

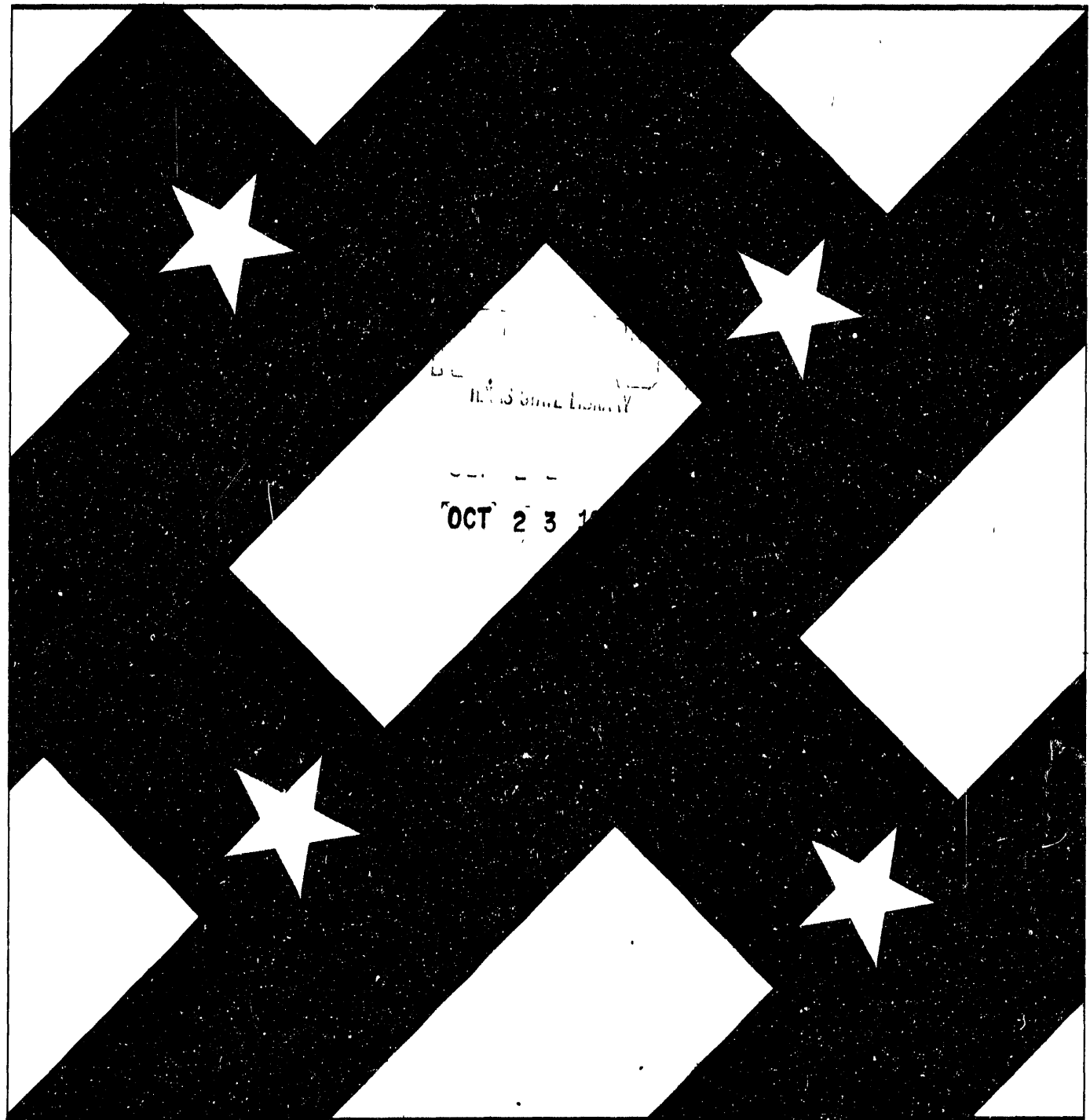
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Texas Register

Volume 10, Number 79, October 22, 1985

Pages 4107 - 4148



Highlights

The Texas Parks and Wildlife Department adopts an amendment concerning saltwater fish. Effective date - October 15. . . . page 4112

The Railroad Commission of Texas pro-

poses amendments to conservation rules and regulations. Earliest possible date of adoption - November 25. page 4116

The Texas State Board of Public Accountancy proposes new sections concerning examination sites. Earliest possible date of adoption November 22. page 4118

Office of
the Secretary
of State

Texas Register

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made October 10

Joint Interim Committee on the Texas Shrimp and Oyster Industry

For terms to continue at the pleasure of this governor:

Doris Mae Nelson
Route 2, Box 754
Anahuac, Texas 77514

Dr. Sammy M. Ray
P.O. Box 1675
Galveston, Texas 77553

David E. Eymard
17 Creekbend
Brownsville, Texas 78520

Henry Allan Anderson
P.O. Box 43
Port O'Connor, Texas 77982

Wiley T. Morgan
P.O. Box 541
Seadrift, Texas 77983

Clyde Lee (C. L.) Standley
1900 Tracy Lynn
Alvin, Texas 77511

Ms. Nelson, Dr. Ray, Mr. Eymard, Mr. Anderson, Mr. Morgan, and Mr. Standley are being appointed pursuant to House Concurrent Resolution 203, 69th Legislature, 1985.

Issued in Austin, Texas, on October 10, 1985.

TRD-859620

Mark White
Governor of Texas

Appointments Made October 11

Interim Committee Coastline Rehabilitation

For terms to expire January 1, 1987:

Ralph Wallace
7025 Santa Fe
Houston, Texas 77061

Sharron L. Stewart
P.O. Box 701
Lake Jackson, Texas 77566

Patricia Gray
1818 Church, #4
Galveston, Texas 77500

Mary Lou Campbell
P.O. Box 2189
South Padre Island, Texas 78597

Mr. Wallace, Ms. Stewart, Ms. Gray, and Ms. Campbell are being appointed pursuant to Senate Resolution 4, 69th Legislature, 1985.

Water District and River Authority Study Committee

For terms to expire January 1, 1987:

Douglas Arwin Strain, Sr.
18 Seminole Lane
West Columbia, Texas 77486

Juan D. Nichols
113 Meadowbrook Lane
Quitman, Texas 78783

J. Leard Conner
7 Sherwood
Dayton, Texas 77535

Mr. Strain, Mr. Nichols, and Mr. Conner are being appointed pursuant to Senate Bill 249, 69th Legislature, 1985.

Texas Board of Health

For a term to expire February 1, 1989:

R. Jack Ayres, Jr.
13321 Peyton Drive
Dallas, Texas 75240

Mr. Ayres is replacing William J. Foran of Amarillo, who resigned.

Ports of Galveston County

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

James A. Borup
P.O. Box 33
La Marque, Texas 77568

To be a branch pilot for a term to expire September 1, 1989:

Charles R. Branch
471 Pom Pano
Hitchcock, Texas 77563

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

TRD-859620

Mark White
Governor of Texas

Emergency

Rules

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

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION
Part II. Texas Parks and Wildlife Department
Chapter 65. Wildlife
Subchapter A. Statewide Hunting and Fishing
★ 31 TAC §65.6, §65.71

The Texas Parks and Wildlife Commission adopts on an emergency basis amendments to §65.6 and §65.71, concerning definitions and saltwater fish. Section 65.71(b)(2) was amended and §65.71(b)(4) was added to restrict the taking of king mackerel to two per day with a possession limit of two. A definition of chartered vessel in saltwater was added to restrict the number of king mackerel

aboard a boat that takes persons fishing for a fee.

