §9.3 .....	3802
-------------------	------

### TITLE 16. ECONOMIC REGULATION

#### Part I. Railroad Commission of Texas

16 TAC §3.1 .....	3792
16 TAC §§3.6, 3.16, 3.41 .....	3793
16 TAC §11.211 .....	3801

#### Part II. Public Utility Commission of Texas

16 TAC §23.32 .....	3794
16 TAC §23.61 .....	3795

### TITLE 22. EXAMINING BOARDS

#### Part XXIV. State Board of Veterinary Medical Examiners

22 TAC §573.2 .....	3801
22 TAC §573.12 .....	3801
22 TAC §573.26 .....	3801
22 TAC §573.28 .....	3801

### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part II. Texas Parks and Wildlife Department

31 TAC §§65.331-65.335 .....	3802
------------------------------	------

### TITLE 34. PUBLIC FINANCE

#### Part I. Comptroller of Public Accounts

34 TAC §3.58 .....	3788
34 TAC §3.344 .....	3788, 3797
34 TAC §3.372 .....	3797
34 TAC §3.406 .....	3798
34 TAC §3.442 .....	3799
34 TAC §3.554 .....	3803
34 TAC §3.555 .....	3804
34 TAC §3.556 .....	3804
34 TAC §3.557 .....	3804

### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

#### Part I. Texas Department of Human Services

40 TAC §15.3203 .....	3804
40 TAC §15.3410 .....	3805

# 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) 463-1814.

## Appointment Made September 18

### Texas State Board of Medical Examiners

For a term to expire April 13, 1991:

Arthur Milton Jansa, Sr., M.D.  
1400 Hermann Drive, #5E  
Houston, Texas 77004

Dr. Jansa is replacing Dr. James K. Peden of Dallas, whose term expired.

Issued in Austin, Texas, on September 18, 1985.

TRD-858779 Mark White  
Governor of Texas

★ ★ ★

## Appointments Made September 23

### Board of Pardons and Paroles

To be vice-chairman for a term to continue at the pleasure of this governor:

Wendell A. Odom  
3351 Plainview  
Pasadena, Texas 77504

### Texas Judicial Council

For a term to expire July 1, 1989:

Curt F. Steib  
County Courthouse  
San Angelo, Texas 76903

Judge Steib is replacing Chief Justice John L. Hill, Jr., of Austin who now holds a

designated *ex officio* position on the Council.

### Seventh Administrative Judicial District

To be presiding judge for a term to expire four years from date of qualification:

Weldon Kirk  
P.O. Box 528  
Sweetwater, Texas 79556

Judge Kirk is replacing Judge Ray L. McKim of Odessa, whose term expired.

Issued in Austin, Texas, on September 23, 1985.

TRD-858779 Mark White  
Governor of Texas

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# Emergency

## Rules

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

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

### TITLE 34. PUBLIC FINANCE

#### Part I. Comptroller of Public Accounts

##### Chapter 3. Tax Administration Subchapter E. Miscellaneous Taxes Based on Gross Receipts

###### ★ 34 TAC §3.58

The Comptroller of Public Accounts adopts on an emergency basis new §3.58, concerning definitions, gross receipts tax, and telephone company. The scope of this tax was substantially changed during the recent legislative session, and this section defines significant terms in the context of those changes.

The new section is adopted on an emergency basis to establish taxability guidelines as of the effective date of these changes, which is October 1, 1985. The new section is necessary to avoid confusion and to ensure proper compliance with this new area of taxability.

This new section 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 miscellaneous taxes based on gross receipts.

**§3.58. Definitions—Gross Receipts Tax—Telephone Company.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Basic local exchange telephone service—

(A) Basic local exchange telephone service means the provision by a telephone company of an access line and dial tone to a fixed location for sending and receiving telecommunications in the telephone company's local exchange network. For the purposes of the administration of this tax, receipts for providing single line, single or multiple party residential or business service in the local exchange network as evidenced by tariffs filed with the Public Utility Commission, will be considered

to be receipts from basic local exchange telephone service.

(B) Basic local exchange service includes:

- (i) single line service;
- (ii) single or multiple party residential or business service;
- (iii) service for use in connection with fire, security, or other monitoring devices;
- (iv) semipublic pay phone service; and
- (v) data (other than ordinary telephone voice) transmission, provided service is not available at a higher rate.

(C) Variations in the method of billing will not affect the taxability of the charge for basic local exchange service. The tax is applicable to the entire charge, including any interim rate collected, for residential or business local exchange service as evidenced by tariffs filed with the Public Utility Commission. The basic charge may be:

- (i) a flat rate per month;
- (ii) a charge per call;
- (iii) a charge for the time used;
- (iv) any combination of clauses (i)-(iii) of this subparagraph; and
- (v) any other basic charge authorized by the Public Utility Commission.

(D) Basic local exchange service does not include the following:

- (i) manual or automatic trunk lines (PBX);
- (ii) hotel/motel measured trunk;
- (iii) key line; and
- (iv) optional service available which provides access outside the local exchange area. Examples include, but are not limited to:

(I) extended area service;

(II) wide area telephone service (WATS);

(III) metro or metropolitan service; and

(IV) foreign exchange service;

(V) any optional feature which enhances the available basic local service and for which there is an additional charge as evidenced by tariffs filed with the Public Utility Commission. Examples of en-

hanced services include, but are not limited to, the following:

- (I) call forwarding;
- (II) call back;
- (III) touch-tone dialing;
- (IV) line hunting (rotary);
- (V) call waiting;
- (VI) three-way calling;
- (V) speed dialing.

**Business**—Providing basic local exchange telephone service, or telephone service paid for by the insertion of coins into a coin operated telephone.

**Public utility commission**—The Public Utility Commission of the State of Texas or any other successor agency for the State of Texas.

**Telephone company**—A person who owns or operates a telephone line or a telephone network in this state, charges for its use, and is regulated by the Public Utility Commission as a certificated provider of local exchange telephone service.

Issued in Austin, Texas, on September 25, 1985.

TRD-858792      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 1, 1985  
Expiration date: January 29, 1986  
For further information, please call  
(512) 463-4806.

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

###### ★ 34 TAC §3.344

*(Editor's note: The text of the following section repealed on an emergency basis will not be published. The section may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Comptroller of Public Accounts adopts on an emergency basis the repeal of §3.344, concerning mobile telephone and telephone paging services. A change was made to the Tax Code, Chapter 151,

by the legislature adding a sales tax to telecommunications services for the first time. A new rule on telecommunications services is being proposed making this current rule obsolete.

The repeal is adopted on an emergency basis because it will be obsolete and incorrect as of October 1, 1985, and further, because a new section on this topic is adopted concurrent with this repeal.

The new section is adopted on an emergency basis to establish taxability guidelines as of the effective date of these changes, which is October 1, 1985. The new section is necessary to avoid confusion and to ensure proper compliance with this new area of taxability.

This repeal 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 sales tax.

### §3.344. *Mobile Telephone Paging Services.*

Issued in Austin, Texas, on September 25, 1985.

TRD-858793      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 1, 1985  
Expiration date: January 29, 1986  
For further information, please call  
(512) 463-4606.

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This new section 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 sales tax.

### §3.344. *Telecommunications Services.*

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

(1) Basic local exchange telephone service—The provision by a telephone company of each access line and each dial tone to a fixed location for sending and receiving telecommunications in the telephone company's local exchange network. Services will be considered to be basic whether the customer has access to a private line or a party line or whether the customer has limited or unlimited access. It does not include interstate or intrastate long-distance telecommunication service.

(2) Interstate long-distance telecommunication—A service which originates in this state but which is completed outside Texas or originates outside this state but is completed in Texas.

(3) Intrastate long-distance telecommunication—A service which originates in this state and is completed in this state,

but does not include service which originates and is completed in the same local exchange area.

(4) Seller—Any person selling telecommunications services including a hotel, motel, owner or lessor of an office, residential building, or development that contracts and pays for telecommunications services for resale to guests or tenants.

(5) Taxable service—Telecommunications services.

(6) Telecommunications services—The electronic or electrical transmission, conveyance, routing, or reception of sounds, signals, data, or information utilizing wires, cable, radio waves, microwaves, satellites, fiber optics, or any other method now in existence or that may be devised, including, but not limited to, long-distance telephone service. The storage of data or other information for subsequent retrieval or the processing, or reception and processing, of data or information intended to change its form or content are not included in telecommunications services.

(7) Telephone company—A person who owns or operates a telephone line or a telephone network in this state, charges for its use, and is regulated by the public utility commission as a certified provider of local exchange telephone service.

(b) Services taxable. Sales tax is due on a charge for the following:

(1) enhanced services (metro service, extended area service, multiline hunting, PBX trunk, etc.) When a person selects enhanced service over basic local exchange service, the total charge become subject to sales tax;

(2) auxiliary services (call waiting, call forwarding, etc.);

(3) intrastate long-distance telecommunications services;

(4) paging and mobile telephone services;

(5) intrastate telegraph services;

(6) a taxable service paid for by the insertion of coins or tokens into a coin-operated telephone if provided by a person other than a telephone company;

(7) sale, lease, or rental charges for telecommunications equipment; and

(8) installation of telecommunications services (service connection fee).

(c) Services not taxable. Sales tax is not due on charges for:

(1) interstate long-distance telecommunications services. Records must clearly distinguish between interstate and intrastate long distance services;

(2) basic local exchange telephone service provided by a telephone company;

(3) broadcasts by commercial radio or television stations licensed or regulated by the Federal Communications Commission. See §3.313 of this title (relating to Cable Television Service) for the tax status of cable television service;

(4) telecommunications services provided by telephone cooperatives exemp-

ted under §3.322 of this title (relating to Exempt Organizations);

(5) telecommunications services purchased for resale;

(6) a service provided by a telephone company which is paid for by the insertion of coins or tokens into a telephone provided by a telephone company;

(7) interstate telegraph service; and

(8) separately stated charges for installation of tangible personal property.

(d) Charges separately stated. Charges for items listed in subsection (b) of this section must be separately stated from those charges listed in subsection (c) of this section.

(e) Resale of tangible personal property. Tangible personal property transferred by the provider of the taxable service to the care, custody, and control of the customer will be considered to be resold, and may be purchased tax free by the provider of the taxable service. Sales tax must be collected by the provider of the taxable service from the customer on the charge for such items. See §3.285 of this title (relating to Sales for Resale; Resale Certificate).

(7) Resale of a service. Sales tax is not due on the charge by a telephone company to a provider of telecommunications services for providing access to a local exchange network. Sales tax must be collected by the provider of the taxable service from the customer on the total charge for the service including the charge for access.

(g) Taxable purchases. Sales or use tax is due on all tangible personal property used to provide the taxable service but not transferred to the care, custody, and control of the customer. See §3.346 of this title (relating to Use Tax), §3.281 of this title (relating to Records Required; Information Required), and §3.282 of this title (relating to Auditing Taxpayer Records).

(h) Local tax. City and metropolitan transit authority tax on telecommunications services is allocated to the location from which the call originates. If the point of origin cannot be determined, the local tax is allocated to the address to which the call is billed. Local tax cannot be imposed on telecommunications services prior to October 1, 1987. See §3.372 of this title (relating to Requirements for Adopting or Abolishing City Tax) and §3.422 of this title (relating to Notice; Contested Election) for information on how a city or authority may impose local tax on telecommunications services after October 1, 1987.

Issued in Austin, Texas, on September 25, 1985.

TRD-858794      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 1, 1985  
Expiration date: January 29, 1986  
For further information, please call  
(512) 463-4606.

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# Proposed Rules

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

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

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 11. Herbicide Regulations

### ★4 TAC §11.8

The Texas Department of Agriculture proposes an amendment to §11.8, concerning inspection fee for equipment used to spray herbicides. Section 11.8 is amended to increase the fee for equipment inspection in accordance with statutory changes made by the 69th Legislature, 1985. The fee will be increased from \$10 to \$20 for each piece of equipment.

Mike Laredo, budget director, has determined that for the first five-year period the section will be in effect there will be fiscal implications as a result of enforcing or administering the amendment. The anticipated effect on state government is an estimated increase in revenue of \$4,814 in 1986; \$6,290 in 1987; \$6,410 in 1988; \$6,550 in 1989; and \$6,670 in 1990. There is no anticipated effect on local government. The cost of compliance with the amendment for small businesses will be an additional \$10 per piece of equipment inspected. The cost of compliance will be the same for small and large businesses depending upon the number of pieces of equipment inspected.

Mr. Laredo 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 an increase of general revenue in accordance with the intent of the 69th Legislature, 1985. The anticipated economic cost to individuals who are required to comply with the section as proposed will be \$4,814 in 1986; \$6,290 in 1987; \$6,410 in 1988; \$6,550 in 1989; \$6,670 in 1990 for inspection fees.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711

The amendment is proposed under the Texas Agriculture Code, §75.016, which provides the Texas Department of Agriculture with the authority to charge a fee of \$20 for inspection of herbicide spray equipment.

### §11.8. *Appliers.*

(a) (No change.)

(b) Appliers for hire:

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

(4) Equipment registration:

(A) Inspection. All ground equipment used to spray herbicides for hire must be inspected each year before the equipment is licensed. All equipment used on any aircraft in the application of herbicides must be inspected every 30 days when installed upon said aircraft and must be inspected before use after reinstallation if a period of more than 30 days has lapsed since the 1st inspection. An inspection fee of \$20 [\$10] for each piece of equipment must be paid upon each inspection.

(B)-(C) (No change.)

(c) (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 September 24, 1985.

TRD-858783

Dolores Alvarado Hibbs  
Hearings Officer  
Texas Department of  
Agriculture

Earliest possible date of adoption:

November 1, 1985

For further information, please call

(512) 463-7583.

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## Chapter 19. Seed Division

### ★4 TAC §§19.3-19.6, 19.9, 19.12

The Texas Department of Agriculture proposes amendments to §§19.3-19.6, 19.9, and 19.12, concerning noxious weed seeds, service testing and labeling of agricultural and vegetable seed, inspection fees on agricultural seed, and seed testing procedures and tolerances.

The proposed amendment to §19.3 adds itchgrass to the list of noxious seed weeds. The proposed amendment to §19.4 changes the fees for service testing by the department in accordance with intent of the 69th Legislature, 1985, and adds a fee for the fescue endophyte test. The

proposed amendment to §19.5 adds a list of agricultural seeds which may be labeled as to percentage of pure live seed in lieu of the percentages of pure seed, inert matter, and germination, in accordance with statutory changes made by the 69th Legislature, 1985. The proposed amendment to §19.6 changes the period of time covered by the "year packed for" and adds an alternative procedure for the labeling of vegetable seed in accordance with statutory changes made by the 69th Legislature, 1985. The proposed amendment to §19.9 is to clarify language, by adding a statutory authority section. The proposed amendment to §19.12 adds tolerances for noxious weed seed Itchgrass and adds tolerances for pure live seed in accordance with statutory changes made by the 69th Legislature, 1985.