The commission found imminent danger of depletion of king mackerel stocks due to overfishing. A finding of overfishing was determined in the fishery management plan jointly developed by the Gulf of Mexico and South Atlantic Fishery Management Councils.

The bag and possession limit for king mackerel is two in the fishery conservation zone. This regulation was adopted by the Gulf of Mexico Fishery Management Council on September 22, 1985, and applies only to United States waters (nine to 200 nautical miles)

The emergency regulations adopted by the Parks and Wildlife Commission apply to Texas' waters (0-9 nautical miles).

The amendments are adopted on an emergency basis under the Texas Parks and Wildlife Code, Chapter 61, which pro-

vides the commission with the authority to regulate seasons, bag limits, means, and methods for taking wildlife resources.

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

Chartered vessel (saltwater)—A boat or vessel whose captain or operator is licensed by the United States Coast Guard to carry paying passengers and whose passengers fish for a fee.

§65.71. Saltwater Fish.

(a) (No change.)

(b) Bag, possession, and size (length) limits.

(1) (No change.)

(2) No person may possess fish taken from salt water less than the minimum size or greater than the maximum size limits or more fish than the daily bag or possession limits listed in this paragraph:

| Species | Daily Bag | Possession | Maximum Length | Minimum Length |
|----------------------|-----------|------------|-----------------|-----------------|
| Cobia | No Limit | No Limit | No Limit | 37 inches |
| Red drum | 5 | 10 | 30 inches | 18 inches |
| Red snapper | No Limit | No Limit | No Limit | 13 inches |
| Spanish mackerel | No Limit | No Limit | No Limit | 14 inches |
| Spotted seatrout | 10 | 20 | No Limit | 14 inches |
| KING MACKEREL | 2 | 2 | NO LIMIT | NO LIMIT |

(3) (No change.)

(4) For licensed chartered vessels, the bag and possession limit is two king mackerel per person per trip for all persons on board, or three king mackerel per angler, per trip exclusive of captain and crew, whichever is greater. For definition of chartered vessel, see §65.6 of this title (relating to Definitions).

(5)[(4)] It is unlawful for the captain and/or crew of a commercial fishing vessel to possess or land billfish, except swordfish.

(c) (No change.)

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

TRD-859831

Boyd M. Johnson
 General Counsel
 Texas Parks and
 Wildlife Department

Effective date: October 15, 1985
 Expiration date: February 12, 1986
 For further information, please call
 (512) 479-4974 or (800) 792-1112.



★ ★ ★

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 16. ECONOMIC REGULATION

Part I. Railroad

Commission of Texas

Chapter 3. Oil and Gas Division

Conservation Rules and Regulations

★ 16 TAC §§3.5, 3.11, 3.13-3.15, 3.26, 3.27, 3.45, 3.55, 3.76

The Railroad Commission of Texas proposes amendments to §§3.5, 3.11, 3.13, 3.14, 3.15, 3.26, 3.27, 3.45, and 3.55, concerning application to drill, deepen, or plug back; inclination and directional surveys required; casing, cementing, drilling, and completion requirements; plugging; surface casing to be left in place; separating devices and tanks, gas to be measured; oil allowables; and reports on gas wells commingling liquid hydrocarbons before meeting, and proposes new §3.76, concerning fees required to be filed. The amendments to statewide rules 5, 11, 13, 14, 15, 26, 27, 45, and 55 make clear which rules contain true exceptions for which a fee is required by statute. Some rules have existing language which might be interpreted as an exception to the requirements of such rules even though this is not the true intent of the commission.

Rita Percival, system analyst, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications as a result of enforcing or administering the sections. The estimated additional cost for state government will be \$140,512 in 1986, and \$86,825 per year in 1987-1990. The estimated increase in revenue for the state will be \$2,257,600 per year in 1986-1990. There will be no effect on local government. The cost of compliance with the sections for small and large businesses will be approximately \$2,257,600 with the cost being proportionate between the two.

Kimberly Klipin, staff attorney, 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 will be increased revenue for the state. The anticipated econo-

mic cost to individuals who are required to comply with the sections as proposed will be negligible, because there are very few individuals who do business with the Railroad Commission.

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

The amendments and new sections are proposed under House Bill 1593, which imposes upon the Railroad Commission of Texas the requirement to collect fees for various applications made to the commission, including an application for an exception to a statewide rule.

§3.5. Rule 5—Application to Drill, Deepen, Plug Back, or Reenter.

(a) An application for a permit to drill, deepen, plug back, or reenter any oil well, gas well, or geothermal resource well, shall be made under the provisions of §3.37 of this title (relating to Statewide Spacing Rule); §3.38 of this title (relating to Well Densities); Rule 37, and/or §3.39 of this title (relating to Proration and Drilling Units: Contiguity of Acreage and Exception Thereto), or as an exception thereto, or under special rules governing any particular oil, gas, or geothermal resource field, or as an exception thereto and filed with the commission on a form approved by the commission. Operations of drilling, deepening, plugging back, or reentering shall not be commenced until the permit granted by the commission has been received and the waiting period has terminated.

(b) An application for a permit to drill, deepen, plug back, or reenter any exploratory well, cathodic protection well, fluid injection well, injection water source well, disposal well, brine solution mining well, or underground hydrocarbon storage well shall be made and filed with the commission on a form approved by the commission. Operations for drilling, deepening, plugging back, or reentering shall not be commenced until the permit granted by the commission has been received. For an exploratory well, an exception to filing such form prior to commencing operations may be obtained if an application for a core hole test is filed with the commission (reference Order 20-54,027, effective August 1, 1964.)

[With each application or materially amended application for a permit to drill, deepen, plug back, or reenter a well, the applicant shall submit to the commission a fee of \$100.

(1) A check or money order shall be made payable to the state treasurer of Texas. This fee is nonrefundable. If the check accompanying an application is not honored upon presentation, the permit issued on the basis of that application, or the allowable assigned or injection authority granted pursuant to such permit may be suspended or revoked. The commission may require a certified check or money order from anyone who previously has tendered to the commission a check that was not honored upon presentation.

(2) An application will be considered materially amended if the amendment requires the issuance of a new permit. A materially amended application includes an application in which an additional field or a change in location or field is sought for a previously permitted well. However, if a new application and/or permit becomes necessary because of commission action, the \$100 fee may be waived.]

(c) (No change.)

(d) **Plugging bond (Rescinded by Order 20-54,299, dated January 12, 1966. Adopted in Order 20-54,027, effective August 1, 1964, but suspended indefinitely.)** [An application for a permit to drill, or deepen, or plug back any exploratory well, fluid injection well, or injection water source well shall be made and filed with the commission on a form approved by the commission. Operations for drilling, deepening, or plugging back shall not be commenced until the permit granted by the commission has been received. (Reference Order 20-54,027, effective August 1, 1964.)

[(e) **Plugging bond (Rescinded by Order 20-54,299, dated January 12, 1966. Adopted in Order 20-54,027, effective August 1, 1964, but suspended indefinitely.)**]

§3.11. Rule 11—Inclination and Directional Surveys Required.

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

(c) Directional surveys.

(1) When required.

(A) When the maximum displacement indicated by an inclination survey is greater than either the actual distance

from the surface location to the nearest lease line, or the normal prescribed spacing distance for a well from a lease line, it will be considered to be a violating well subject to plugging and to penalty action. However, an operator may submit a directional survey run, at his own expense, by a commission approved surveying company to show the true bottom hole location of the well to be within the prescribed limits. When such directional survey shows the well to be bottomed within the confines of the lease, but nearer to a well or lease line than allowed by applicable rules, or by the permit for the well if the well has been granted an exception to §3.37 of this title (relating to Statewide Spacing Rule), a new permit will be required [an application may be made to the commission and exception may be granted] for such bottom hole location if it is established that the bottom hole location is not a reasonable location.