Mike Laredo, budget director, has determined that for the first five-year period the sections in effect there will be fiscal implications as a result of enforcing or administering the amendments. The anticipated effect on state government is an estimated increase in revenue of \$57,545 in 1986; \$77,952 in 1987; \$82,828 in 1988; \$87,900 in 1989; \$93,073 in 1990. There is no anticipated effect on local government. The cost of compliance with the amendments for small businesses will be (dependent upon number and type samples tested and/or inspections requested by a business) an additional \$1.00 for standard germination tests only, purity tests only, or noxious weed examination only; an additional \$2.00 for chaffy grasses, native grasses, mixtures, feed containing high inert matter, bermuda grass, and rye grass; an additional \$2.00 for complete tests, chaffy grasses, native grasses, mixtures, feed containing high inert matter, bermuda grass, and rye grass; an additional \$2.00 for germination tests, tetravolium or phenol tests, and for examination of 10 pound rice seed sample; an additional \$1.00 for moisture tests; and no cost for each fescue endophyte test. The cost of compliance will be the same cost to small and large businesses, depending upon number of samples and/or inspections.

Kenneth Boatwright, Seed Division director, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a



result of enforcing the sections as proposed is that samples will be more representative of lots tested, and information obtained by testing will be more beneficial to the consumer. The increase in fees will serve to increase general revenue funds in accordance with the intent of the 69th Legislature, 1985. The anticipated economic cost to individuals who are required to comply with the sections as proposed will be for fees increased in proposed §19.4 and additional fee for fescue endophyte test of \$57,545 in 1986; \$77,862 in 1987; \$82,828 in 1988; \$87,900 in 1989; and \$93,073 in 1990.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas, 78711.

The amendments are proposed under the Texas Agriculture Code, §61.002, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for the efficient enforcement of the Texas Agriculture Code, Chapter 61 The Texas Seed Law, Chapter 61, authorizes the department to classify noxious weeds and establish methods of sampling, inspection, analysis, testing, and the tolerances to be allowed in agricultural, vegetative, and treated seeds.

**§19.3. Noxious Seeds.** It shall be unlawful to sell, offer for sale, or expose for sale any agricultural or vegetable seed for planting purposes within this state containing noxious weed seed in excess of the following limitations per pound:

(1) Prohibiting noxious weed seeds are:

Common Name	Scientific Name	Limitation per pound
balloonvine	<i>Cardiosperm halicacabum (L.)</i>	prohibited
field bindweed	<i>Convolvulus arvensis</i>	prohibited
hedge bindweed	<i>Convolvulus sepium</i>	prohibited
cocklebur	<i>Xanthium spp.</i>	prohibited
itchgrass	<i>Rottboellia exaltata</i>	prohibited
nutgrass	<i>Cyperus rotundus and cyperus esclentus</i>	prohibited
nutgrass tubers	<i>Cyperus spp.</i>	prohibited

(2)-(5) (No change.)

**§19.4. Service Testing.**

(a) The following schedule of tests and charges therefore shall be applicable to all service testing of agricultural seed, vegetable seed, and flower seed conducted by this department:

(1) standard germination test only, purity test only, or noxious weed examination only: \$4.00 [\$3.00] each (except chafy grasses, native grasses, mixtures, seed containing high inert matter, bermuda grass and rye grass: \$12 [\$10] each);

(2) complete test (purity and germination: \$7.00 [\$5.00] each (except chafy grasses, native grasses, mixtures, seed containing high inert matter, bermuda grass and ryegrass: \$12 [\$10] each);

(3) germination test (cold test method): \$8.00 [\$6.00] each;

(4) tetrazolium or phenol test: \$8.00 [\$6.00] each;

(5) examination of 10 pound rice seed sample for presence of red rice: \$8.00 [\$6.00] each;

(6) moisture test: \$4.00 [\$3.00] each; and

(7) fescue endophyte test: \$20 each.

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

**§19.5. Labeling of Agricultural Seed.**

(a) Kinds of agricultural seed generally labeled as to variety.

(1)(a) When any of the following kinds of agricultural seeds are present in sufficient volume such that its presence therein must be recorded on the label of the seed pursuant to the requirements of the Act, §61.004 (relating to Labeling of Agricultural Seed), it shall be labeled to show the variety name or the words "variety not stated": alfalfa; bahiagrass; barley; bean, field; beet, field; brome, smooth; broomcorn; clover, crimson; clover, red; clover, white; corn, field; corn, pop; cotton; cowpea; crabwe; fescue, tall; flax; lespedeza, striate; millet, foxtail; millet, pearl; oats; pea, field; peanut; rice; rye; safflower; sorghum; sorghum-sundangrass hybrid; soybean; sudangrass; sunflower; tobacco; trefoil, birdsfoot; triticale; wheat, common; wheat, durum.

(2)(b) If the name of a variety is given, the name may be associated with the name of the kind with or without the words "kind and variety."

(3)(c) The percentage of pure seed shown in such a case shall apply only to the variety except for labeling of hybrids as provided for in §19.2 of this title (relating to Labeling of Hybrid Seed).

(4)(d) If separate percentages for the kind and the variety or hybrid are shown, the name of the kind and the name of the variety or the term "hybrid," or the term "variety not stated" shall be clearly associated with the respective percentages.

(b) Kinds of agricultural seed generally sold on a pure live seed basis. As allowed by the Act, §61.004(f) (relating to Labeling of Agricultural Seed), the following kinds of agricultural seed may be labeled as to the percentage of pure live seed in lieu of the percentages of pure seed, inert matter and germination: Alkali Sacaton; bermudagrass; bermudagrass, giant; bluestem: angleton, big, little, Sand, Yellow, Caucasian, Kleberg, Silky, Silver, Old world, bristlegrass, Plains; buffalograss; buffelgrass; dallisgrass; dropseed: Sand, Giant, Mesa; Galleta Grass; Grama: Blue, Side-Oats, Black, Hairy; guineagrass; hardinggrass; indiangrass, Yellow; johnsongrass; klein-

grass; lauragrass; lovegrass: weeping, wilman, lehmann, Sand, Sandhill, basuto; mesquite: Curly, Vine; needlegrass, Green; panicgrass: Blue, Green; rhodesgrass; ricegrass, Indian; saltbush, four Wing; spike Muhly; sprangletop, Green; switchgrass; wheatgrass: western, inter mediate, pubescent, Beardless; Crested, Siberian; winterfat.

(c) As allowed by the Act, §61.004 (g), (relating to Labeling of Agricultural Seed), agricultural seed may be labeled as to an expiration date in lieu of the actual date of test. If this procedure for labeling is used, the words "Texas expiration date," "expiration date," "exp. date," or "TX exp. date; must precede the month and year. Unless otherwise specified, the expiration date will be the last day of month designated.

**§19.6. Labeling of Vegetable Seeds.**

(a) As allowed by the Act, §61.005 (c)(2) (relating to Labeling of Vegetable Seed), vegetable seed in containers weighing less than one pound may be labeled as to the year for which the seed was packaged for sale in lieu of the actual date of test. If this procedure for labeling is used, the words "packed for" must precede the year. The "year packed for" will cover a period of time beginning August 1 [July] of the current year through September 30 [June] of the following year. No seed showing packed for the next year shall be offered for sale to the ultimate consumer:

(1) before August 30 [July] of present year or after September 30 [June] of the next year;

(2) for a period of time exceeding 12 consecutive months during the year for which it was packed.

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

(d) As allowed by the Act, §61.005(e) (relating to Labeling of Vegetable Seed), vegetable seed may be labeled as to an expiration date in lieu of the actual date of test or year for which the seed was packaged. If this procedure for labeling is used, the words "Texas expiration date," "expiration date," "exp. date," or "TX exp. date" must precede the month and year. Unless otherwise specified, the expiration date will be the last day of the month designated.

**§19.9. Inspection Fees on Agricultural Seed.**

In addition to the requirements of the Act, §61.001 (relating to Agricultural Seed Inspection Fee and Permit), any person who sells, offers, exposes, or otherwise distributes for sale agricultural seed within this state for planting purposes shall pay an inspection fee thereon in accordance with the following:

(1) (No change.)

(2) Reporting system. When an inspection fee is paid by means of the reporting system, as provided by the Act, §61.011

(c) (relating to Agricultural Seed Inspection Fee and Permit), the following shall apply:

(A) (No change.)

(B) Upon receipt of a conforming application for permit to pay inspection fee by reporting system form the department shall issue a permit to pay inspection fee by reporting system and issue the permittee a permit number. The permit shall be conditioned upon compliance by the permittee with the provisions of the Act, §61.011 and §61.012, and this title, and said permit shall remain in force and effect until the permittee shall request its cancellation in writing, or until canceled, suspended, or modified by the department.

(C)-(G) (No change.)

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

**§19.12. Seed Testing Procedures and Tolerances.** The Texas Department of Agriculture hereby adopts by reference *Rules for Testing Seeds* of the Association of Official Seed Analysts, Volume 6, Number 2 (1981), and as subsequently amended, as the procedures, methods, and tolerances for seed testing conducted under authority of the Act and this title, except that in the enforcement of this Act no tolerance will be allowed for balloonvine and itchgrass, a tolerance of one will be allowed for cocklebur, and the tolerance [allowed] for pure live seed will be the same as for germination [one]. Information relative to obtaining copies of the material adopted by reference may be obtained by writing Texas Department of Agriculture, Seed Division, P.O. Box 12847, Austin, Texas 78711. A copy is also available for public inspection at the Texas Department of Agriculture, Seed Division, Stephen F. Austin Building, Austin, Texas.

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

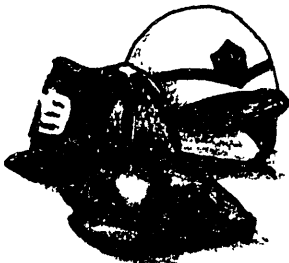
Issued in Austin, Texas, on September 24, 1985.

TRD-858784

Dolores Alvarado Hibbs  
Hearings Officer  
Texas Department of  
Agriculture

Earliest possible date of adoption:  
November 1, 1985

For further information, please call  
(512) 483-7583.



## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 3. Oil and Gas Division Conservation Rules and Regulations

##### ★ 16 TAC §3.1

The Railroad Commission of Texas proposes an amendment to §3.1, concerning the organization name to be filed and records to be kept. The amendment will require officers, directors, and trustees of an entity to file driver's license numbers or, in lieu of a driver's license number, a Texas Department of Public Safety identification card or, in lieu of a Texas Department of Public Safety identification card, a full legal name. The amendment also will require a foreign or nonresident entity under the jurisdiction of the commission to file the name and address of its resident agent. Failure by the foreign or nonresident entity to designate and maintain a resident agent will render the organization report invalid. Further, failure by the entity to answer any subpoena, commission-to-take-deposition, or directive-to-appear-at-a-hearing served on such entity by or on behalf of the commission will render the organization report invalid. The amendment will require the entities to keep supporting documents as well as those documents required to be filed with the commission for two years, or longer if required by another commission rule.

Rita Percival, systems analyst, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. For 1986, the estimated additional cost for state government will be \$5,420. For 1987-1990, the estimated additional cost will be \$2,000 per year. There will be no effect on local government. The cost of compliance with the section for small businesses and large businesses will be a total of approximately \$260,000 annually. The costs to small and large businesses are comparable. The costs primarily relate to the requirement of resident agent designation.

Kimberly L. Kiplin, legal examiner, has determined that for each of the first five years the section is in effect, the public benefit anticipated as a result of enforcing section is more accurate addresses, to identify persons who may already have an organization plan filed in a different name, and to inform out-of-state entities through their resident agents. These will aid in securing compliance with regulations and in enforcement proceedings. For 1986-1990, the anticipated economic cost to individuals who are required to comply with the section will be negligible because only entities such as corpo-

rations will be required to file driver's license numbers.

Comments on the proposal may be submitted to Kimberly L. Kiplin, Legal Section, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12867, Austin, Texas 78711-2967

The amendment is proposed under the Texas Natural Resource Code, §91.142, which provides the Railroad Commission with the authority to require entities under its jurisdiction to file information with the commission concerning their organization.

##### §3.1. Rule 1—Organization Name to Be Filed and Records to Be Kept.

###### (a) Filing requirements.

(1) Any entity, including any person, firm, partnership, joint stock association, corporation, or other organization, domestic or foreign, operating wholly or partially within this state, acting as principal or agent for another, for but not limited to, the purpose of:

(A) drilling, operating, or producing any oil, gas, [or] geothermal resource, injection, or salt water disposal well;

(B) [or] transporting, reclaiming, treating, processing, or refining crude oil, gas and products, or geothermal resources and associated minerals;

(C) discharging, storing, handling, transporting, reclaiming, or disposing of oil and gas waste;

(D) operating gasoline plants, natural gas processing plants, pressure maintenance or repressuring plants, or recycling plants;

(E) hauling salt water;

(F) recovering skim oil from a salt water disposal site;

(G) nominating crude oil;

(H) operating a directional survey company;

(I) cleaning a reserve pit;

(J) operating a pipeline;

(K) operating as a cementer approved for plugging wells; or

(L) operating an underground hydrocarbon storage facility shall file an organization report with the commission prior to performing such operations. Each entity must maintain a current organization report with the commission until all duties, obligations, and liabilities incurred pursuant to commission rules and to Subtitles A, B, and C, and Chapter 111 of Subtitle D of Title 3 of the Texas Natural Resources Code are fulfilled. The organization report must contain [reflecting] the [operator] name, street address, and mailing address of the entity [company or organization, giving the name and street address of the organization], and if applicable, the plan under which it was organized, [and] the name, [and] street address is of residences, and driver's license numbers of the trustees, [thereof, and the names, and street ad-

dresses of the] officers, and directors, of such entity, and the name and address of the resident agent. If the operator, director, or trustee does not have a driver's license number, then such person shall file with commission a Texas identification card number issued by the Texas Department of Public Safety. If the operator, director, or trustee does not have a Texas identification card, then such person shall file with the commission his or her full legal name. Additionally, the performance of such operations is valid only if the organization report is valid. (Reference Order 20-60, 617, effective January 1, 1971)

(2) Any foreign or nonresident entity identified in paragraph (1) of this subsection shall maintain or designate a resident agent upon whom may be served any process, notice, or demand required or permitted by law to be served upon such entity by or on behalf of the commission. Failure of such entity to designate and maintain a resident agent will render the organization report invalid. [Each operator who is required to file an organization report is also required to file annually a current organization report according to the schedule assigned by the commission. Prior to the filing date, the commission will mail notification and information on each operator for update of the organization report file. The organization report must be signed by the operator or a duly authorized representative.] (Reference Order 20-60, 617, effective January 1, 1971)

(3) Failure by any entity identified in paragraph (1) of this subsection to answer any subpoena, commission-to-take-deposition, or directive-to-appear-at-a-hearing served upon such entity by or on behalf of the commission will render the organization report invalid.

(4) Each entity who is required to file an organization report is also required to file annually a current organization report according to the schedule assigned by the commission. Prior to the filing date, the commission will mail notification and information to each entity for update of the organization report file. Further, an organization report must be amended and filed immediately upon any change in any information reported on the organization report during the annual period.