(B) (No change.)

(C) No oil, gas, or geothermal resource allowable shall be assigned any well on which a directional survey is required under any provision of this section until a directional survey has been filed with and accepted by the commission.

(2) (No change.)

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

§3.13. Rule 13—Casing, Cementing, Drilling, and Completion Requirements.

(a) (No change.)

(b) Onshore and inland waters.

(1) (No change.)

(2) Surface casing.

(A)-(F) (No change.)

(G) [Exceptional] Alternative surface casing programs.

(i) An alternative method of fresh water protection [exception] may be approved [granted] upon written application to the appropriate district director. The operator shall state the reason (economics, well control, etc.) for the alternative fresh water protection method [requested exception] and outline the [an] alternate program for casing and cementing through the protection depth for strata containing usable-quality water. Alternative programs [Exceptions] for setting less than specified amounts of surface casing will be authorized [granted] on an individual well basis only. The district director may approve, modify, or reject the proposed program. If the proposal is modified or rejected, the operator may request a review by the director of field operations. If the proposal is not approved administratively, the operator may request a public hearing. An operator shall obtain approval of any alternative program [exception] before commencing operation.

(ii)-(iv) (No change.)

(3)-(5) (No change.)

(c) (No change.)

§3.14. Rule 14—Plugging.

(a) (No change.)

(b) Plugging report and commencement of operations.

(1) A plugging record shall be completed, duly verified, and filed, in duplicate, on the appropriate form in the district office within 30 days after plugging operations are completed. A cementing report made by the party cementing the well shall be attached to, or made a part of, the plugging report.

(2) Plugging operations on each dry or inactive well must be commenced within a period of 90 days after drilling or operations have ceased and shall proceed with due diligence until completed. For good cause, a reasonable extension of time in which to start the plugging operations may be granted pursuant to the following procedures:

(A) the Oil and Gas Division director or his delegate [of field operations] may administratively grant an extension of time [exception], if the well is not a pollution hazard; and

(i)-(ii) (No change.)

(B) Any administratively granted extension of time [exception] is subject to review by the Oil and Gas Division director or his delegate [of field operations] at any time.

(C) If the Oil and Gas Division director or his delegate [of field operations] declines administratively to grant or to continue an extension of time [, or to extend an exception], the operation shall plug the well or request a hearing on the matter. After hearing the examiner, shall make a recommendation for final action by the commission.

(c)-(i) (No change.)

§3.15. Rule 15—Surface Casing to be Left in Place.

[(a)] Fresh water sands are to be protected with casing which has been cemented, and such casing shall not be removed from the well at abandonment. This applies to wells drilled by cable tool and rotary rigs alike.

[(b) Exceptions to subsection (a) of this section apply only if a short string of surface casing is set and cemented with the intention of using a multistage tool below fresh water sands, or if it is intended to cement the entire long or intermediate string of casing from casing seat to the ground surface. If the well is a dry hole, the short string of surface casing must be cemented in its entirety, and the deepest fresh water zone must be protected by a cement plug covering the deepest water zone and at least 50 feet above and below the zone.]

§3.26. Rules 26—Separating Devices and Tanks.

(a) (No change.)

(b) If two or more tracts of land (regardless of whether or not the tracts are covered by the same original lease) have their working interests owned by the same parties, have their royalty interests owned by

the same parties, and are located in such proximity to each other as to permit under practical operating conditions the running of the oil from all of said tracts into common tankage, the production from said leases may be run into a common tank battery or batteries provided that an exception granted pursuant to a permit allowing the use of a common tank battery or batteries shall have first been obtained from the commission. Likewise, where two or more leases have been unitized by an agreement among the owners of the working interests therein and the owners of the royalty interests therein, an exception granted pursuant to a permit for the running of the production of these leases into common tankage may be secured where said leases are located in such proximity to each other as to permit, under practical operating conditions, the running of the oil from all said leases into common tankage, after the commission has been furnished a copy of such unitization agreement. The oil produced from the tracts described in this subsection shall be produced in a manner set out in subsection (a) of this section, but said measurements shall be taken in the aforementioned common tank battery or batteries, in which event the operator shall be required to mark such common battery or batteries so as to show the particular tracts from which oil is being run therein.

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

§3.27. Rule 27—Gas to Be Measured.

(a) All natural gas produced from wells completed in gas reservoirs shall be accounted for by measurement before the same leaves the lease, each completion to be metered separately, and the producer shall report the volume produced from each completion to the commission. Exceptions to allow off-lease metering of natural gas produced from wells completed in gas reservoirs may be granted by the commission upon receipt of written application.

(b) (No change.)

(c) All casinghead gas produced from oil wells and sold, processed for its gasoline content, used in a field other than that in which it is produced, or used in cycling or repressuring operations, shall be accounted for by measurement before the same leaves the lease, and the producer shall report the volume produced to the commission. Exceptions to allow off-lease metering of such casinghead gas may be granted by the commission upon receipt of written application.

(d) All casinghead gas produced from oil wells in this state which is not covered by the provisions of subsection (c) of this section, shall be accounted for by measurement or by an accurate estimate before the same leaves the lease, based on its use or on its periodic test, and reported to the commission by the producer. The volume of gas produced by wells exempt from gas/oil ratio surveys must be estimated, based on general knowledge of the characteristics of the wells without the use of periodic test data. It is

further provided that it shall not be necessary for a producer to report any casinghead gas produced from a marginal well that is exempt from gas/oil ratio survey, if such gas is not sold or utilized off the lease. Exceptions to allow off-lease metering of the casinghead gas described in this subsection

may be granted by the commission upon receipt of written application.

(e)-(m) (No change.)

§3 45. *Rule 45—Oil Allowables.*

(a) Oil allowable yardsticks.

(1) 1947 allowable yardstick. The following schedule allowable shall be as-

signed all wells according to depth of the reservoir and proration unit size authorized by the commission upon expiration of the discovery allowable, if discovery of the field occurred prior to January 1, 1965, provided that [exception may be granted as provided in] paragraph (3) of this subsection does not apply [hereof].

| Depth | 10 Ac. | 20 Ac. | 40 Ac. |
|-----------------|--------|--------|--------|
| 0 - 1,000 | 18 | 28 | |
| 1,000 - 1,500 | 27 | 37 | 57 |
| 1,500 - 2,000 | 36 | 46 | 66 |
| 2,000 - 3,000 | 45 | 55 | 75 |
| 3,000 - 4,000 | 54 | 64 | 84 |
| 4,000 - 5,000 | 63 | 73 | 93 |
| 5,000 - 6,000 | 72 | 82 | 102 |
| 6,000 - 7,000 | 81 | 91 | 111 |
| 7,000 - 8,000 | 91 | 101 | 121 |
| 8,000 - 8,500 | 103 | 113 | 133 |
| 8,500 - 9,000 | 112 | 122 | 142 |
| 9,000 - 9,500 | 127 | 137 | 157 |
| 9,500 - 10,000 | 152 | 162 | 182 |
| 10,000 - 10,500 | 190 | 210 | 230 |
| 10,500 - 11,000 | | 225 | 245 |
| 11,000 - 11,500 | | 255 | 275 |
| 11,500 - 12,000 | | 290 | 310 |
| 12,000 - 12,500 | | 330 | 350 |
| 12,500 - 13,000 | | 375 | 395 |
| 13,000 - 13,500 | | 425 | 445 |
| 13,500 - 14,000 | | 480 | 500 |
| 14,000 - 14,500 | | 540 | 560 |

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

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

§3.55. *Rule 55—Reports on Gas Wells Commingling Liquid Hydrocarbons before Metering.*

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

[(d) This section does not purport to alter any procedure for periodic tests of gas wells that has previously been approved by the commission. If test periods agreed upon by the interested parties have not been approved by the commission, and if the periods agreed upon differ from the test periods provided for in this section, exceptions

may be granted by the commission upon application.]

§3.76. *Rule 78—Fees Required to Be Filed.*

(a) With each application or materially amended application for a permit to drill, deepen, plug back, or reenter a well, the applicant shall submit to the commission a nonrefundable fee of \$100. An application will be considered materially amended if the amendment requires the issuance of a new permit. A materially amended application includes an application in which an additional field or a change

in location or field is sought for a previously permitted well. However, if a new application and/or permit becomes necessary because of commission action, the \$100 fee may be waived.

(b) With each request to expedite the application for a permit to drill, deepen, plug back, or reenter the well, the applicant shall submit to the commission a nonrefundable fee of \$50. Expedite the application means hand-filing and walking the application through the entire permitting process.

(c) With each application for an exception to any commission statewide rule, the applicant shall submit to the commission a nonrefundable fee of \$50. If the permit application is for an exception to §3.37 of this title (relating to Statewide Spacing Rule); §3.38 or this title (relating to Well Densities); or §3.39 of this title (relating to Proration and Drilling Units: Contiguity of Acreage and Exception Thereto), or for any combination of exceptions to such rules, the applicant shall submit one nonrefundable fee of \$50.

(d) With each application for an oil and gas waste disposal well permit, the applicant shall submit to the commission a nonrefundable fee of \$100 per well.

(e) With each application for a fluid injection well permit, the applicant shall submit to the commission a nonrefundable fee of \$100 per well. Fluid injection well means any well used to inject fluid or gas into the ground in connection with the exploration or production of oil or gas other than an oil and gas waste disposal well.

(f) With each Natural Gas Policy Act (15 United States Code §§3301-3432) application, the applicant shall submit to the commission a nonrefundable fee of \$50.

(g) A check or money order, for any of the aforementioned fees shall be made payable to the state treasurer of Texas. If the check accompanying an application is not honored upon presentment, the permit issued on the basis of that application, the allowable assigned, the injection or disposal authority granted pursuant to such permit, the exception to a statewide rule granted on the basis of the application, or the Natural Gas Policy Act category determination made on the basis of the application may be suspended or revoked.

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

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

TRD-859844

Walt Lille
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:

November 25, 1985

For further information, please call
(512) 483-7149.



TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

Examination Sites and Board Policy on Documentation

★22 TAC §511.89

The Texas State Board of Public Accountancy proposes new §511.89 concerning examination sites and board policy on documentation. The new section concerns the authorizing of an individual examinee candidate temporarily outside of the State of Texas for reason of employment, college attendance, or travel relating to military service, to sit for the Uniform CPA Examination outside of the State of Texas.

Bob E. Bradley, executive director has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Bradley 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 to provide an effective and cost-saving procedure to allow Texas examinee candidates temporarily out of the state, the opportunity of sitting out of state for the Uniform CPA Exam. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to William A. Sansing, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas, 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provides Texas State Board of Public Accountancy with the authority to promulgate rules relating to the granting of credit to candidates taking the Uniform CPA Examination.

§511.89. Examination Sites and Board Policy on Documentation.

(a) The board shall select examination sites in Texas suitable for conducting the examination. The board will assign candidates to an examination site. Consideration will be given to a candidate's first and second preference if at all possible. However, all candidates will be required to sit at a Texas site unless an exception is granted. Exceptions will be considered only in the following instances:

(1) Texas resident on military assignment or who is a military dependent ac-

companying a military sponsor on a military assignment outside the state of Texas;

(2) Texas resident attending college or university in some other state;

(3) Texas resident on temporary job assignment in some other state.

(b) Each candidate desiring to be considered in one of the above mentioned exceptions must provide documentation of Texas residents status, as well as documentation of meeting the excepted criteria.

(c) A candidate on military assignment or who is a military dependent accompanying a military sponsor on a military assignment outside the state of Texas must provide the following documentation to insure the candidate is a resident of Texas: Texas driver's license or Texas voter's registration, and certification by the unit commander or military personnel office, or other evidence acceptable to the board.

(d) A candidate attending college or university in some other state must provide the following documentation to insure the candidate is a resident of Texas: Texas driver's license or Texas voter's registration and proof the candidate is attending college outside of this state, such as a letter from the registrar's office attesting to the fact that the candidate is attending college during the current semester, or other evidence acceptable to the board.

(e) A candidate on temporary job assignment in some other state must provide the following documentation to insure the candidate is a resident of Texas: Texas driver's license or Texas voter's registration, and a letter from the Texas employer indicating the place of business in Texas where the candidate is regularly employed, the beginning and ending date of the temporary assignment, and that the temporary assignment precludes the candidate from returning to Texas to take the exam, or other evidence acceptable to the board.

(f) All documentation must be received before a request can be processed and sent to the proctoring state board.

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

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

TRD-859567

Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption:

November 22, 1985

For further information, please call
(512) 451-0241.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 2. Medically Needy Program

Program Requirements

★ 40 TAC §§2.1004, 2.1006, 2.1010

The Texas Department of Human Services (DHS) proposes amendments to §§2.1004, 2.1006, and 2.1010, concerning eligible groups, requirement applications for, and determining income eligibility. In §2.1004, DHS proposes to amend the definition of second parents who are eligible for the Medically Needy Program. These second parents include spouses of the dependent child's natural or adoptive parent or the dependent child's stepparent. Sections 2.1004 and 2.1006 are amended to specify that children must be under 18 years of age to be eligible for the Medically Needy Program. Section 2.1010 is amended to change the medically needy needs allowance standard to 133 1/3% of the highest Aid to Families with Dependent Children (AFDC) payment standard. The DHS proposes the amendments to comply with the federal regulations that govern eligibility for the Medically Needy Program.

Clifton Martin, associate commissioner for programs, has determined that there will be fiscal implications for state government as a result of enforcing or administering the section. The estimated reduction in cost to state government for the first five-year period the sections are in effect will be \$1,705 for fiscal year 1986; \$4,783 for fiscal year 1987; \$5,387 for fiscal year 1988; \$6,055 for 1989; and \$6,503 for 1990. There are no fiscal implications for units of local government, and there is no effect on small businesses.

Mr. Martin has also determined that for the first five years the sections as proposed are in effect, the public benefit anticipated as a result of enforcing the sections will be the cost savings in limiting program funds to people most in need of services. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-605, Texas Department of Human Services, 153-E, P. O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§2.1004. Eligible Groups. The program serves the following groups of people:

- (1)-(2) (No change.)
- (3) children under 18 in two-parent families who meet all AFDC eligibility requirements except that they are not deprived of parental support and the family income exceeds the AFDC income limits;
- (4) (No change.)
- (5) dependent children under 18 who meet all AFDC eligibility requirements, including deprivation, except that the family income exceeds the AFDC income limits;
- (6) (No change.)
- (7) second parents (spouse of the dependent child's natural or adoptive parent or stepparent) [(spouses of adult caretakers)] when either the caretaker or the second parent is incapacitated.

§2.1006. Requirements for Application.

- (a)-(b) (No change.)
- (c) Age/relationship/deprivation. Eligible children must meet the age, relationship, and deprivation requirements outlined in the AFDC rules with the following exceptions:
 - (1)-(6) (No change.)
 - (7) children must be under 18 years of age.
- (d)-(e) (No change.)