(b) Record requirements. All entities who perform operations which are within the jurisdiction of the commission [operators, producers, refiners, and transporters of crude, oil, gas, geothermal resources and products in this state] shall keep books showing accurate records of the drilling, re-drilling, or deepening of wells, the volumes of crude oil on hand at the end of each month, the volumes of oil, gas, and geothermal resources produced and disposed of, together with records of such information on leases or property sold or transferred, and other information as required by commission rules and regulations

in connection with the performance of such operations [drilling and operations of properties], which books shall be kept open for the inspection of the commission or its representatives, and shall report such information as required by the commission to do so.

(c) Time frame. All such entities [operators, producers, refiners, and transporters of crude oil, gas, and geothermal resources and products] shall keep copies of records, forms, and documents which are required to be filed with the commission and shall keep supporting documents for a period of two years from the date of filing unless a longer period is required by another commission rule [same], and any such copies [which have been or which may be in the future on files as long as two years] may be disposed of at the discretion of such entities after the original records, forms, and documents have been on file with the commission for two years, or longer if required by another commission rule. All records, forms, and documents required to be filed with the commission shall be filed in the same name exactly as it appears on the organization report [producers, refiners, transporters, and geothermal resource operators].

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

Issued in Austin, Texas, on September 24, 1985.

TRD-858773

Walter Earl Lille  
Office of Special  
Counsel  
Railroad Commission of  
Texas

Earliest possible date of adoption:  
November 1, 1985  
For further information, please call  
(512) 463-7149.

★ ★ ★

#### ★ 16 TAC §§3.6, 3.16, 3.41

The Railroad Commission of Texas proposes amendments to §§3.6, 3.16, and 3.41, concerning the filing with and disclosure by the commission of certain electric logs. The amendments will require basic electric logs run on or after September 1, 1985, to be filed with a completion report for each well, or, in case of a dryhole, a plugging report. The amendments provide for periods of confidentiality upon written request by the owner or operator of the well. Further, the amendments clarify that well logs filed with the commission for other purposes will be considered public information.

Rita E. Percival, systems analyst, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for local govern-

ment as a result of enforcing or administering the sections.

The anticipated effect on state government will be an additional cost of \$281,700 in 1986, and \$170,000 each year in 1987-1990. The cost of compliance with the sections for small businesses will be about \$380,000 per year, which is comparable to the cost of compliance with the sections for large businesses. The primary cost will be for log copying, the secondary for mailing.

Kimberly L. Kiplin, legal examiner, also has determined that for the first five-year period the sections are in effect the public effect anticipated is increased public information concerning oil and gas formations and a more informed drilling industry. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

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

The amendments are proposed under the Texas Natural Resources Code, §91.551, which provides the Railroad Commission of Texas with the authority to make rules concerning the definition of "basic electric log" and concerning the filing with and disclosure by the commission of such electric logs.

#### §3.6. Rule 6—Application for Multiple Completion.

(a)-(c) (No change.)

(d) Multiple completion authority for a well will not be granted unless the following required data have been filed with the Engineering Department of the commission:

(1) (No change.)

(2) Electrical log of the well or a type of electric log showing clearly thereon the subsurface location of the separate reservoirs claimed. Any electric log filed will be considered public information pursuant to §3.16 of this title (relating to Rule 16—Log and Completion or Plugging Report) (Statewide Rule 16).

(3)-(6) (No change.)

#### §3.16. Rule 16—Log and Completion or Plugging Report.

(a) The owner or operator of an oil, gas, or geothermal resource well, within 30 days after the completion of such well or the plugging of such well, if the well is a dry hole, [whether such well is a new well or a well that has been deepened or plugged back to a different producing horizon,] shall file with the commission the appropriate completion or plugging report, and as an attachment to such well as provided by the person who logged the well [in duplicate in the district office a complete record or log of the well on the appropriate form]. A basic electric log means a lithology, porosity, or resistivity log run over the entire

wellbore or in the alternative, if no such log is run over the entire wellbore, the log which is the most complete of such logs run. Amended completion reports, and as an attachment to such report, a copy of a basic electric log obtained on or after September 1, 1985, must be filed for any change in perforations, or openhole or casing records within 30 days after recompleting the well. For amended completion reports, a copy of a basic electric log should be submitted only if such log is run over a deeper interval than the interval covered by the basic electric log originally submitted.

(b) Each log filed with the commission shall be considered public information and shall be available to the public during normal business hours. If the owner or operator of such well described in subsection (a) of this section desires log(s) to be confidential, the owner or operator must submit a written request for a delayed filing of the log(s). When filing such a request, the owner or operator must retain the log(s) and may delay filing such log(s) for one year beginning from the date the completion or plugging report is required to be filed with the commission. The owner or operator of such well may request an additional filing delay of two years, provided the written request is filed prior to the expiration date of the initial confidentiality period. If a well is drilled on land submerged in state water, the owner or operator may request an additional filing delay of two years so that a possible total filing delay of five years may be obtained. A request for the additional two-year filing delay period must be in writing and be received prior to the expiration of the first two-year filing delay. Logs must be filed with the commission within 30 days after the expiration of the final confidentiality period.

(c) If the logs are not filed in accordance with the provisions of this section, the commission may refuse to assign an allowable to a well or may set the allowable for such well at zero. If the well is a dry hole and the logs are not filed in accordance with the provisions of this section, the commission may initiate penalty action pursuant to the Texas Natural Resources Code, Title 3.

**§3.41. Rule 41—Application for New Oil or Gas Field Designation and/or Allowable.**

(a) Evidence proving that a well is a discovery must be received in the commission's Austin office prior to the assignment of a new field designation and/or [or] discovery allowable [or both]. Evidence other than horizontal distance is required. An application must include the following:

- (1) (No change.)
- (2) a complete, legible electric log of the well. Any electric log filed will be considered public information pursuant to §3.16 of this title (relating to Rule 16—Log and Completion or Plugging Report) (statewide Rule 16). [If an electric log was not run, a similar log such as gamma ray, ther-

mal decay time (TDT), or logging industry equivalent, may be acceptable.] The filing of an electric log is not necessary [A six-month delay may be granted in the required filing of a log for good cause shown], provided that all other required data is submitted and satisfactorily proves discovery of a new reservoir.

- (3)-(5) (No change.)
- (b)-(d) (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 September 24, 1985.

TRD-858774      Walter E. Lillie  
Office of Special  
Counsel  
Railroad Commission of  
Texas

Proposed date of adoption:  
November 15, 1985  
For further information, please call  
(512) 463-7149.

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**Part II. Public Utility  
Commission of Texas  
Chapter 23. Substantive Rules  
Certification**

**★ 16 TAC §23.32**

The Public Utility Commission of Texas proposes new §23.32, concerning automatic dial announcing devices. The 69th Legislature, 1985, directed this commission to promulgate rules concerning the issuance of permits and related matters.

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

The effect on state government will be an estimated additional cost of \$10,000, each year in 1985-1989.

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 will be that the commission will have knowledge of those using automatic dial announcing devices and be able to regulate time of use and method of use. The possible economic cost to individuals who are required to comply with the section as proposed will be a filing fee of \$500 each year in 1985-1989.

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, §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.

**§23.32. Permits for Automatic Dial Announcing Devices.**

(a) An automatic dial announcing device is any automatic equipment used for telephone solicitation or collection that:

- (1) is capable of storing numbers to be called, or has a random or sequential number generator capable of producing numbers to be called; and
- (2) is capable, alone or in conjunction with other equipment, to convey a pre-recorded or synthesized voice message to the number called.

(b) Requirements for use. The following requirements are imposed on the user of an automatic dial announcing device:

- (1) the user has obtained a permit from the commission and given written notice specifying the type of device to each telecommunications utility over whose system the device is to be used;
- (2) the device is not used for random number dialing or to dial numbers by successively increasing or decreasing integers;
- (3) the message conveyed by the device, or a message delivered by a human, states the nature of the call and the identity of the person, company, or organization making the call;
- (4) the device disconnects from the called person's line not later than 10 seconds after the called person hangs up;
- (5) no calls shall be made to emergency telephone numbers of hospitals, fire departments, law enforcement offices, or other entities providing emergency service; and
- (6) for calls terminating in the State of Texas, the device is not to be used to make a call:

(A) on a Sunday before 1:30 p.m. or after 9 p.m., or before 9 a.m. or after 9 p.m. on a weekday or a Saturday, when the device is used for solicitation; or

(B) at any hour that collection calls would be prohibited under the Federal Fair Debt Collection Practices Act, 15 United States Code §801 *et seq.*, when the device is used for collection purposes.

(c) Disconnection. A telecommunications utility may disconnect or refuse to connect service to a person using or intending to use an automatic dial announcing device if the utility determines that the device is not capable of disconnecting from a called party's line as required in this section or that the device would cause or is causing network harm. The telecommunications utility shall disconnect service to the person on a determination by the commission or

a court that the person is violating this section, and may reconnect service to the person only on a determination by the commission that the person will comply with this section. The utility shall give notice to the person using the device of its intent to disconnect service not later than the third day before the date of the disconnection, except that if the device is causing network congestion or blockage, the notice may be given on the day before the date of disconnection.

(d) Exception. This section does not apply to the use of an automatic dial announcing device to call a person who has given to the person making the call written permission to be called by an automatic dial announcing device, except that a telecommunications utility may disconnect service to a person using the device if the device is causing network harm.

(e) Form and fee. An application for a permit under this section to use one or more automatic dial announcing devices shall be on a form as prescribed by the commission and shall be accompanied by the payment of a fee of \$500 for each permit issued.

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

Issued in Austin, Texas, on September 20, 1985.

TRD-858723 Rhonda Colbert Ryan  
Secretary of the  
Commission  
Public Utility  
Commission of Texas

Earliest possible date of adoption:  
November 1, 1985  
For further information, please call  
(512) 458-0100.

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### ★ 16 TAC §23.61

The Public Utility Commission of Texas proposes an amendment to §23.61, concerning automatic dial announcing devices. A separate section is being proposed under §23.32 to carry out legislative mandates. Therefore, the portions of this section concerning automatic dial announcing devices are being removed.

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 as proposed is in effect the public benefit anticipated as a result of enforcing the section is that rules pertaining to automatic dial announcing devices will

be more accessible by deleting them from §23.61 and including them in new §23.32. 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 amendment is 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.

#### §23.61. Telephone Utilities.

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

(1) Automatic dialing-announcing device—Any automatic equipment used for solicitation which incorporates the following features: storage capability of multiple numbers to be called or a random or sequential number generator that produces numbers to be called and has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.]

(1)(2) Base rate area—A specific area within an exchange service area as set forth in the local exchange carriers' tariffs, maps, or descriptions. Local exchange service within this area is furnished at uniform rates without extra mileage charges.

(2)(3) Business service—A telecommunications service provided a customer where the use is primarily of a business, professional, institutional, or otherwise occupational nature.

(3)(4) Busy hour—The clock hour each day during which the greatest usage occurs.

(4)(5) Busy season—That period of the year during which the greatest volume of traffic is handled in the office.

(5)(6) Central office—A switching unit in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.

(6)(7) Class of service—A description of telecommunications service furnished a customer which denotes such characteristics as nature of use (business or resident) or type of rate (flat rate or message rate). Classes of service are usually subdivided in grades, such as individual or multiparty line.

(7)(8) Complex service—The provision of a circuit requiring special treatment, special equipment, or special engineering design. This includes private lines, WATS, PBX trunks, rotary lines, special

assemblies, etc

(8)(9) Customer access line—A unit of measurement representing a usage on the line side of the switched network or a private line circuit, regardless of the quantity or ownership of customer premises equipment connected to each circuit. In the case of multiparty lines, each party shall be counted as a separate customer access line.

(9)(10) Customer trouble report—Any oral or written report from a customer or user of telecommunications service received by any telecommunications utility relating to a physical defect, difficulty, or dissatisfaction with the service provided by the telecommunications utility's facilities. A separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

(10)(11) Dominant carrier—

(A) A provider of any particular communication service which is provided in whole or in part over a telephone system who as to such service has sufficient market power in a telecommunications market as determined by the commission to enable such provider to control prices in a manner adverse to the public interest for such service in such market.

(B) Any provider of local exchange telephone service within a certificated exchange area as to such service.

(11)(12) Exchange—A unit established by a local exchange carrier for the administration of telecommunications service in a specified area for which a separate local rate schedule is provided. It may consist of one or more central offices together with associated plant facilities used in furnishing telecommunications services in that area.

(12)(13) Exchange service area—The geographical territory served by an exchange, usually embracing a city, town, or village and its environs.

(13)(14) Grade of service—The number of parties served on a telephone circuit such as individual or multiparty line.

(14)(15) Intercept service—A service arrangement provided by the local exchange carrier whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed by an operator or by a recording that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

(15)(16) Line—A circuit or channel extending from a central office to the customer's location to provide local exchange service. One line may serve one individual line customer, or all customers served by a multiparty line.

(16)(17) Local calling area—The area within which telecommunications service is furnished customers under a specific schedule of exchange rates. A local calling

area may include one or more exchange service areas.

(17)(18) Local exchange carrier—A telecommunications utility which provides local exchange service.

(18)(19) Local exchange service—Telecommunications service provided within service areas in accordance with the local exchange tariffs. It includes the use of exchange facilities required to establish connections between customer access lines within the exchange and between customer access lines and the long distance facilities serving the exchange. Local exchange service does not include use or provision of pay telephones registered under 47 Code of Federal Regulations Part 68.

(19)(20) Local message—A completed call between customer access lines located within the same local calling area.

(20)(21) Local message charge—The charge that applies for a completed telephone call that is made when the calling customer access line and the customer access line to which the connection is established are both within the same local calling area, and a local message charge is applicable.

(21)(22) Local service charge—The charge for furnishing facilities to enable a customer to send or receive telecommunications within the local service area. This local service calling area may include one or more exchange service areas.

(22)(23) Long distance telecommunications service—That part of the total communication service rendered by a telecommunications utility which is furnished between customers in different local service areas in accordance with the rates and regulations specified in the utility's tariff.

(23)(24) Message—A completed customer telephone call.

(24)(25) Message rate service—A form of exchange service under which all originated local messages are measured and charged for in accordance with the tariff.

(25)(26) Nondominant carrier—Specialized communications common carriers, resellers of communications, and other communications carriers who convey, transmit, or receive communications in whole or in part over a telephone system who are not dominant carriers.

(26)(27) Out-of-service trouble report—An initial customer trouble report in which there is complete interruption of incoming or outgoing local exchange service. On multiple line services a failure of one central office line or a failure in common equipment affecting all lines is considered out of service. If an extension line failure does not result in the complete inability to receive or initiate calls, the report is not considered to be out of service.

(27)(28) Primary service—The initial provision of voice grade access between the customer's premises and the switched telecommunications network. This includes the initial connection to a new customer or

the move of an existing customer to a new premises. This does not include complex services or auxiliary items such as gongs or buzzers; on-premises stations or wiring beyond the subscriber interface or, if no interface, beyond the first jack; or added main local exchange lines to premises already having service.

(28)(29) Private line—A circuit provided to furnish communication only between the two or more telephones or other terminal devices directly connected to it, and not having direct connection with either central office or PBX switching apparatus.

(29)(30) Public telephone service—An individual line customer service equipped with a coin collecting or coinless public telephone instrument installed for use of the general public in locations where the general public has access to these telephones.

(30)(31) Regrade—An application for a different grade of service.