§2.1010. Determining Income Eligibility. Income eligibility is determined using the AFDC eligibility requirements outlined in the AFDC rules with the following exceptions:

- (1) (No change.)
- (2) the medically needy needs allowance standard, which is 133 1/3% of the highest AFDC payment standard, is used to determine eligibility.
- (3)-(7) (No change.)

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

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

TRD-859683

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
November 22, 1985
For further information, please call
(512) 450-3766.

★ ★ ★

Chapter 3. Income Assistance Services

Subchapter E. Household Determination

★ 40 TAC §3.501

The Texas Department of Human Services (DHS) proposes amendments to §§3.501, 3.2404, 3.2603, and 3.2604, con-

cerning AFDC and food stamp household, redetermining eligible AFDC households, reporting nondelivery of mail issuance, and repeated reports of nondelivery. In §3.501, DHS proposes to change the definition of the second parents to apply to spouses of the dependent child's natural or adoptive parent or stepparent. The purpose of this amendment is to make the section more consistent with federal regulations. In §3.2404, DHS proposes to allow a longer period of time before redetermining eligibility for certain AFDC certified households. In §§3.2603 and 3.2604, DHS proposes amendments that allow greater flexibility in monitoring the system for direct mail issuance of food stamps.

Clifton Martin, associate commissioner for programs, has determined that there will be fiscal implications as a result of enforcing or administering the sections. The estimated reduction in cost for state government for the first five-year period the sections will be in effect is \$145,282 for fiscal year 1986; \$127,663 for fiscal year 1987; \$109,909 for fiscal year 1988; \$109,909 for fiscal year 1989; and \$109,909 for fiscal year 1990. There is no anticipated effect on local government for the first five-year period the sections will be in effect, and there is no effect on small businesses.

Mr. Martin has determined that for each year of the first five years the sections as proposed are in effect, the public benefits anticipated as a result of enforcing the sections as proposed will be a reduction in food stamps lost by mail theft and fraudulent reports of nondelivered food stamps. There also will be anticipated reductions in errors made in calculating AFDC payments. The possible economic cost to individuals who are required to comply with the sections as proposed will be \$42,000 in fiscal year 1986; \$76,000 in fiscal year 1987; \$105,000 in fiscal year 1988-1990. These are costs to clients who will be required to travel to the post office to pick up their certified, mail-issued food stamps.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-605, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769. Comments must be submitted within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.501. AFDC and Food Stamp Household Determination.

(a) Aid to families with dependent children. The following persons are included in an AFDC certified group:

- (1) (No change.)
- (2) Second parent. This is the spouse of a child's natural or adoptive

parent or stepparent [caretaker]. Inclusion of a second parent in the grant is based on need and incapacity of either spouse. [The caretaker or his spouse] the second parent must meet all AFDC eligibility requirements.

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

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

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

TRD-859664 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
November 11, 1985
For further information, please call
(512) 450-3766.



Subchapter X. Case Disposition

★ 40 TAC §3.2404

The amendment is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.2404. Redetermining Eligibility—AFDC. DHS [DHR] redetermines the eligibility of certified AFDC clients not less frequently than every six months according to the requirements stipulated in 45 Code of Federal Regulations §206 10(a)(9) except for payee cases that have countable gross earned or unearned income less than a specified amount as determined by the department. These clients are redetermined every 12 months.

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

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

TRD-859665 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
November 11, 1985
For further information, please call
(512) 450-3766.



Subchapter Z. Direct Mail Issuance

★ 40 TAC §§3.2603, 3.2604

The amendments are proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

§3.2603. Households Reporting Nondelivery of Mail Issuance.

- (a)-(b) (No change.)
(c) If a household receiving first class mail issuance reports that a mail issuance was not delivered, DHS converts the case to certified mail issuance.

§3.2604. Repeated Reports of Nondelivery.

(a) If twice in a six-month period a household reports mail issuances were not delivered and the mail issuances were not returned to the state office, DHS [DHR either:]

(1) converts the mail issuance to a certified mail issuance;

(1)(2) arranges for the household to receive the mail issuance at a different, more secure mailing address designated in writing by the household;

(2)(3) converts the household from mail issuance to the ATP system; or

(3)(4) Uses alternatives authorized under 7 Code of Federal Regulations 274.1.

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

Issued in Austin, Texas, on October 22, 1985.

TRD-859666 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
November 22, 1985
For further information, please call
(512) 450-3766.



Part IX. Texas Department on Aging

Chapter 277. Monitoring Retired Senior Volunteer Programs

Statutes and Regulations

★ 40 TAC §§277.1-277.4

The Texas Department on Aging proposes new §§277.1-277.4 concerning monitoring retired senior volunteer programs. This rule establishes procedures

and requirements for monitoring of retired senior volunteer programs throughout the state.

Russell Gregorczyk, director for fiscal management, has determined that for the first five-year period the proposed sections 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 sections.

Tim Shank, deputy executive director, Texas Department on Aging, 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 will be standardization of program monitoring of Retired Senior Volunteer Program (RSVP) Projects which will promote uniformity of programs throughout the state and create an environment for improvement of these programs and increased involvement of senior citizens in the community. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to the Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new sections are proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§277.1. Program Definition.

(a) The Retired Senior Volunteer Program (RSVP) is designed to provide a variety of opportunities for retired persons aged 60 and over which will enable them to participate more fully in community life through significant volunteer service.

(b) The RSVP is authorized under the Domestic Volunteer Service Act of 1973, Title II, Part A, as amended (Public Law 93-113).

(c) RSVP promotes the use of older persons as community resources in planning for community improvement and in delivery of volunteer services.

§277.2. Program Monitoring by the Texas Department on Aging (TDOA).

(a) As part of its responsibility in administering state funds allocated to RSVP programs in Texas, the TDOA will provide programmatic monitoring of these activities.

(b) The TDOA will assign a program specialist to be responsible for monitoring of RSVP programs.

(c) Each RSVP program will be visited by a TDOA program specialist every third year.

(d) Each RSVP program will be visited by a TDOA fiscal staff member annually.

(e) Program specialists of the TDOA will review the following during programmatic monitoring visits:

- (1) volunteer strength;
- (2) training;
- (3) volunteer stations;
- (4) volunteer benefits;
- (5) compliance with state and federal law;
- (6) advisory council;
- (7) staff;
- (8) service area;
- (9) recruitment;
- (10) community relations;
- (11) grantee relations;
- (12) funding (federal, state, and local); and
- (13) state goals and objectives.

(f) In addition, TDOA shall require each RSVP project to provide programmatic and fiscal reports as required by TDOA regulations, policies, and procedures.

§277.3. Program Monitoring Guide for RSVP Grantees.

(a) This guide standardizes the areas which will be addressed by program specialists during visits to RSVP activities within the state. It will become part of the fiscal review of the project to give a complete understanding of the effectiveness of the project concerned.

(b) The following information will be included in the monitoring document:

- (1) date;
 - (2) name of project;
 - (3) address of project;
 - (4) name of project directors;
 - (5) TDOA staff present;
 - (6) grantee staff present;
 - (7) date of last TDOA visit;
 - (8) date of last TDOA fiscal visit;
- and
- (9) program specialist conducting review.

§277.4. Program Review. The following areas will be addressed during the program review of each RSVP program in the state.

- (1) Volunteer strength.
 - (A) How many volunteers are currently on the rolls?

- (B) How does this compare to last year's numbers?

- (C) How does this compare with the project's state goals and objectives?

- (D) If goals were not accomplished, what were the difficulties encountered?