(31)(32) Repeated trouble report—A customer trouble report regarding a specific line or circuit occurring within 30 days or one calendar month of a previously cleared trouble report on the same line or circuit.

(32)(33) Service line—Those facilities owned and maintained by a customer or group of customers, which lines are connected with the facilities of a telecommunications utility for communication service.

(33)(34) Station—A telephone instrument or other terminal device.

(34)(35) Telecommunications utility—Dominant carriers and nondominant carriers.

(35)(36) Trunk—A circuit facility connecting two central offices.

(36)(37) Toll station—A telephone connected to a toll line or directly to a toll board.

(b)-(g) (No change.)

(h) Automatic dialing-announcing devices.

(1) An automatic dialing-announcing device (ADAD) is any automatic terminal equipment which incorporates the following features:

(A) storage capability of numbers to be called; or a random or sequential number generator that produces numbers to be called; and an ability to dial a call; and

(B) has the capability, working alone or in conjunction with other equipment, and with or without manual assistance, of disseminating a prerecorded message to the number called.

(2) No local exchange carrier shall knowingly permit an automatic dialing-announcing device to be connected or operated over its telephone network unless:

(A) prior written agreement has been reached between the called and calling parties; or

(B) the ADAD is used in conformance with the following.

(i) The device, within 15 seconds after the called party hangs up, automatically creates a disconnect signal or on hook condition which allows the called party's line to be released. The device terminates all calls, and a disconnect or on hook condition is created, when the call is not completed within 30 seconds.

(ii) The recorded message begins with or is preceded by a statement announcing the name, address, and callback telephone number of the calling party, the purpose or nature of the message, and the fact that the message is a recording.

(iii) No calls are made to emergency telephone numbers of hospitals, fire departments, law enforcement offices, or other entities providing emergency services.

(iv) No calls are made before 9 a.m. or after 9 p.m.

(v) No substantial impairment of service, as determined by the local exchange carrier will occur due to use of ADAD.

(C) This section shall not be construed to apply to any automatic security device installed pursuant to the request of the tenant or owner of the premises for security, emergency, health, environmental, or other monitoring purposes.

(3) If the ADAD user fails to comply with the provisions of this section, the local exchange carrier providing originating service may refuse to provide service until the noncompliance is remedied or may terminate service.]

(b)(i) Depreciation rates. Dominant carriers shall utilize depreciation rates approved by the commission for determination of depreciation expense and provision for accumulated depreciation (previously referred to as depreciation reserve). For the purpose of this rule, depreciation rates used prior to September 1, 1976, and those in effect on September 1, 1976, shall be deemed appropriate for use unless subsequently modified by the commission.

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

(i)(j) Nondominant carriers providing service on or before September 1, 1983. Nondominant carriers providing communications service on or before September 1, 1983, shall file the following information with the commission within 90 days of September 1, 1983:

(1)-(7) (No change.)

(j)(k) Nondominant carriers not providing service on or before September 1, 1983. Nondominant carriers who commence providing service after September 1, 1983, shall provide within 30 days of commencing service the information in (i) [(j)](1)-(7) of this section.

(k)(l) Separate reports. Subject to the conditions and time periods in subsection (i) [subsections (j)] and subsection (j) [(k)] of this section, nondominant carriers

shall also provide the following information in a separate report:

(1)-(4) (No change.)

(b)(m) Telecommunications utilities.

All telecommunications utilities, with the exception of carriers providing only local exchange services, shall provide the following annual data with respect to long distance telecommunications services, including, but not limited to message toll service, private line, and WATS offerings, with annual updates to the commission within 45 days of the close of the calendar year.

(1)-(6) (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 September 23, 1985.

TRD-858722 Rhonda Colbert Ryan  
Secretary of the  
Commission  
Public Utility  
Commission of Texas

Earliest possible date of adoption:  
November 1, 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 O. State Sales and Use Tax

###### ★ 34 TAC §3.344

*(Editor's note: The Comptroller of Public Accounts proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register Office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Comptroller of Public Accounts proposes the repeal of §3.344, concerning mobile telephone and telephone paging services. A change was made to the Tax Code, Chapter 151, by the legislature, adding a sales tax to telecommunications services for the first time. A new section on telecommunications services is being proposed making this current rule obsolete.

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

Mr. Craymer also has determined that for the first five years the repeal is in effect the anticipated public benefit is the provision of notice of changes due to tax law changes. There are no anticipated economic costs to individuals as a result of the repeal.

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

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

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858795 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

November 1, 1985, 1985  
For further information, please call  
(512) 483-4606.

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*(Editor's note: The Comptroller of Public Accounts proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is published in the Emergency Rules section of this issue.)*

The Comptroller of Public Accounts proposes new §3.344, concerning telecommunications services. The old section on mobile telephones and paging services is being repealed. A change was made to the Tax Code, Chapter 151, by the legislature, adding a sales tax to telecommunications services for the first time. Basically, intrastate long distance service and certain other services will be subject to sales tax. Interstate long distance services will not be subject to sales tax. The section offers guidelines as to which services are taxable and which services are not subject to sales tax.

Dale Craymer, 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 fiscal implications as a result of enforcing or administering the section. The effect of this new section is to provide administrative rules governing changes made in the sales and use tax law made by House Bill 1949, 69th Legislature. The revenue impact is shown in the fiscal note prepared for the bill. This section would have no additional revenue effects. This rule is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required.

Mr. Craymer 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 the provision of notice of changes due to tax law changes. 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 Joe Greco, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

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

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858796 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

November 1, 1985  
For further information, please call  
(512) 483-4606.

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##### Subchapter P. Local Sales and Use Tax

###### ★ 34 TAC §3.372

The Comptroller of Public Accounts proposes an amendment to §3.372, concerning notice; adoption or abolition; contested case. During the last legislative session, certain telecommunication services became subject to sales tax. On or after October 1, 1987, local tax may also apply to these services if cities take affirmative action to impose local tax. The amendment explains the affirmative ac-

tive necessary to impose local tax on telecommunications services.

Dale Craymer, director of revenue estimating for the comptroller, has determined that for the first five-year period the section is in effect there will be fiscal implications as a result of enforcing or administering the section. The new section will provide administrative rules governing changes made in the sales and use tax law made by House Bill 1949, 69th Legislature, 1985. The revenue impact is shown in the fiscal note prepared for the bill. This section has no additional revenue effects. This section is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required.

Mr. Craymer also has determined that for the first five years the section is in effect the public benefit anticipated as a result of enforcing or administering the section is provision of notice of changes due to tax law changes. There are no additional costs to individuals as a result of enforcing or administering this section.

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

The amendment is proposed under 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.

**§3.372. Requirements for Adopting or Abolishing City Tax [Notice; Adoption or Abolition; Contested Case].**

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

(e) Telecommunications services. Telecommunications services are exempt from city sales tax until October 1, 1987. Thereafter, city sales tax may be imposed on certain telecommunications services. See §3.344 of this title (relating to Telecommunications Services).

(1) The governing body of a local tax city may adopt by a majority vote of the governing body an ordinance repealing the exemption on telecommunications services. The city secretary must forward to the comptroller by U.S. registered or certified mail a copy of the ordinance. Upon receipt by the comptroller of notification, one whole calendar quarter shall elapse before local tax applies to telecommunications services. See subsection (c) of this section for effective dates.

(2) The governing body of a local tax city may exempt telecommunications services from local tax in the same manner in which the tax was imposed.

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858797

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
November 1, 1985  
For further information, please call  
(512) 463-4606.

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## Subchapter Q. Franchise Tax

### ★ 34 TAC §3.406

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Comptroller of Public Accounts proposes the repeal of §3.406, concerning foreign corporations doing business in Texas: liability for franchise tax. This section is repealed so that a substantially revised section dealing with the same subject matter may be adopted.

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

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

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

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

**§3.406. Foreign Corporations Doing Business in Texas: Liability for Franchise Tax.**

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858798

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
November 1, 1985  
For further information, please call  
(512) 463-4606.

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The Comptroller of Public Accounts proposes new §3.406, concerning foreign corporations doing business in Texas: liability for franchise tax, to replace §3.406 that is proposed for repeal in this issue. There are some minor word changes to make the section conform to the statute. Also, several sections have been amended to broaden the examples to cover more situations. Subsections have been added to cover corporations doing business on federal enclaves, corporations with consigned goods in Texas, corporations delivering goods into Texas, and corporations leasing tangible personal property which is used in Texas.

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 as a result of enforcing or administering the section. This section is promulgated under Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required.

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

Comments on the proposal should be submitted to Joe Greco, Director, Tax Administration, P. O. Box 13528, Austin, Texas 78711.

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

**§3.406. Foreign Corporations Doing Business in Texas: Liability for Franchise Tax.**

(a) A foreign corporation is liable for the franchise tax if it is authorized to transact business under a certificate of authority from the secretary of state (Texas Business Corporation Act, Article 8.01, *et seq.*), or if it is actually doing business in Texas without a certificate of authority.



(b) A corporation is doing business in Texas, for purposes of the Texas Tax Code, Chapter 171, when it has constitutional nexus with Texas for the purpose of franchise taxation.

(c) Some specific activities which constitute doing business in Texas are:

(1) contracting. Performance of a contract in Texas regardless of whether the corporation brings its own employees into the state, hires local labor, or subcontracts with another;

(2) providing services:

(A) providing any service in Texas, regardless of whether the employees, independent contractors, agents, or other representatives performing the services reside in Texas;

(B) maintaining or repairing property located in Texas whether under warranty or by separate contract, or

(C) installing, erecting, or modifying property in Texas;

(3) inventory in the state. Having an inventory in Texas or having spot inventory for the convenient delivery to customers, even if the bulk of orders are filled from out of state;

(4) solicitation. Having employees, independent contractors, agents, or other representatives in Texas, regardless of whether they reside in Texas, to promote or induce sales of the foreign corporation's goods or services;

(5) dealings in real estate. Holding, acquiring, leasing, or disposing of any property located in Texas;

(6) shows and performances. The staging of shows, theatrical performances, or other events within Texas;

(7) transportation;

(A) carrying passengers or freight (any personal property including oil and gas transmitted by pipeline) from one point in Texas to another point within the state, if pickup and delivery, regardless of origination or ultimate destination, occurs within Texas; or

(B) having facilities and/or employees, independent contractors, agents, or other representatives in Texas, regardless of whether they reside in Texas;

(i) for storage, delivery, or shipment of goods;

(ii) for servicing, maintaining, or repair of vehicles, trailers, containers, and other equipment;

(iii) for coordinating and directing the transportation of passengers or freight; or

(iv) for doing any other business of the corporation;

(8) franchisors. Entering into one or more contracts with persons, corporations, or other business entities located in Texas, by which:

(A) the franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services

under a marketing plan or system prescribed in substantial part by the franchisor; and

(B) the operation of a franchisee's business pursuant to such plan is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising, or other commercial symbol designating the franchisor or its affiliate;

(9) processing. Assembling, processing, manufacturing, or storing goods in Texas;

(10) advertising. Entering Texas to purchase, place, or display advertising when the advertising is for the benefit of another and in the ordinary course of business (e.g., the foreign corporation makes signs and brings them into Texas, sets them up, and maintains them);

(11) contracting for processing and shipment. Sending materials to a Texas manufacturer, processor, repairer, or printer to be processed and stored in completed form awaiting orders for their shipment;

(12) foreign corporations as partners:

(A) acting as a general partner in a general partnership which is doing business in Texas;

(B) acting as a general partner in a limited partnership which is doing business in Texas. (A foreign corporation which is a limited partner in a limited partnership is not doing business in Texas);

(13) loan production activities. Soliciting sales contracts or loans, gathering financial data, making credit checks, or performing other financial activities in Texas through employees, independent contractors, or agents, regardless of whether they reside in Texas;

(14) holding companies. Maintaining a place of business in Texas or managing, directing, and/or performing services in Texas for subsidiaries or investee corporations;

(15) place of business. A corporation is doing business in Texas if it maintains a place of business in Texas;

(16) federal enclaves. A corporation is doing business in Texas if it is doing business in any area within Texas, even if the area is leased by, owned by, ceded to, or under the control of the federal government;

(17) consignments. A corporation is doing business in Texas if it has consigned goods in Texas;

(18) delivering. A corporation is doing business in Texas if it delivers into Texas items it has sold;

(19) leasing. A corporation is doing business in Texas if it leases tangible personal property which is used in Texas.

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858799

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
November 1, 1985  
For further information, please call  
(512) 463-4606.

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## Subchapter R. Metropolitan Transit Authority Sales and Use Tax

### ★34 TAC §3.422

The Comptroller of Public Accounts proposes an amendment to §3.422, concerning notice; contested election. During the last legislative session, certain telecommunications services became subject to sales tax. On or after October 1, 1987, metropolitan transit authority (MTA) tax may also apply to these services if authorities take affirmative action to impose MTA tax. The amendment explains the affirmative action necessary to impose MTA tax on telecommunications services.

Dale Craymer, 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 fiscal implications for state or local government as a result of enforcing or administering the section. The effect of this amendment is to provide administrative rules governing changes made in the sales and use tax law made by House Bill 1949, 69th Legislature, 1985. The revenue impact is shown in the fiscal note prepared for the bill. This section has no additional revenue effects. This section is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small business is required.

Mr. Craymer also has determined that for the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is provision of notice of changes due to tax law changes. There are no additional costs to individuals as a result of enforcing or administering the section.

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

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

**§3.442. Requirements for Adopting or Abolishing MTA Tax [Notice; Contested Elections].**

(a) Any metropolitan transit authority (MTA) may, by a majority vote of the qualified voters of the authority, adopt or abolish an MTA sales and use tax as provided in the statute authorizing the authority.

(b)(1) Notification requirement. If the proposition is adopted by a majority vote of the qualified voters, and the results of the election held to adopt or abolish the MTA sales and use tax have been entered in the minutes of the metropolitan transit authority board, the presiding officer of the board must forward to the Comptroller of Public Accounts, by United States registered mail or certified mail, a certified copy of the ordinance or resolution of the board canvassing the returns and declaring the result of the election. The ordinance or resolution must reflect the date of the election in the authority, the proposition voted on, the total number of votes cast for and against the proposition, and the number of votes by which the proposition was approved, and shall be accompanied by a map of the authority clearly showing the boundaries of the authority.

(c)(2) Tax rate. The MTA sales and use tax rate may be levied only as one-quarter of 1.0%, one-half of 1.0%, three-quarters of 1.0%, or 1.0%.

(d)(3) Effective date—MTA sales and use tax. Following actual receipt by the Comptroller of Public Accounts of notification of adoption of an MTA sales and use tax containing the information required by subsection (b) [paragraph (1)] of this section [subsection], one whole calendar quarter must elapse before the MTA sales and use tax is effective on the first day of the next calendar quarter following the elapsed calendar quarter.

(e)(4) Tax rate change.

(1)(A) Any election for approval of a tax increase must conform to the requirements in subsection (b)[paragraph (1)] of this section [subsection] for elections and notification. The authority may, by a board order, decrease the tax rate provided the presiding officer of the board files a certified copy of the order with the State Department of Highways and Public Transportation and the Comptroller of Public Accounts.