- (E) Does the project have plans for increasing the number of volunteers?

- (2) Recruitment.

- (A) How is recruitment accomplished?

- (B) What have been the most successful recruitment efforts?

- (C) If there are specific problems with recruiting, what are they?

- (3) Volunteer hours.

- (A) How many man hours did this project produce during the last fiscal year?

- (B) How many this year?

- (4) Volunteer stations.

- (A) What station was visited?

- (B) How many volunteer stations are there?

- (C) Do they each have updated memoranda or understanding?

- (D) What is the plan for volunteer station growth?

- (E) How many stations are state agencies?

- (F) How many stations are nutrition sites?

- (5) Project staff.

- (A) What is the ratio of staff to volunteers?

- (B) How is each position funded?

- (C) What are the responsibilities of each staff member?

- (6) Recognition.

- (A) How does the project recognize its volunteers?

- (B) How are these activities funded.

- (7) Training.

- (A) How are volunteers trained?

- (B) How are volunteer stations trained?

- (8) Public relations.

- (A) What methods are used to inform the community to the efforts, accomplishments, and goals of the local, state, and national RSVP programs?

- (B) Have these methods been successful?

- (9) Transportation.

- (A) How many volunteers request and receive reimbursement for transportation to and from the volunteer station?

- (B) How is transportation funded?

- (10) Meals.

- (A) How many volunteers request and receive reimbursement for a meal while performing volunteer services?

- (B) How are these meals funded?

- (11) Insurance.

- (A) Are all volunteers covered by insurance while performing volunteer services?

- (B) How many claims have been filed in the last three fiscal years?

- (12) Advisory council.

- (A) What is the organizational structure?

- (B) How are members appointed?

- (13) Grantee.

- (A) What is the relationship between the grantee organization and the project?

- (B) Has a copy of the organizational chart been obtained?

- (14) Texas Department on Aging.

- (A) How can the TDOA assist the local project with its goals and objectives?

- (B) What suggestions does the project have for a more effective relationship?

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

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

TRD-859630

O. P. (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Earliest possible date of adoption:

November 22, 1985

For further information, please call
(512) 444-2727.

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 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

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

★34 TAC §3.323

The Comptroller of Public Accounts has withdrawn from consideration for permanent adoption the proposed amendments to §3.323, concerning conservation rules and regulations. The text of the amended section as proposed appeared in the July 30, 1985, issue of the *Texas Register* (10 TexReg 2476).

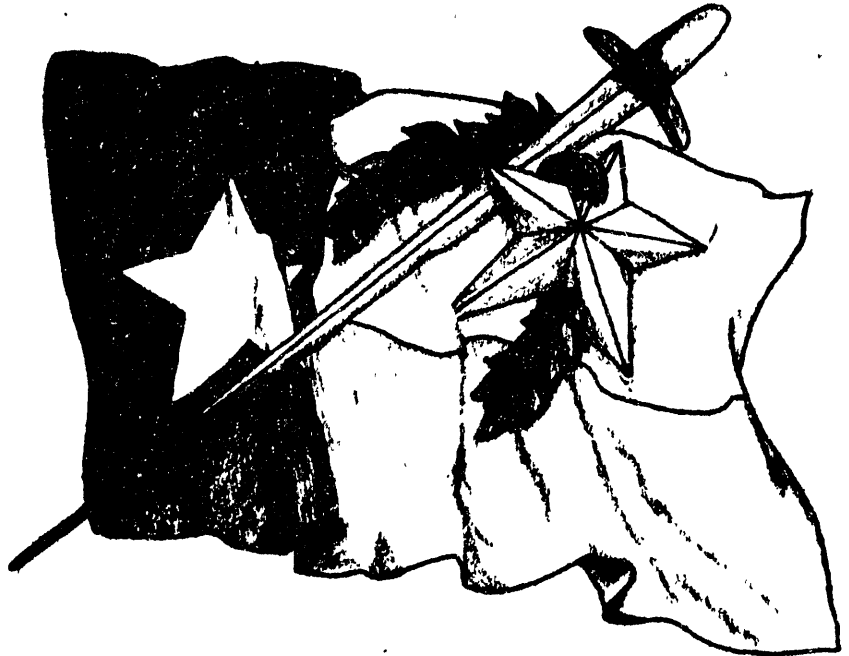
Issued in Austin, Texas, on October 16, 1985.

TRD-859689

Bob Bullock
Comptroller of Public
Accounts

Filed: October 16, 1985

For further information, please call
(512) 463-4806.



★ ★ ★

Adopted

Rules

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

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

TITLE 19. EDUCATION

Part II. Texas Education

Agency

Chapter 81. Instructional Resources

Subchapter D. State Textbook Program

State Adoption, Acquisition, and Custody of Textbooks

★ 19 TAC §81.111

The Texas Education Agency adopts an amendment to §81.111 without changes to the proposed text published in the July 26, 1985, issue of the *Texas Register* (10 TexReg 2389).

The General Appropriation Bill passed by the 69th Legislature, 1985, limited the amount which may be paid to board and commission members for expenses and compensatory per diem. The section has been changed to make it compatible with these limitations.

State textbook committee members may receive compensatory per diem for each day on which the member is engaged in or conducting scheduled activities related to their responsibilities. Such activities include attendance at scheduled meetings of the State Textbook Committee, participation in presentations between the authorized dates in the schedule of textbook adoption procedures, and scheduled attendance at State Board of Education meetings or a committee of the board at which textbooks are considered. The total amount of compensatory per diem received by a committee member cannot exceed \$1,500.

No comments were received regarding adoption of the amendment.

This amendment is adopted under the authority of the Texas Education Code, §12.11(f), which directs the State Board of Education to make rules to provide for reimbursement of state textbook committee members.

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

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

TRD-859853

W. N. Kirby
Commissioner of
Education

Effective date: November 6, 1985
Proposal publication date: July 26, 1985
For further information, please call
(512) 475-7077.

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Chapter 89. Adaptations for Special Populations

Subchapter E. General Educational Development

★ 19 TAC §§89.111, 89.112, 89.116, 89.117, 89.118

The Texas Education Agency adopts amendments to §§89.111, 89.112, 89.116, 89.117, and 89.118. Section 89.112 is adopted with changes to the proposed text published in the August 6, 1985 issue of the *Texas Register* (10 TexReg 2526). Sections 89.111, 89.116, 89.117, and 89.118 are adopted without changes and will not be republished.

In §89.112(a), the word "testing" was added before the word "center" in the second sentence to avoid confusion between references to testing centers and to regional education service centers.

As a result of action by the 69th Legislature, 1985, fees for the issuance of General Education Development (G.E.D.) certificates must be established by the State Board of Education. The amended sections also allow regional education service centers to act as GED test sites for greater convenience to individuals wishing to take the test.

A nonrefundable fee of \$5 will be charged for GED certificates and transcripts. This fee will be waived for residents and inmates of city, county, state, and federal health and correctional facilities.

No comments were received regarding adoption of the amendments.

These amendments are adopted under the Texas Education Code, §11.35, which directs the State Board of Education to provide for the administration of high school equivalency examinations and to fix and require payment of a fee for issuance of a certificate.

§89.112. Official Testing Centers.

(a) When authorized by the Central Education Agency, official testing centers shall be established by annual contract with an accredited school district, institution of higher education, or education service center. The testing center must be located at a high school in an accredited district, an adult learning center, an accredited institution of higher learning, or education service center. The chief administrative officer of a school, institution, or education service center desiring to provide the GED testing service to residents in the community must request authorization to do so from the Central Education Agency. If the need for a testing center in the location exists, the appropriate agency official, in writing, shall inform the American Council on Education that the establishment of an official testing center is authorized at that particular institution. The center will be sent four copies of an annual contract by the American Council on Education, together with order forms and other material relating to the operation of the testing center. The contract forms must be signed by the chief administrative officer of the school, institution, or education service center.

(b) The chief administrative officer of the school, institution, or education service center at which an official testing center is established must agree to maintain test records permanently and to provide appropriate storage for restricted test materials and a suitable place for administering the test. Each center is responsible for selection and ordering of test materials.

(c) The administrative officer of a school district, or education service center, must designate a certified counselor and the officer of an institution of higher education must designate a professional person with a background in testing and counseling to serve as chief examiner. The person designated chief examiner shall not be involved in the preparation of persons for the examinations. The chief administrative officer must obtain prior authorization from the

Central Education Agency to change the chief examiner or the location of a testing center.

(d) Testing centers may transport restricted test material to county, state, or municipal correctional and health facilities if authorization to do so has been obtained. The chief administrative office of an institution housing an official testing center and the administrator of the correctional or health facility must request authorization to provide the testing services from the Central Education Agency. Only the exact number of tests needed at a test session may be transported, and the scoring and reporting of test results must be done at the official test center site. Testing services at correctional or health facilities shall be limited to inmates or patients of a facility, and the test must be administered by an employee of the school district, institution of higher learning, or education service center housing the test center.

(e) The authorization to function as an official testing center may be withdrawn by the Central Education Agency when a center has failed to maintain the integrity of the testing program. The agency may suspend testing at a center if restricted test material is reported missing or if the test center does not properly identify applicants to be tested.

(f) Official testing centers may charge a fee for test administration. The amount of the fee shall be determined by the administration or by the board of the school district, institution, or education service center.

(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 October 15, 1985.

TRD-859854

W. N. Kirby
Commissioner of
Education

Effective date: November 6, 1985
Proposal publication date: August 6, 1985
For further information, please call
(512) 475-7077.

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Chapter 141. Teacher Certification

Subchapter B. Certification Issuance Procedures

★ 19 TAC §141.25 and §141.26

The Texas Education Agency adopts amendments to §141.25 and §141.26 with changes to the proposed text published in the July 26, 1985, issue of the *Texas Register* (10 TexReg 2394).

In §141.25, the word "hardship" has been deleted before the phrase "emergency teaching and special assignment permits."

In §141.26(a)(2), the phrase "duplicate of lost or destroyed certificate" was corrected from "duplicate or lost or destroyed certificate." In (a)(4), the word "instructors" was changed to the possessive word "instructor's."

Section 141.26(b) was amended, as a result of public comment, to clarify that fees paid by school districts and colleges or universities need not be paid by money order or cashier's check.

The Texas Education Code, §13.032(h) was amended by House Bill 1593, 69th Legislature, 1985, extending the State Board of Education's prior authority to fix and require the payment of fees for teacher certification by including authority for a fee to recover the administrative costs of reviewing the credentials of an applicant for a Texas certificate, including costs for transcript analysis and other costs associated with out-of-state certificates. This analysis is one of the more complex and costly activities conducted by the Division of Teacher Certification for which a fee could not be assessed previously. This change in the law resulted from a recommendation of the Legislative Budget Board, which had reviewed the cost and service effectiveness of the certification function within the agency.

The amendment to §141.25 requires employing school districts to pay the application fee for emergency teaching and special assignment permits, rather than the individual for whom the permit is requested. Districts may employ individuals on a temporary basis when they are unable to employ a fully certified person for a specific assignment. The employment by temporary permit is accompanied by annual progress requirements toward full certification and is validated by the employing school district through the submission of a permit document and fee to the agency. The permit may be issued only at the request of the district, is retained by the district, and is not transferrable between districts.

The amendment to §141.26 establishes a new schedule of fees for teacher certificates, inclusive of the fee for credential review, in response to the legislative mandate with this agency's biennial appropriation that the cost of certification administration shall be financed entirely from revenues and balances from certification fees.

Comments were received from Dr. A. N. Vallado, Los Fresnos Public School. Dr. Vallado noted that requiring school districts to pay the fees for emergency teaching and special assignment permits will be costly for those districts with large numbers of such permits. He also requested that school districts not be re-

quired to pay by money order or cashier's check, since this payment procedure is not required for other transactions between school districts and the agency.

Section 141.26 has been amended to clarify that school districts and colleges and universities need not pay by money order or cashier's check. Since emergency permits and special assignment permits are issued only at the request of a school district, are retained by the district, and are not transferrable, the section adopted continues to require such permits to be paid for by the school district.

These amendments are adopted under the Texas Education Code, §13.032(h), which authorizes the State Board of Education to set fees for teacher certificates which are reasonable and designed to cover the administrative costs of issuing the certificate.

§141.25. Fees for Teacher Certification. Fees for certification, emergency permits, special assignment permits, and review of credentials, shall be established based upon a study conducted periodically by the Central Education Agency of the actual costs incurred in their issuance and service. The cost of fees for the issuance and/or renewal of emergency teaching and special assignment permits shall be paid by the requesting school district. Adoption of all fees shall be in accordance with the Administrative Procedure and Texas Register Act.

§141.26. Schedule of Fees for Teacher Certification.

(a) An applicant for a certificate or a school district, requesting a permit shall pay whichever fee from the following list is applicable for the type of certificate or permit for which application is being made.

(1) Paraprofessional certificate—\$15.

(2) Provisional certificate or additional specialization, teaching field, or endorsement/delivery system, based on college/university recommendation, school district recommendation, or Central Education Agency authorization; change of name on certificate, duplicate of lost or destroyed certificate, extension or conversion of certificate—\$20.

(3) Professional certificate based on college/university recommendation, school district recommendation, or Central Education Agency authorization—\$30.

(4) Initial emergency teaching permit, initial special assignment permit, initial noncertified instructor's permit, reassignment on emergency teaching permit or special assignment permit with a change in level of target certificate, renewal of vocational or hardship emergency teaching permit, and renewal of hardship special assignment permit—\$40.

(5) Renewal in the school district of emergency teaching or special assignment permit at the same target certificate level,

and initial activation or renewal in the school district of temporary classroom assignment permit—No Fee.

(6) Initial certificate based on certification from out of state—\$20.

(7) Review of credentials by the Central Education Agency requiring analysis and research of college transcripts and/or out-of-state certificate programs—\$40.

(b) Fees, other than fees paid by school districts and colleges or universities, shall be paid by money order or cashier's check.

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

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

TRD-859655

W. N. Kirby
Commissioner of
Education

Effective date: November 6, 1985
Proposal publication date: July 26, 1985
For further information, please call
(512) 475-7077.

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Chapter 143. Assignment of Personnel

Subchapter A. General Provisions

★19 TAC §143.1

The Texas Education Agency adopts new §143.1 without changes to the proposed text published in the July 26, 1985, issue of the *Texas Register* (10 TexReg 2394).

The Texas Education Code, §13.907, specifies that each teacher, including those who direct extracurricular activities, must teach in the classroom at least four hours each day. The rule specifies those position titles to which the four-hour requirement applies.

Persons holding one of the positions listed in subsection (a) of the section must teach in the classroom four hours each day or meet the requirements of §149.71(b)(4), which lists specific exceptions to this requirement. Coaches or athletic directors who hold nonteaching positions but who instruct students during the regular school day must meet the minimum teaching duty requirement or be approved by the commissioner of education for another assignment.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Education Code, §13.907, which requires each teacher to teach not less than four hours each school day and §16.005, which authorizes the State

Board of Education to make rules for implementation of the Foundation School Program.