(2)(B) If there is an increase or decrease in the rate of an MTA sales and use tax already levied, the new rate becomes effective the first day of the next succeeding calendar quarter following actual notification to the Comptroller of Public Accounts. However, if the comptroller notifies the presiding officer of the board in writing within 10 days after receipt of the order that he requires more time, the comptroller is entitled to delay implementation one whole calendar quarter. The new tax rate is effective the first day of the next succeeding calendar quarter.

(f)(5) Contested election.

(1)(A) If the validity of any election held under the provisions of the Texas Civil Statutes authorizing the authority, or the result of the election based on the returns, is contested, the election contest must be filed and tried as provided in the Election Code of the State of Texas. The contestant must notify the comptroller by United States registered mail or certified mail within 10 days after filing the contest by mailing a copy of the notice of contest to the comptroller showing the style of the contest, the date filed, the case number, and the court in which the case is pending. No contest may be heard unless the comptroller is timely notified as provided in this section.

(2)(B) Upon receipt of a notice of contest, the comptroller will suspend implementation of the tax. When a final judgment is entered in the election contest, the presiding officer of the board must notify

the comptroller by United States registered mail or certified mail and enclose a certified copy of the final judgment. If the judgment sustains the imposition of the tax, the comptroller will implement the tax substituting the date the notice of final judgment is received for the notice of the result of the election.

(g) Telecommunications services. Telecommunications services are exempt from MTA sales tax until October 1, 1987. Thereafter, MTA sales tax may be imposed on certain telecommunications services. See §3.344 of this title (relating to Telecommunications Services).

(1) The board of a metropolitan transit authority may adopt by a majority vote of the board an order repealing the exemption on telecommunications services. The board chairman or secretary must forward to the comptroller by United States registered or certified mail a copy of the ordinance. Upon receipt by the comptroller of notification, one whole calendar quarter shall elapse before MTA tax applies to telecommunications services. The adoption is effective on the first day of the next calendar quarter following the elapsed calendar quarter.

(2) The board of the authority may exempt telecommunications services from MTA tax in the same manner in which the tax was imposed.

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858800

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
November 1, 1985

For further information, please call  
(512) 463-4608.

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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 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas

### Chapter 11. Surface Mining and Reclamation Division Subchapter D. Coal Mining

#### ★ 16 TAC §11.221

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §11.221, submitted by the Railroad Commission of Texas, have been automatically withdrawn, effective September 24, 1985. The amendments as proposed appeared in the March 22, 1985, issue of the *Texas Register* (10 TexReg 966).

TRD-858857  
Filed: September 24, 1985

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## TITLE 22. EXAMINING BOARDS Part XXIV. State Board of Veterinary Medical Examiners Chapter 573. Rules of Professional Conduct

#### ★ 22 TAC §573.2

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §573.2, submitted by the State Board of Veterinary Medical Examiners, have been automatically withdrawn, effective September 24, 1985. The amendments as proposed appeared in the March 22, 1985, issue of the *Texas Register* (10 TexReg 976).

TRD-858861  
Filed: September 24, 1985

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#### ★ 22 TAC §573.12

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §573.12, submitted by the State Board of Veterinary Medical Examiners, have been automatically withdrawn, effective September 24, 1985. The amendments as proposed appeared in the March 22, 1985, issue of the *Texas Register* (10 TexReg 977).

TRD-858860  
Filed: September 24, 1985

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#### ★ 22 TAC §573.26

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed repeal of §573.26, submitted by the State Board of Veterinary Medical Examiners, has been automatically withdrawn, effective September 24, 1985. The repeal as proposed appeared in the

March 22, 1985, issue of the *Texas Register* (10 TexReg 977).

TRD-858859  
Filed: September 24, 1985

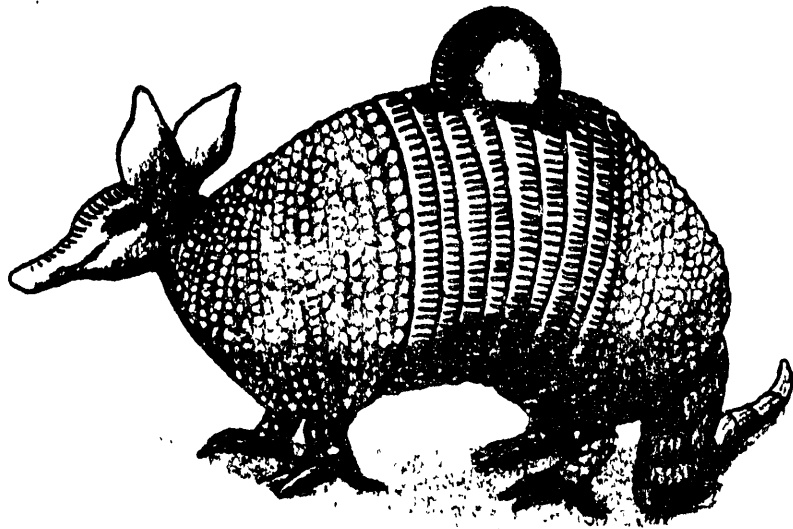
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#### ★ 22 TAC §573.28

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §573.28, submitted by the State Board of Veterinary Medical Examiners, have been automatically withdrawn, effective September 24, 1985. The amendments as proposed appeared in the March 22, 1985, issue of the *Texas Register* (10 TexReg 977).

TRD-858858  
Filed: September 24, 1985

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# Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 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 amendment to §9.3, with changes to the proposed text published in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3207).

The amendment adopts a new policy concerning changes in economic development project fund 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.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(201), §4A, 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.

#### §9.3. Economic Development Project 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 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 re-

quirements of this fund and receives a score thereunder 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.)

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

Issued in Austin, Texas, on September 23, 1985.

TRD-858710

Douglas C. Brown  
General Counsel  
Texas Department of  
Community Affairs

Effective date: October 14, 1985

Proposal publication date: August 23, 1985

For further information, please call  
(512) 834-6060.

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## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 65. Wildlife

##### Subchapter O. Late Season Migratory Game Bird Proclamation

#### ★ 31 TAC §§65.331-65.335

The Texas Parks and Wildlife Department adopts amendments to §§65.333-65.335, with changes to the proposed text published in the July 5, 1985 issue of the *Texas Register* (10 TexReg 2186). Sections 65.331-65.335 constitute the late season migratory game bird proclamation. Sections 65.331 and §65.332 are adopted without changes and will not be republished.

The word "preservation facility" is changed to "processing facility" in §65.332(e)(2) conform more clearly with Texas Parks and Wildlife Code, §42.001(5); length of

season for ducks and coots is reduced in §65.333(b)(1)(A) and (B); length of the first season for dark geese species is increased in §65.333(b)(2)(B); the sandhill crane season in Zone B is adjusted in §65.333(b)(3) (B); and the number of days for extended falconry season for ducks and coots is reduced. The change in seasons for ducks, coots, geese, and sandhill cranes incorporates revised adoption framework modifications by the U.S. Fish and Wildlife Service which more closely reflect waterfowl populations, and the change (increase) in point system values in §65.334(b)(1)(A) reflect central flyway waterfowl production and conform with federal framework restrictions relating to point values. Under federal regulations, this change necessitates a conforming change in the falconry season (§65 335); falconry is a means to take migratory game birds.

Fluctuation in migratory game bird populations and the need to reduce waterfowl harvest requires the Parks and Wildlife Commission to adopt regulations for the 1985-1986 hunting seasons.

The amended sections provide for the taking of late season migratory game bird wildlife resources consistent with their flyway populations

The following comments were made in a public hearing on August 30, 1985. Jack Gibson, Robert F. Mitchell, V. E. Graves, Joe L. Lagow, Ralph "Sonny" Bauchman, and Dave Jenkins spoke for and against the amendments, most preferring half-day hunting and favoring the increased point system value placed on ducks. Some speakers propose: a two-way rather than a three-way split for the duck season; that hunting guides on public water be required to keep harvest records; and a point system differential by sex for gadwalls and wigeon.

Jack Gibson, Hunting Unlimited; Robert F. Mitchell, Redfish Bay Marina; V. E. Graves, Teal Lodge; Joe L. Lagow, Barrow Ranch Hunting Preserve; Ralph "Sonny" Bauchman, Los Gansos Hunting Lodge; and Dave Jenkins spoke against the amendments published. At the public hearing, in general, no one spoke in favor of the proposed amendments as published.

The Texas Parks and Wildlife Commission disagrees with some proposals made by individuals, because they were judged

not to be consistent with recognized wildlife management principles or revised federal regulation frameworks. The commission did agree with the collection of waterfowl harvest records on public waters but lacks the statutory authority to require such record keeping.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources. Section 65.335(b)(1) is adopted by the commission as a result of U.S. Fish and Wildlife Service published mandated frameworks.

§65.333. *Open Seasons.*

(a) No person shall take migratory game birds except during the open season as provided herein, or at any time except during the hours as provided herein. All dates are inclusive.

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways, the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including, but not limited to, the Nueces and Frio Rivers, and state wildlife preserves and sanctuaries unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the U.S. Fish and Wildlife Service.

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: November 9, 1985, through January 12, 1986, from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) Other portions of the state: November 2-5, 1985, November 23-December 8, 1985, and December 14, 1985, through January 12, 1986, from one-half hour before sunrise to sunset.

(C) Special provision: The season is closed on masked ducks in all counties.

(2) Geese.

(A) West of U.S. Highway 81: October 29, 1985, through January 19, 1986.

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross') November 2, 1985, through January 26, 1986. Dark Goose species (Canada, black-brant, and white-fronted) November 2, 1985-December 8 and December 16, 1985-January 19, 1986.

(C)-(D) (No change.)

(3) Sandhill cranes.

(A) (No change.)

(B) Zone B: Fifth Saturday in November for 72 consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County, and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of Highway 87 and Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(C)-(D) (No change.)

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

§65.334. *Bag and Possession Limits.*

(a) No person may take or have in possession more than the bag and possession limits of each species of migratory game birds as provided herein.

(b) The bag and possession limits are as follows:

(1) Ducks and coots.

(A) Ducks: the daily bag limit is from one to five ducks in the aggregate, the specific daily limit depending upon the sexes and species taken as determined by the following 100-point system: canvasbacks, hen mallards, mottled ducks and black ducks are 100 points. Wood ducks, hooded mergansers, redheads, and fulvous and black-bellied whistling (tree) ducks are 70 points each. Blue-winged teal, green-winged teal, cinnamon teal, gadwalls, scaups, shoveler, wigeon (baldpate), and mergansers (except hooded) are 20 points. All other species and sexes of ducks are 35 points. The daily bag limit will be reached when the point value of any bird taken reaches or exceeds 100 points. Possession limit: possession limit shall be the maximum number of birds or species and sex which could have legally been taken in two day.

(B) (No change.)

(2)-(5) (No change.)

(c)-(g) (No change.)

§65.335. *Extended Falconry Season.*

(a) (No change.)

(b) It is lawful to take migratory game birds during the following prescribed open seasons:

(1) Ducks, coots, and geese. Third Saturday in October for 87 consecutive days from one-half hour before sunrise to sunset.

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

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

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

Issued in Austin, Texas, on September 24, 1985.

TRD-858754

Boyd Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: October 15, 1985  
Proposal publication date: July 5, 1985  
For further information, please call  
(512) 479-4973.

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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 §3.554

The Comptroller of Public Accounts adopts an amendment to §3.554, concerning instant bingo, without changes to the proposed text published in the August 16, 1985, issue of the *Texas Register* (10 TexReg 3123).

The purpose of the amendment is to simplify administration of bingo occasions.

The amendment eliminates the requirement that payments to winners of instant bingo be made in cash only. The amendment also eliminates some steps in claiming instant bingo winnings.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

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

Issued in Austin, Texas, on September 25, 1985

TRD-858801

Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 16, 1985  
Proposal publication date: August 16, 1985  
For further information, please call  
(512) 463-4606.

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★ 34 TAC §3.555

The Comptroller of Public Accounts adopts new §3.555, concerning certain charitable distributions, without changes to the proposed text published in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3212).

The new provision will allow 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 license authorized organizations from using money in a dedicated fund for any purpose other than that for which the fund was established.

The new section will allow 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.

No comments were received regarding adoption of the new section.

The new section is adopted 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.

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

Issued in Austin, Texas, on September 25, 1985

TRD-858802 Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 16, 1985  
Proposal publication date: August 23, 1985  
For further information, please call  
(512) 463-4606.

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★ 34 TAC §3.556

The Comptroller of Public Accounts adopts new §3.556, without changes to the proposed text published in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3213).

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 new section is intended to provide clear direction to affected licensees and to ensure compliance with reporting and distribution requirements.

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

This new section is adopted 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.

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858803 Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 16, 1985  
Proposal publication date: August 23, 1985  
For further information, please call  
(512) 463-4606.

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★ 34 TAC §3.557

The Comptroller of Public Accounts adopts new §3.557, without changes to the proposed text published in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3213).

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 adopted 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 organizations. It will assist the comptroller in verifying gross receipts from the conduct of bingo and in ensuring that the maximum amount of proceeds are available for charitable purposes.

No comments were received regarding adoption of the new section.

This new section is adopted 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.

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858804 Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 16, 1985  
Proposal publication date: August 23, 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 Services  
Chapter 15. Medicaid Eligibility  
Subchapter GG. Resources for Individuals Related to the SSI Program**

★ 40 TAC §15.3203

The Texas Department of Human Services adopts an amendment to §15.3203, concerning general principles concerning resources. The amendment is adopted to comply with a change to Supplemental Security Income (SSI) Program policy which was effective September 1, 1985. The SSI policy specifies that if an individual is unaware that he owns an asset, the asset is not considered a resource during the period he is unaware of his ownership.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs. The amendment is adopted effective September 1, 1985, to comply with federal requirements.

§15.3203. *General Principles Concerning Resources.*

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

(f) Ownership of unknown assets. If an individual is unaware that he owns an asset, the caseworker does not count the asset as a resource for the period the individual is unaware of his ownership. The caseworker counts the asset as income in the month that the individual discovers his ownership. The caseworker counts the asset as a resource as of the first of the month after the month of discovery.

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858808

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: September 1, 1985  
Proposal publication date: N/A  
For further information, please call  
(512) 450-3766.

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## Subchapter II. Budgeting for Individuals Related to the SSI Program

### ★ 40 TAC §15.3410

The Texas Department of Human Services (DHS) adopts an amendment to §15.3410, concerning definitions of budgeting in vendor living arrangements. The amendment is adopted to comply with changes to Supplemental Security Income (SSI) Program policy which were effective August 1, 1985.

The SSI policy does not consider an institution to be a household and specifies that a couple must live in the same household or have lived in the same household within the last six months. DHS' caseworkers, therefore, must budget each individual separately if a couple has not lived together in a noninstitutional setting within the last six months.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs. The amendment is adopted effective August 1, 1985, to comply with federal requirements.

### §15.3410. Definitions of Budgeting in Vendor Living Arrangements.

- (a) (No change.)
- (b) The caseworker prepares a budget for an individual if:
  - (1)-(2) (No change.)
  - (3) the individual's ineligible spouse becomes eligible for assistance in a month after the month of separation;
  - (4) an eligible couple has been separated for more than six months; or
  - (5) an eligible couple in the same room of a Title XIX long-term care facility has not lived together in a household within the last six months. (A Title XIX long-term care facility is not considered a household.) The caseworker uses the special income limit for an individual and considers only the income of the individual.
- (c) (No change.)
- (d) The federal policy definition of a couple requires that a man and woman live together in the same household. Federal policy also specifies that an institution is not a household. The caseworker, therefore, prepares a budget for a couple only if an individual and eligible spouse:
  - (1) are both MAO applicants/recipients with the same type program;
  - (2) enter a Title XIX long-term

care facility at the same time;

(3) live together in the same room of the Title XIX long-term care facility; and

(4) lived together in the same household within the last six months. For a couple case, the caseworker considers the needs and incomes of both spouses. To determine couple status, the caseworker accepts the couple's statement of when they last lived together in the same household. If they have not lived in the same household within the last six months, the caseworker budgets each spouse as an individual.

(e) If one member of an eligible couple moves into a different room in the same Title XIX facility, the caseworker continues to budget them as a couple until they have not lived together in the same household for six months.

(f)-(g) (No change.)

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

Issued in Austin, Texas, on September 25, 1985.

TRD-858808

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: August 1, 1985  
Proposal publication date: N/A  
For further information, please call  
(512) 450-3766.

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# Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

**Emergency meetings and agendas.** Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

## Texas Department of Agriculture

**Monday, October 14, 1985, 10 a.m.** The Texas Department of Agriculture will meet at 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct an administrative hearing to review possible violation of the Texas Agriculture Code, §76.116(a)(2), by Walter J. Mangum, doing business as Farm and Ranch Aerial Service, holder of a commercial applicator's license.

**Contact:** Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** September 24, 1985, 3:42 p.m.  
TRD-858786

**Monday, October 14, 1985, 11 a.m.** The Texas Department of Agriculture will meet at 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct an administrative hearing to review possible violations of the Texas Agriculture Code, §76.114, by Jim Gardner, doing business as, Gardner Air Service, Inc.

**Contact:** Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-75837.

**Filed:** September 24, 1985, 3:42 p.m.  
TRD-858787

**Friday, October 28, 1985, 9 a.m.** The Texas Department of Agriculture will meet in Suite 103, 1801 North Lamar Boulevard, Dallas. According to the agenda, the department will conduct an administrative hearing to review a possible violation of the Texas Agriculture Code, §76.116(a)(1), by R. C. Phillips.

**Contact:** Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

**Filed:** September 24, 1985, 3:42 p.m.  
TRD-858788

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## Texas State Board of Dental Examiners

**Thursday-Saturday, October 10-12, 1985, 8 a.m. daily.** The Texas State Board of Dental Examiners (TSBDE) will meet at the Marriott Hotel, 6121 IH 35 North at Highway 290, Austin. Items on the agenda summary include disciplinary hearings; reopening of an administrative hearing concerning Dr. Del Sears vs. the TSBDE; a board representative at the on-site evaluation of the U.S. Army dental laboratory technology program; a subcommittee report on dental hygienists working in nursing homes; permitted duty interpretation request by Carol Wall; the request of Dr. William Stone for reduction of down-time; a discussion of a letter from the Washington board regarding the national board exams; discussion of regional dental meetings; NADENT cranial osteopathic adjustments; approval of anesthesia applications; discussion of per diem; determination of board representatives to attend out-of-state meetings; discussion of pending litigation; and discussion of 1986 exam dates and changes in exam guidelines.

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

**Filed:** September 25, 1985, 3:50 p.m.  
TRD-858830

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## Texas Education Agency

**Thursday, September 26, 1985, 10:30 a.m.** The Study Design Subcommittee of the Advisory Committee for Accountable Costs of the Texas Education Agency met in emergency session in Room 3-102, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the subcommittee conducted a work session on study design. The emergency status was necessary because the subcommittee met on September 20 but did not complete its work. The subcommittee chose to meet again on September 26 to complete the study design on schedule.

**Contact:** Tom Krueck, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** September 25, 1985, 3:50 p.m.  
TRD-858828

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## Texas Department of Health

**Friday and Saturday, October 4 and 5, 1985, 10 a.m. and 8:30 a.m. respectively.** The Statewide Advisory Committee of the Maternal and Infant Health Improvement Program of the Texas Department of Health will meet in Room T-610, 1100 West 49th Street, Austin. According to the agenda, the committee will consider the proposed plan for the Maternal and Infant Health Improvement Program and the rules and procedures necessary for its implementation.

**Contact:** Dr. Walter Peter, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

**Filed:** September 25, 1985, 4:12 p.m.  
TRD-858825

**Friday, October 11, 1985, 10 a.m.** The Texas Emergency Medical Services Council of the Texas Department of Health will meet at the Executel Motor Inn, 925 East Anderson Lane, Austin. Items on the agenda summary include approval of minutes; remarks from the associate commissioner for personal health services and the Bureau of Emergency Management; Emergency Medical Services (EMS) Week; hazardous materials for EMS responders; the Helicopter Committee; EMS rule activity on 25 TAC §157.80, concerning EMS personnel certification for the registered nurse; §157.81, concerning EMS personnel certification for the licensed vocational nurse; a public hearing report; a proposal for adoption of §§157.63, 157.64, and 157.66-157.69, concerning vehicle inspection and permitting; the Texas Emergency Medical



Services Advisory Council committee reports on provider ad hoc, education ad hoc, and medical directors ad hoc; comments and announcements for which no council action is required; and establishment of the January meeting date.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (612) 465-2601.

Filed: September 25, 1985, 4:55 p.m.  
TRD-858827

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### Texas Health and Human Services Coordinating Council

**Thursday, October 3, 1985, 11 a.m.** The Data Subcommittee of the Texas Health and Human Services Coordinating Council will meet on the seventh floor, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda include SIMS evaluation report and update; data release policy; update on alternatives for determining cross-program cost; status report on fiscal report 1985 objectives; and new business.

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

Filed: September 24, 1985, 4:40 p.m.  
TRD-858772

**Thursday, October 3, 1985, 11:30 a.m.** The Administration Committee of the Texas Health and Human Services Coordinating Council will meet in the Sergeant Committee Room, State Capitol, Austin. Items on the agenda include minutes of the last meeting; committee structure; advisory committees; current council projects; fiscal year 1986 operating budget; council foundation; and new business.

Contact: Lynn Leverty, P.O. Box 12428, Austin, Texas 78711, (512) 463-2195.

Filed: September 26, 1985, 2:49 p.m.  
TRD-858819

**Thursday, October 3, 1985, 1 p.m.** The Issues Committee of the Texas Health and Human Services Coordinating Council will meet in the Senate Chamber, State Capitol, Austin. According to the agenda, the committee will discuss the administrative committee report, subcommittee reports, and indigent health care working group.

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

Filed: September 24, 1985, 4:40 p.m.  
TRD-858770

**Thursday, October 3, 1985, 2:30 p.m.** The Texas Health and Human Services Coordinating Council will meet in the Senate Chamber, State Capitol, Austin. Items on the

agenda include approval of minutes, find discussion items, and vote on action items.

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

Filed: September 24, 1985, 4:40 p.m.  
TRD-858771  
ALD15 ★ ★ ★

**Thursday, October 3, 1985, 11-11:30 a.m.** The Data Subcommittee of the Texas Health and Human Services Coordinating Council will meet on the Seventh Floor, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda include SIMS evaluation report and update; data release policy; update on alternatives for determining cross-program cost; status report on fiscal report 1985 objectives; new business.

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

Filed: September 24, 1985, 4:40 p.m.  
TRD-858772

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### Texas Housing Agency

**Wednesday, October 2, 1985, 3 p.m.** The Finance and Audit Committee of the Texas Housing Agency will meet in Suite 700, 411 West 13th Street, Austin. Items on the agenda summary include the consideration and possible action on proposal by Coopers & Lybrand to provide assistance during the computer conversion; consideration and possible action on a proposal by Texas Department on Aging to accomplish tasks set forth in Senate Bill 969; consideration and possible action on requests for approval as qualified multifamily co-manager; consideration and possible action on response to letter from financial advisor; and consideration and possible action on final form for requests for information regarding financial advisor fee structure alternatives.

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

Filed: September 24, 1985, 4:02 p.m.  
TRD-858767

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**Thursday, October 3, 1985, 10 a.m.** The Board of Directors will meet in Suite 700, 411 West 13th Street, Austin. Items on the agenda summary include the consideration and possible action on approval of multifamily developments, including, but not limited to Waterford (Dallas), Huntington of Lakewood (Dallas), Huntington Creek/Lake (Dallas), Huntington Brook II (Dallas), McArthur II (Irving), Folsom V (Dallas), Southridge (Arlington), and Colorado Club (Houston), consideration and possible action on waiving moratorium on new applications to accept applications for housing for elderly; and consideration and possible action on Finance and Audit Committee recommendations regarding a proposal by Coopers & Lybrand to provide assistance during computer conversion.

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

Filed: September 25, 1985, 3:13 p.m.  
TRD-858820

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### Texas Department of Human Services

**Friday, October 4, 1985, 9:30 p.m.** The Family Violence Advisory Committee of the Texas Department of Human Services will meet in Classroom 1, second floor, West Tower, 701 West 51st Street, Austin. Items on the agenda summary include minutes; announcements; old business; reports: monthly program status, Office of Families and Children, legislative issues, policy revision, Public Education subcommittee, Criminal Justice Subcommittee, rural project, children's report, training and technical assistance contract; regional information sharing; new business; work session or program presentation; and the next meeting.

Contact: James C. Marquart, P.O. Box 2960, Austin, Texas 78711, (512) 450-3365.

Filed: September 25, 1985, 11:14 a.m.  
TRD-858811

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### State Board of Insurance

**Wednesday, September 25, 1985, 4 p.m.** The State Board of Insurance held an emergency meeting in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board discussed statistical call to all Lloyds Companies to be effective October 1, 1985. The reason for the emergency was that the call had to go out by October 1, 1985, in order for data available for use in determining

rates and other matters of public importance, and the staff had to prepare the call immediately to meet the October 1, 1985, deadline.

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

**Filed:** September 25, 1985, 1:01 p.m.  
TRD-858813

**Thursday, September 26, 1985, 1:30 p.m.** The State Board of Insurance submitted an emergency revised agenda for a meeting held in Room 414, 1110 San Jacinto, Austin. According to the agenda, the board considered a filing by the Surety Association of America of form and rate for a Texas motor vehicle dealer bond. The emergency status was necessary because the board need to take action as soon as possible to make the coverage available.

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

**Filed:** September 25, 1985, 9:03 a.m.  
TRD-858805

**Thursday, October 3, 1985, 11 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider a motion for rehearing in the appeal of True People of America Fraternal Benefit Society from commissioner's Order 85-1780.

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

**Filed:** September 25, 1985, 9:03 a.m.  
TRD-858806

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### **Texas Department of Mental Health and Mental Retardation**

**Thursday, October 3, 1985, 1 p.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 Terrell State Hospital, Brin Street, Terrell. Items on the agenda include Leander Rehabilitation Center; Long-Term Care Coordinating Council for the Elderly; emergency adoption of rules governing administrative review procedures for community placement and return to state facility; appointment of Public Information Advisory Committee; structure of and appointment of Citizen's Planning Committee; Harris County Psychiatric Center operating agreement; duties of the commissioner; and director of operations position description.

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

**Filed:** September 24, 1985, 4:16 p.m.  
TRD-858776

**Friday, October 4, 1985, 9 a.m.** The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the auditorium, Terrell State Hospital, Brin Street, Terrell. Items on the agenda summary include approval of minutes of September 19, 1985; commissioner's calendar; recommendations for board consideration by the Executive Committee and Business Committee; citizen's comments; and status of pending or contemplated litigation.

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

**Filed:** September 24, 1985, 4:16 p.m.  
TRD-858777

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### **State Occupational Information Coordinating Committee**

**Monday, October 7, 1985, 9 a.m.** The State Occupational Information Coordinating Committee will meet in Room 644, Texas Employment Commission Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the committee will discuss current projects, past and current operating budgets, and the status of the state plan for labor market information. The committee also will meet in executive session to elect a chairman.

**Contact:** Michael R. Fernandez, Room 644, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78701, (512) 463-2399.

**Filed:** September 24, 1985, 2:32 p.m.  
TRD-858766

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### **Board of Pardons and Paroles**

**Wednesday, October 2, 1985, 9:30 a.m.** The Board of Pardon and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will consider and act on the minutes of August 28, 1985, and September 4, 1985; halfway house request for proposal; proposed contract for residential services; executive director report; status report on computer requisition; summons to administrative release revocation hearing; board policy regarding set-off; distribution of cases; proposed training program by TCHR; fiscal year 1986 operating budget; travel permits for HH cases; and quarter house special conditions.

**Contact:** Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78711, (512) 459-2704.

**Filed:** September 24, 1985, 4:27 p.m.  
TRD-858768

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### **Texas State Board of Public Accountancy**

**Friday, October 4, 1985, 9 a.m.** The Technical Standards Review Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will review complaints regarding licensees.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

**Filed:** September 24, 1985, 1:45 p.m.  
TRD-858765

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### **Public Utility Commission of Texas**

**Thursday, September 26, 1985, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas submitted an emergency addition to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Docket 6375—application of Central Power and Light Company for a rate increase, appeal of interim Order 12. The emergency status was necessary because the appeals relate to a rate case with statutory deadlines.

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

**Filed:** September 23, 1985, 3:02 p.m.  
TRD-858762

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

**Friday, October 18, 1985, 1:30 p.m.** A pre-hearing conference in Docket 6498—application of Pelican Bay Utility Company, Inc., for a rate increase.

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

**Filed:** September 24, 1985, 3:03 p.m.  
TRD-858763

**Wednesday, January 15, 1986, 10 a.m.** A hearing on the merits in Docket 5604—application of Harlingen Waterworks System for a certificate of convenience and necessity to provide sewer service within Cameron County.

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

**Filed:** September 24, 1985, 3:03 p.m.  
TRD-858764

**Monday, February 17, 1986, 10 a.m.** A hearing on the merits in Docket 6450—application of Southwestern Bell Telephone Company for approval of tariff provisions pertaining to shared tenant services.

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

**Filed:** September 25, 1985, 3:26 p.m.  
TRD-858821

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### **State Committee of Examiners for Speech-Language Pathology and Audiology**

**Friday, October 11, 1985, 9 a.m.** The State Committee of Examiners for Speech-Language Pathology and Audiology will meet in Room T-507, 1100 West 49th Street, Austin. Items on the agenda summary include approval of the August 12, 1985, minutes; review of complaint investigations and procedures; discussion of newsletter and directory, continuing education approvals, a request for an attorney general's opinion regarding the title "Certified Hearing Aid Audiologist," special senses regulations in response to a letter from the committee, the National Council of State Boards of Examiners' review of examinations in speech-language pathology and audiology administered by the National Teachers Examination, and committee rules relating to licensing speech-language pathology/audiology aides; correspondence addressed to the committee; the annual financial report; the executive secretary's report; other matters relating to licensing and regulation of speech-language pathologists and audiologists for which no action is required; and setting the next meeting date.

**Contact:** June Robertson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7502.

**Filed:** September 25, 1985, 4:13 p.m.  
TRD-858826

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### **Advisory Council for Technical-Vocational Education in Texas**

**Tuesday, October 8, 1985, 2 p.m.** The Planning Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in Suite 424, Texas Employment Commission annex building, 12th and Trinity Streets, Austin. Items on the agenda include specific recommendations as to the goals, objectives, activities, and contents of the master plan for vocational education in Texas; recommendations as to the council's role in fulfilling its responsibilities for adult education; and other business.

**Contact:** Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 463-5490.

**Filed:** September 25, 1985, 3:50 p.m.  
TRD-858829

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### **Regional Agencies Meetings Filed September 24**

**The Central Texas Mental Health and Mental Retardation Center, Board of Trustees,** met at 408 Mulberry Drive, Brownwood, on September 30, 1985, at 4:30 p.m. Information may be obtained from Randy K. Harkney, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, ext. 102.

**The Dallas Area Rapid Transit, Communications and Community Involvement Committee,** met in emergency session at 601 Pacific Avenue, Dallas, on September 26, 1985, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Region XVII Education Service Center, Board of Directors,** will meet at 4000 22nd Place, Lubbock, on October 1, 1985, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

**The Lower Colorado River Authority, Natural Resources Committee,** met at 3700 Lake Austin Boulevard, Austin, on September 30, 1985, at 10 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

**The Parmer County Appraisal Office, Board of Directors,** will meet at 305 Third Street, Bovina, on October 7, 1985, at 8 p.m. Information may be obtained from Ron Procter, Box 56, Bovina, Texas 79009, (806) 238-1405.

TRD-858760

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### **Meetings Filed September 25**

**The Gonzales County Appraisal District, Appraisal Review Board,** met at 928 St. Paul Street, Gonzales, on September 30, 1985, at 6 p.m. The Board of Directors will meet at the same location on October 10, 1985, at 5 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

TRD-858823

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### **Meeting Filed September 26**

**The Lee County Appraisal District, Board of Directors,** will meet at 218 East Richmond Street, Giddings, on October 2, 1985, at 9 a.m. Information may be obtained from James L. Dunham, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

TRD-858841

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# In Addition

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

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

## Texas Department on Aging Consultant Proposal Requests

This consultant proposal request is filed under the provisions of Texas Civil Statutes, Article 6252-11(c).

The Texas Department on Aging invites offers for a consultant to coordinate field activities associated with a model project funded by the federal Administration on Aging titled "Expanding Purchasing Power for the National Nutrition Program for the Elderly." The proposed consultant contract would perform coordination activity with area agencies on aging and nutrition services providers in the planning and service areas of Deep East Texas, Southeast Texas, Houston-Galveston, Harris County, and Coastal Bend. Activities will involve collection of data about purchasing practices, development and assistance with implementation of appropriate cost-cutting purchasing systems, and evaluation of the impact of those systems. The field coordination contract will be awarded simultaneously with a project direction contract, which will be awarded in cooperation with the Office of Elderly Affairs of the State of Louisiana. The duration of the contract will be November 1, 1985, to August 31, 1986.

Further inquiries should be made to Jan Bassari, Nutrition Services Specialist, Texas Department on Aging, Austin, Texas 78711.

The submittal deadline is October 25, 1985.

The Texas Department on Aging intends to award this contract to Jane Morrow of Austin.

The value of the proposed scope of services would not exceed \$25,000.

Issued in Austin, Texas, on September 24, 1985.

TRD-858789 O. P. (Bob) Bobblitt  
Executive Director  
Texas Department on Aging

Filed: September 25, 1985  
For further information, please call (512) 444-2727.

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This consultant proposal request is filed under the provisions of Texas Civil Statutes, Article 6252-11(c).

The Texas Department on Aging invites offers for a consultant to direct project activities associated with a model project funded by the federal Administration on Aging titled "Expanding Purchasing Power for the National Nutrition Program for the Elderly." The proposed consultant contract would perform as convener of a nationwide private industry advisory group, manager of a con-

tract to acquire state-of-the-art model purchasing instruments, and director of field coordination activities and project reports. Activities will involve collection of data about purchasing practices, development and assistance with implementation of appropriate cost-cutting purchasing systems, and evaluation of the impact of those systems. The project direction contract will be awarded in cooperation with the Office of Elderly Affairs of the State of Louisiana. The duration of the contract will be November 1, 1985, to September 30, 1986.

Further inquiries should be made to Jan Bassari, Nutrition Services Specialist, Texas Department on Aging, Austin, Texas 78711.

The submittal deadline is October 25, 1985.

The Texas Department on Aging intends to award this contract to the National Association of Area Agencies on Aging.

The value of the proposed scope of services would not exceed \$25,000.

Issued in Austin, Texas, on September 24, 1985.

TRD-858790 O. P. (Bob) Bobblitt  
Executive Director  
Texas Department on Aging

Filed: September 25, 1985  
For further information, please call (512) 444-2727.

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## Texas Department of Agriculture Consultant Contract Awards

The Texas Department of Agriculture has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the July 19, 1985, issue of the *Texas Register* (10 Tex-Reg 2340).

**Description.** A consultant has been selected to assist the department in testing the effectiveness of various pesticides against the imported fire ant and determine the best methods of application and the proper dosage for effective treatment of colonies. Specifically the consultant shall study the effects of pesticides on multiple queen colonies of fire ant (materials to be tested include Affirm<sup>®</sup>, Logic<sup>®</sup>, Pro-Drone<sup>®</sup>, and Amdro<sup>®</sup>); determine the most effective treatment methods to be used with various chemicals currently available to homeowners to control fire ants (when and how to treat mounds); monitor the effects of pesticide treatments on other species of ants in the treatment areas, monitor treated areas to determine how quickly fire ants reinfest them; develop strategies to

slow down the rate of infestation; and monitor populations of native ant species and determine their possible impact on imported fire ant populations.

**Consultant Name.** The name and address of the private consultant is Bill Van Eimeren, 2000 Pearl, Austin, Texas 78705.

**Terms.** The maximum value of this contract is \$24,000 beginning September 1, 1985, and ending August 31, 1986.

**Report Dates.** A detailed time sheet is to be submitted monthly.

Issued in Austin, Texas, on September 24, 1985.

TRD-858780 Dolores Alvarado Hibbs  
Hearings Officer  
Texas Department of Agriculture

Filed: September 24, 1985

For further information, please call (512) 463-7583.

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The Texas Department of Agriculture has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. Notice of the proposal request was published in the July 19, 1985, issue of the *Texas Register* (10 Tex-Reg 2340).

**Description.** A consultant has been selected by the department to provide technical assistance and expertise in the installation of microcomputers in the department. Specifically, the consultant shall assist and advise department in the installation of microcomputers; assist in resolving microcomputer hardware or software problems; coordinate with Data Processing Department in establishing communications between microcomputers in the field offices and computers in the central office; design applications for department microcomputers; design microcomputer training programs for department staff; answer questions posed by department staff about microcomputers; and provide general consulting services to department on microcomputer matters.

**Consultant Name.** The name and address of the private consultant is Warren D. Lincoln, Star Route 1, Box 276A, Clifton, Texas 76634.

**Terms.** The maximum value of this contracts \$24,5000 beginning September 1, 1985, and ending August 31, 1986.

**Report Dates.** Detailed time sheets are to be submitted monthly.

Issued in Austin, Texas, on September 24, 1985.

TRD-858781 Dolores Alvarado Hibbs  
Hearings Officer  
Texas Department of Agriculture

Filed: September 24, 1985

For further information, please call (512) 463-7583.

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The Texas Department of Agriculture has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. Notice of the proposal request was published

in the July 2, 1985, issue of the *Texas Register* (10 Tex-Reg 2171).

**Description.** A consultant has been selected by the department to provide seasonal market news reporting to the department on the Texas citrus industry. Contractor shall collect, analyze, and provide comprehensive data to Department on the Texas citrus market in the following areas: demand; movement in the market; pricing; grading; quality; and any other factors relevant to the citrus industry.

**Consultant Name.** The name and address of the private consultant is Jimmy L. Morrow, 907 West Seventh Street, Weslaco, Texas 78596.

**Terms.** The maximum value of this contract is \$12,000, beginning September 1, 1985, and ending August 31, 1986.

**Report Dates.** Contractor shall submit all data and information to department as specified by the project manager of this contract.

Issued in Austin, Texas, on September 24, 1985.

TRD-858782 Dolores Alvarado Hibbs,  
Hearings Officer  
Texas Department of Agriculture

Filed: September 24, 1985

For further information, please call (512) 463-7583.

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## Texas Air Control Board Correction of Error

Adopted rules submitted by the Texas Air Control Board contained two errors as published in the September 6, 1985, issue of the *Texas Register*.

On page 3373, §115.111(2)(E) should read:

Volatile organic compound vapors from gasoline terminals located in Dallas and Tarrant Counties and having 100,000 gallons (378,541 liters) or more throughput per day (averaged over any consecutive 30-day period) shall be reduced to a level not to exceed 0.33 pounds of volatile organic compounds from the vapor recovery system vent per 1,000 gallons (40 mg/liter) of gasoline transferred

On page 3379, §115.194(e) should read:

All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.191(9)(A)(v) of this title (relating to Emission Limitations) as soon as practicable but no later than December 31, 1987, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1985.

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## Texas Commission on Alcohol and Drug Abuse Regional Alcohol and Drug Abuse Advisory Committee

Senate Bill 620, 69th Legislature, 1985, authorizes counties to contract with public or private alcoholism prevention, intervention, or treatment programs or centers. Pro-

grams which are eligible to make application to contract with counties are public or private treatment or rehabilitation programs or centers licensed by the Texas Commission on Alcohol and Drug Abuse or public or private prevention or intervention programs or centers.

Applications must be made to the Regional Alcohol and Drug Abuse Advisory Committee established by the commission to serve the state planning region in which the program or center is located or in which it will provide services.

The commission has designated the Regional Alcohol and Drug Abuse Advisory Committees of the following entities for the purpose of carrying out the mandates of this Act are the Panhandle Regional Planning Commission, the South Plains Association of Governments, the North Texas Regional Planning Commission, the West Central Texas Council of Governments, the North Central Texas Council of Governments, the Ark-Tex Council of Governments, the East Texas Council of Governments, the Texoma Regional Planning Commission, the West Texas Council of Governments, the Permian Basin Regional Planning Commission, the Concho Valley Council of Governments, the Heart of Texas Council of Governments, the Capital Area Planning Council, the Brazos Valley Development Council, the Alamo Area Council of Governments, the Central Texas Council of Governments, the Deep East Texas Council of Governments, the South East Texas Regional Planning Commission, the Houston-Galveston Area Council, the Golden Crescent Regional Planning Commission, the South Texas Development Council the Coastal Bend Council of Governments, the Lower Rio Grande Valley Development Council, and the Middle Rio Grande Development Council.

The commission is in the process of developing the minimum guidelines for funding contracts which will be used by the Regional Alcohol and Drug Abuse Advisory Committees in ranking applications pursuant to Senate Bill 620. For more information contact Christine Delmas, Legal Counsel, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701-1214, (512) 475-2577.

Issued in Austin, Texas, on September 23, 1985.

TRD-858775      Ross Newby  
Executive Director  
Texas Commission on Alcohol and  
Drug Abuse

Filed: September 24, 1985  
For further information, please call (512) 475-2577.

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## **Automated Information and Telecommunications Council Adopted Rules**

Pursuant to House Bill 2375, 69th Legislature, 1985, the Automated Information and Telecommunications Council, in an open meeting on September 20, 1985, formally acknowledged adopted rules created by the Automated Information Systems Advisory Council (now renamed Automated Information and Telecommunications Council). Adopted rules, with the *Texas Register* docket TRD-822297, published in the *Texas Register* on March 19, 1982; TRD-8412693, published on January 4, 1985,

and TRD-850112, published on January 11, 1985, were continued in force effective September 1, 1985.

Issued in Austin, Texas, on September 23, 1985.

TRD-858751      John C. Musgrove  
Acting Executive Director  
Automated Information and Telecommunications Council

Filed: September 24, 1985  
For further information, please call (512) 475-2362.

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## **Banking Department of Texas Application to Acquire Control of a State Bank**

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

On September 11, 1985, the banking commissioner received an application to acquire control of Columbia Bancshares, Inc., West Columbia, by Michael A. Decker, David J. Tippeconnic, and Stephen D. Wiehe, all of West Columbia, and Donald J. Ethridge of Lake Jackson.

On September 23, 1985, notice was given that the application would not be denied.

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

Issued in Austin, Texas, on September 23, 1985.

TRD-858757      William F. Aldridge  
Director of Corporate  
Activities  
Banking Department of  
Texas

Filed: September 24, 1985  
For further information, please call (512) 475-4451.

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## **Texas Department of Community Affairs**

### **Extension of Deadline**

In the June 4, 1985, issue of the *Texas Register* (10 Tex-Reg 1802), the Texas Department of Community Affairs (TDCA) published a request for program proposals for the rehabilitation of privately owned property to be used for primarily residential rental purposes to help provide affordable, standard housing for lower income families and to increase the availability of housing units for the use of voucher and certificate holders under the United States Housing Act of 1937, §8. Selected offerors shall carry out eligible rehabilitation activities under the Texas Rental Rehabilitation Program in accordance with the United States Housing Act, §17, 42 United States Code 1437o, and 24 Code of Federal Regulations Part 511. The deadline for the submission of proposals, as set out in

that notice, has been extended to 5 p.m. on November 15, 1985. Proposals will be considered on time and acceptable if received at TDCA by 5 p.m. on Friday, November 15, 1985. Only the proposal deadline has been extended; no other instructions or provisions of the request for proposals are changed, or in any way affected by this notice.

For further information, please contact Gus Garcia, Texas Department of Community Affairs, Community Development and Housing Division, 8317 Cross Park Drive, Austin, Texas 78754-5124, (512) 834-6030.

Issued in Austin, Texas, on September 23, 1985.

TRD-858709 Douglas C Brown  
General Counsel  
Texas Department of Community  
Affairs

Filed: September 23, 1985  
For further information, please call (512) 834-8060.

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### Comptroller of Public Accounts Decision 16,677

For copies of the following opinion selected and summarized by the Administrative Law Judges, contact the Administrative Law Judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with confidentiality statutes.

**Summary of Decision.** A foreign corporation sold to Texas customers through sales force resident in Texas. It contended it was not required to pay local and metropolitan transit authority taxes because it had no permanent business locations in Texas. The comptroller held that taxes were due. Part of the taxpayer's sales force was present in Texas cities and mass transit authorities, and goods were delivered to these areas. The taxpayer was obliged to charge, collect, and remit all sales and use taxes imposed by those cities and authorities.

Issued in Austin, Texas, on September 20, 1985.

TRD-858791 Bob Bullock  
Comptroller of Public Accounts

Filed: September 25, 1985  
For further information, please call (512) 463-4606.

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### Court Reporters Certification Board Announcement of Meeting

The Court Reporters Certification Board will meet at 8:30 a.m. on Saturday, October 12, 1985, in the Driskill Room, Driskill Hotel, 117 East Seventh Street, Austin. The agenda will include a report on staff activities, consideration of complaints, miscellaneous business, and grading of exams. For further information, contact C. Raymond Judice, Administrative Director, Office of Court Administration, Secretariat, 1414 Colorado Street, Suite 602, Austin, Texas 78701.

Issued in Austin, Texas, on September 23, 1985.

TRD-858753 Jim Hutcheson  
General Counsel  
Office of Court Administration  
Secretariat  
Court Reporters Certification Board

Filed: September 24, 1985

For further information, please call (512) 475-3404.

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### Texas Economic Development Commission Private Activity Bond Allocation Report

Private activity bonds (PABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

House Bill 690 states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of September 16-20, 1985.

Total unallocated principal amount of private activity bonds authorized to be allocated as per the Federal Deficit Reduction Act of 1984 through September 20, 1985:

\$1,585,438,332.12

Comprehensive listing of bond issues which have received a reservation date as per House Bill 690 during the week of September 16-20, 1985:

Issuer	User	Amount
City of Dallas Industrial Development Corporation	Carrier Resources Corporation	\$3.6 million
City of Arlington Industrial Development Corporation	Dallas-Fort Worth Suburban Newspaper, Inc.	\$6.4 million
Austin Industrial Development Corporation	East Sixth Street Mercado Venture Corporation	\$4 million
The Laredo Industrial Development Corporation	Fernando Cantu, Jr. and Mary Helen Cantu	\$546,000
Nacogdoches Industrial Development Corporation	International Paper Company	\$6.5 million
Cass County Industrial Development Corporation	International Paper Company	\$2.75 million
Lufkin Industrial Development Authority	Lufkin-Conroe Communications Co.	\$1 million
Texas Small Business Industrial Development Corporation	FNB Properties	\$750,000

Total principal amount of private activity bonds issued through September 20, 1985;

\$621,785,310.63

**Comprehensive listing of bonds issued as per House Bill 690 during the week of August 19-23, 1985:**

<u>Issuer</u>	<u>User</u>	<u>Amount</u>
NONE	NONE	NONE

Issued in Austin, Texas, on September 24, 1985.

TRD-858810      Rebecca J. Heflin  
Associate Director  
Texas Economic Development  
Commission

Filed: September 25, 1985  
For further information, please call (512) 472-5059.

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**Office of the Governor  
Correction of Error**

A simultaneous emergency and proposed rule submitted by the Office of the Governor contained an error as published in the September 13, 1985, issue of the *Texas Register* (10 TexReg 3458)

The catchline for §3.41(a) should read "State funds and federal juvenile justice funds."

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**Texas Department of Health  
Intent to Revoke a Radioactive Material License**

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Radioactive Material License 11-2942, issued to UCA Engineering Corporation, because the agency determined that the license is no longer located at 4820 Caroline, Houston, Texas 77004. The licensee has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the licensee by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the radioactive material license be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation*, Part 13.8, this notice affords the opportunity for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such writ-

ten request must be filed with David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a hearing be timely filed, the radioactive material license will be revoked 14 days after the end of the 30 day period of notice.

Issued in Austin, Texas, on September 19, 1985

TRD-858712      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: September 23, 1985  
For further information, please call (512) 458-7236.

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**Radioactive Material License Revocation  
and Cease and Desist Order**

Notice is hereby given that the Bureau of Radiation Control, having duly filed a complaint pursuant to *Texas Regulations for Control of Radiation* (TRCR), Part 13.8, against American Safety Company, Inc., ordered that Radioactive Material License 11-2554 held by that company be revoked and that the licensee cease and desist using radioactive material and immediately transfer any radioactive material in its possession to the agency or to a person licensed to possess such radioactive material. In addition, the licensee was ordered to transfer all personnel monitoring records and a record of disposal of any radioactive material to the agency. A copy of the order is as follows.

In the matter of  
American Safety Company, Inc.  
Houston, Texas

Before the  
Texas Department of Health  
Austin, Texas

Order

Complaint against American Safety Company, Inc., having been duly filed with the Texas Department of Health pursuant to the *Texas Regulations for Control of Radiation*, Part 13.8.

It is therefore ordered that Radioactive Material License 11-2554 be and is hereby revoked and further, that American Safety Company, Inc. cease and desist using radioactive material and shall immediately transfer any radioactive material in its possession to the agency or to a person licensed to possess such radioactive material. Further, American Safety Company, Inc. shall transfer all personnel monitoring records, and a record of disposal of any radioactive material, to the agency. Such records shall be presented no more than 30 days after the effective date of this order.

This order takes effect immediately.

Issued on August 19, 1985, by David K. Lacker, Chief, Bureau of Radiation Control, Texas Department of Health.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East



Anderson Lane, Austin, Texas, from 8 a.m.-5 p.m.,  
Monday-Friday (except holidays).

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

TRD-858713 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: September 23, 1985  
For further information, please call (512) 458-7236.

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## State Board of Insurance Company Licensing

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

(1) application for a name change by Holiday Life Insurance Company, a foreign life insurance company. The home office is Lincoln, Nebraska. The proposed new name is Combined American Life Insurance Company;

(2) application for admission to do business in Texas of National Savings Life Insurance Company, a foreign life insurance company. The home office is in Murfreesboro, Tennessee;

(3) application for a name change by Preferred Financial Life Insurance Company, a foreign life insurance company. The home office is in Chicago, Illinois. The proposed new name is Tandem Insurance Group, Inc.;

(4) application for admission to do business in Texas of Preferred Abstainers Insurance Company, a foreign fire and casualty insurance company. The home office is in West Des Moines, Iowa;

(5) application for a name change by American Star Insurance Company, a foreign fire and casualty insurance company. The home office is in New York, New York. The proposed new name is National Continental Insurance Company;

(6) application for a name change by Classified Insurance Company, a foreign fire and casualty insurance company. The home office is in Waukesha, Wisconsin. The proposed new name is American Star Property and Casualty Insurance Company;

(7) application for incorporation of Physicians Health Plan of Houston, to be a domestic health maintenance organization. The home office is in Humble;

(8) application for incorporation of CIGNA Health Network, Inc., to be a domestic health maintenance organization. The proposed home office is in Dallas;

(9) application for incorporation of Texas Dental Association Ultracare Plan, to be a domestic health maintenance organization. The home office is in Austin;

(10) application for a name change by PHA Life Insurance Company, a foreign life insurance company. The home office is in Portland, Oregon. The proposed new name is Pacific Heritage Assurance Company.

Issued in Austin, Texas, on September 20, 1985.

TRD-858752 James W. Norman  
Chief Clerk  
State Board of Insurance

Filed: September 24, 1985  
For further information, please call (512) 463-8327.

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## Texas Department of Mental Health and Mental Retardation

### Consultant Contract Award

This award of consulting services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request appeared in the August 6, 1985, issue of the *Texas Register* (10 TexReg 2573).

The consultant's duties shall include, but will not be limited to, assistance in monitoring the implementation of programs for nutrition and fitness among state agencies; conduct nutrient analysis on menu for all state agencies involved; (i.e., TDC and TDMHMR); conduct research and report summary on committee projects as needed; assist in coordinating operation improvements of the food service areas of state agencies; and evaluate monetary advantage of joint agency purchasing with single point delivery from vendor and delivery to facilities by MHMR central office motor pool. These services will be performed at the direction of the governor of the State of Texas through the Interagency Council on Nutrition and Fitness, and its chairman.

Janie Sieberg, M.A., R.D., L.D., was awarded the contract. Her business address is P.O. Box 14022, Austin, Texas 78761.

Expenditure under the contract shall not exceed \$25,000 per year. The contract begins on September 3, 1985, and ends on August 31, 1986.

Reports prepared under this contract shall be provided to the department on a monthly basis.

Issued in Austin, Texas, on September 23, 1985.

TRD-858778 Gary E. Miller  
Commissioner  
Texas Department of Mental Health  
and Mental Retardation

Filed: September 24, 1985  
For further information, please call (512) 465-4591.

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## Railroad Commission of Texas Public Hearing

Notice is given to all interested persons that the Railroad Commission of Texas will hold a public hearing to receive comments concerning the proposed amendments to 16 TAC §§3.6, 3.16, and 3.41, relating to the filing with and disclosure by the Railroad Commission of certain electric logs.

The hearing will be held on Wednesday, November 13, 1985, beginning at 9 a.m. in the William B. Travis Building, 1701 North Congress Avenue, Austin.

At the hearing, comments should be presented in narrative and exhibit form. Witnesses may present testimony orally or in writing. There will be no cross-examination of witnesses other than by the examiners for purposes of ensuring a complete record. The commission's rules regarding contested cases will not be applicable.

The comment period for the proposed amendments to 16 TAC §§3.6, 3.16, and 3.41 will be through November 14, 1985.

Questions regarding the proposed amendments to State-wide Rules 6, 16, and 41 should be addressed to Kimberly L. Kiplin, Legal Section, Oil and Gas Division, Railroad Commission of Texas, (512) 463-6921.

Issued in Austin, Texas, on September 25, 1985.

TRD-858607      Walter E. Lille  
Special Counsel  
Railroad Commission of Texas

Filed: September 25, 1985  
For further information, please call (512) 463-7149.

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### **Texas Southern University Amendment to Consultant Contract Award**

On November 28, 1984, pursuant to Texas Civil Statutes, Article 6252-11c, a consultant contract was awarded by Texas Southern University (TSU) to David B. Crawford, consultant, to provide project management expertise and support services to the successful implementation of new TSU systems. Notice is hereby given of a modification of the existing contract.

The modification reflects Texas Southern University's decision to exercise its option to extend the original contract for an additional one-year period to provide project management expertise and support on additional TSU systems as provided in the original proposal.

The name and business address of the contractor is David B. Crawford, Consultant, P.O. Box 1657, Wimberly, Texas 78676.

As proposed, this modification increases the amount of the original award by \$115,932. The ending date of the contract is extended to September 30, 1986. The original consultant proposal request appeared in the September 25, 1984, issue of the *Texas Register* (9 TexReg 5022).

Issued in Houston, Texas, on September 20, 1985.

TRD-858758      John M. Rudley  
Vice President, Fiscal Affairs  
Texas Southern University

Filed: September 24, 1985  
For further information, please call (713) 527-7050.

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### **Texas Water Commission Applications for Waste Disposal Permits**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of September 16-20, 1985.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any

such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of September 16-20, 1985.

City of Port Arthur; wastewater treatment plant; approximately 0.4 mile southwest of the intersection of State Highway 347 and Spur 136 in Jefferson County; 10364-08; renewal

City of Canton; wastewater treatment plant; northeast of Canton and east of State Highway 19, approximately 0.75 mile north and 0.25 mile east of the intersection of State Highways 19 and 64 in Van Zandt County; 10399-01; renewal

City of Seymour; wastewater treatment plant; southeast of Seymour on an extension of Selman Street within Baylor County; 10281-01; renewal

City of Crandall; wastewater treatment plant; one mile south of the City of Crandall and 2,000 feet southwest of FM Road 148 crossing over Buffalo Creek in Kaufman County; 10834-01; renewal

Kenneth D. Reynolds, Larue; wastewater treatment plant; approximately 2.5 miles east of the intersection of Loop 323 and U.S. Highway 64 in Smith County; 11737-01; renewal

City of Big Spring; wastewater treatment plant; approximately 1,000 miles east of the intersection of FM Road 700 and 11th Street in Howard County; 10069-01; renewal

Betz Laboratories, Inc., Garland; chemical blending facility; east of Lonecker Drive between Miller Road and Kingsley Road in Dallas County; 02790; new permit

James Godwin, doing business as Northgate Mobile Home Park, Tyler; mobile home park; approximately 2750 feet north of the intersection of FM Road 14 and State Highway Loop 323, north of the city of Tyler in Smith County; 13055-01; new permit

Texas Commercial Investment, Inc., Austin; residential development; approximately 1,100 feet south and 3,100 feet west of the intersection of Sassman Road and FM 1625 in Travis County; 13130-01; new permit

Phil Brown, Houston; multifamily residential development; south of Cypress Creek, approximately 2,000

feet east of Steubner-Airline Road in Houston in Harris County; 13196; new permit

Tristar Developers, Inc., Houston; apartment project; south of Dashwood Drive, between Jetty Lane and Aqua Lane in Houston in Harris County; 13181; new permit

Cinco Ranch Venture, Houston; residential and commercial development; approximately 3/4 miles east and two miles north of the intersection of FM Roads 723 and 1464 in Fort Bend County; 13172-01; new permit

Vidor Independent School District, Vidor; elementary school; 1,500 feet south of the intersection of FM Road 105 and FM Road 1131 on the southwest corner of the Pine Forest Elementary School property in Orange County; 13210-01; new permit

Issued in Austin, Texas, on September 23, 1985.

TRD-858756      Mary Ann Hefner  
                         Chief Clerk  
                         Texas Water Commission

Filed: September 24, 1985  
For further information, please call (512) 463-7898.

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## Correction of Error

Proposed rules submitted by the Texas Water Commission contained two errors in the September 6, 1985, issue of the *Texas Register*.

On page 3364, the section titled "Disposal Fee Assessment" should be §335.755.

On page 3368, the last formula should be for dry weight ratio.

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**Office of the Secretary of State**  
**Texas Register Publication Schedule**

Following are the deadline dates of the October, November, and December 1985 issues of the *Texas Register*. Unless noted by a ★, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, October 1 Friday, October 4 Tuesday, October 8 Friday, October 11 Tuesday, October 15 ★ Friday, October 18 Tuesday, October 22 Friday, October 25 Tuesday, October 29	Wednesday, September 25 Monday, September 30 Wednesday, October 2 Monday, October 7 Wednesday, October 9 Friday, October 11 Wednesday, October 16 Monday, October 21 Wednesday, October 23	Thursday, September 26 Tuesday, October 1 Thursday, October 3 Tuesday, October 8 Thursday, October 10 Tuesday, October 15 Thursday, October 17 Tuesday, October 22 Thursday, October 24
Friday, November 1 ★ Tuesday, November 5 ★ Friday, November 8 Tuesday, November 12 ★ Friday, November 15 Tuesday, November 19 Friday, November 22 Tuesday, November 26 Friday, November 29	3RD QUARTERLY INDEX Wednesday, October 30 Friday, November 1 Wednesday, November 6 Friday, November 8 Wednesday, November 13 Monday, November 18 Wednesday, November 20 Monday, November 25	Thursday, October 31 Monday, November 4 Thursday, November 7 Tuesday, November 12 Thursday, November 14 Tuesday, November 19 Thursday, November 21 Tuesday, November 28
Tuesday, December 3 Friday, December 6 Tuesday, December 10 Friday, December 13 Tuesday, December 17 Friday, December 20 Tuesday, December 24 ★ Friday, December 27 Tuesday, December 31	NO ISSUE PUBLISHED Monday, December 2 Wednesday, December 4 Monday, December 9 Wednesday, December 11 Monday, December 16 Wednesday, December 18 Friday, December 20	NO ISSUE PUBLISHED Tuesday, December 3 Thursday, December 5 Tuesday, December 10 Thursday, December 12 Tuesday, December 17 Thursday, December 19 Monday, December 23