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

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

TRD-859656

W. N. Kirby
Commissioner of
Education

Effective date: November 6, 1985
Proposal publication date: July 26, 1985
For further information, please call
(512) 463-9882.

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Chapter 145. Professional Environment

Subchapter A. Professional Environment in General

★19 TAC §145.2

The Texas Education Agency adopts new §145.2 without changes to the proposed text published in the July 26, 1985, issue of the *Texas Register* (10 TexReg 2395).

The 69th Legislature, 1985, 1st Called Session, passed House Resolution 3 and Senate Resolution 5, both of which required the Central Education Agency and local school districts to make every effort to reduce the paperwork burden on teachers.

The Central Education Agency will review all existing paperwork requirements, with a view to the simplification and reduction of such requirements to the extent possible. The agency will also provide technical assistance to districts to help them comply with procedural and reporting requirements in ways which do not impose a paperwork burden on teachers. Local districts are required to undertake their own paperwork reduction efforts, which will be reviewed as part of each regular accreditation visit.

No comments were received regarding adoption of the new section.

This new section has been adopted under House Resolution 3 and Senate Resolution 5, 69th Legislature, 1985, 1st Called Session, which directed the State Board of Education to adopt rules to provide for the simplification and reduction of paperwork requirements.

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

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

TRD-859657

W. N. Kirby
Commissioner of
Education

Effective date: November 6, 1985
Proposal publication date: July 26, 1985
For further information, please call
(512) 475-7077.

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TITLE 22. EXAMINING BOARDS

Part XXVII. Board of Tax Professional Examiners

Chapter 623. Registration and Certification

★22 TAC §623.10

The Board of Tax Professional Examiners adopts an amendment to §623.10 without changes to the proposed text published in the June 28, 1985, issue of the *Texas Register* (10 TexReg 2107).

This amendment concerns qualification for certification as a Registered Texas Collector (RTC), changes course requirements, replacing courses not directly related to the registrant's field with those specifically designed for the property tax field.

This amendment will improve performance by property tax collectors and instill greater knowledge of and compliance with the law by officials who collect current and delinquent property taxes, and thus enable them to better serve all persons who pay property taxes.

Over a six month period the unanimous testimony on this proposal was to the effect that changing this requirement for tax collectors seeking certification would improve the board's program and the collectors' performance.

In favor of the proposal are Louella Pivonka, Falls City; Fay Phillips, Monahan-Wickette-Pyote ISD; Ross Fry, Clay County Appraisal District; Ellen Barrett, Hooks ISD; Gary Rose, Travis County; David Pauling, Collin County Appraisal District; Jim Goodwin, Ector County Appraisal District; Richard Petree, Central Tax Authority of Taylor County; Sherrian Althous, Dickinson ISD, and Ann Stapp, Mason County Appraisal District. The agency agrees with these comments, because they were all favorable.

This amendment is adopted under the provisions of Texas Civil Statutes, Article 7244b, as amended by the Property Taxation Professional Certification Act, 68th Legislature, 1983, which provides the Board of Tax Professional Examiners with the authority to make and enforce

all rules and regulations necessary for the performance of its duties, to establish standards of professional practice, conduct, and education.

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

Issued in Austin, Texas, on October 10, 1985.

TRD-859580

Sam H. Smith
Executive Director
Board of Tax
Professional
Examiners

Effective date: October 22, 1985
Proposal publication date: June 28, 1985
For further information, please call
(512) 834-4981.

★ ★ ★

TITLE 28. INSURANCE COVERAGE

Part II. Industrial Accident Board

Chapter 89. Crime Victims Compensation

★28 TAC §§89.30, 89.150

The Industrial Accident Board adopts amendments to §89.30 (061.20.00.006) and §89.150 (061.20.00.030) without changes to the proposed text published in the September 13, 1985, issue of the *Texas Register* (10 TexReg 3501).

The adoption of the amendment to §89.30 determines the time period for the victim's filing of an application with the board. Under Texas Civil Statutes, Article 8309-1, §4(c), the board will consider the one year to begin with the last known event which constituted the criminally injurious conduct for which compensation is sought. This amendment provides the crime victim with more advantages to receive benefits under the Crime Victims Compensation Act.

The adoption of the amendment to §89.150 provides that eligibility for crime victim benefits is, as of August 31, 1985, no longer limited to Texas residents. The law was amended by Senate Bill 76, 69th Legislature, 1985, removing this restriction.

No comments were received regarding adoption of the amendments to §89.30 and §89.150.

The amendments are adopted under Texas Civil Statutes, Article 8309-1, §10(a), which provide the Industrial Accident Board with the authority to promulgate rules.

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

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

TRD-859647

William Treacy
Executive Director
Industrial Accident
Board

Effective date: November 5, 1985
Proposal publication date: September 13, 1985
For further information, please call
(512) 448-7982.

★ ★ ★

TITLE 31. NATURAL RESOURCES

Part IV. School Land Board Chapter 153. Exploration and Development

Unitization of State Lands

★31 TAC §§153.11-153.15

The School Land Board adopts new §153.11, 153.13, and 153.15 with changes to the proposed text published in the August 13, 1985, issue of the *Texas Register* (10 TexReg 3055). New §153.12 and §153.14 are adopted without changes and will not be republished. The repeal of §153.11-153.14 is adopted without changes.

The new sections revise the format of the rules to make them clearer. The procedure itself is revised to become more efficient and streamlined. The existing sections are repealed to allow for the adoption of the new sections. Changes have been made to the proposed new sections in order to reflect comments received.

The new sections differ from the repealed sections by changing the time and frequency of pooling committee meetings, by requiring additional information on the pooling application, and by setting and changing certain deadlines.

Comments were received from Arco Oil and Gas Company. On the whole, Arco supported the proposed sections. They objected, however, to §153.15(a) because, upon dissolution or termination of the unit, it required the applicant who initially sought approval to notify the commissioner that the unit no longer exists. Arco suggested that it would be more appropriate to require the unit operator to file such a notice with the commissioner. Arco's suggestion was incorporated into the section.

Arco also objected to §153.15(d) which requires that the fully executed agreement be filed with the commissioner within 90 days after approval. Arco asserts that in

many cases a secondary recovery unit agreement may need to be executed by hundreds of royalty owners. It would be impossible, Arco maintains, to obtain all the necessary signatures within 90 days. Arco's objection may be overcome by requiring that only the applicant and the commissioner execute the agreement and submit it for filing within the 90 days. This solution has been incorporated into the section.

Section 153.11(b) is also changed from the proposed text to reflect the fact that the pooling committee may meet at other times it deems necessary.

The repeals are adopted under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to adopt rules which are not inconsistent with the law.

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

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

TRD-859528

Garry Mauro
Commissioner
General Land Office
Chairman
School Land Board

Effective date: November 1, 1985
Proposal publication date: August 13, 1985
For further information, please call
(512) 475-6740.

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★31 TAC §§153.11-153.15

The new sections are adopted under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to adopt rules which are not inconsistent with the law.

§153.11. Procedure for Pooling of the State's Royalty Interests in Oil and Gas.

(a) A completed pooling application should be submitted to the commissioner of the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, attention: Chairman, Oil and Gas Pooling Committee. An application form can be obtained upon request.

(1) The applicant should enclose the necessary plats as requested in the pooling application, and Railroad Commission Forms (W-1, W-2, or G-1, as applicable).

(2) The applicant must submit evidence that the proposed pooling will be in the best interest of the state, such as:

(A) geological data, i.e., structural maps, isopach maps, cross-sections, productive limits;

(B) information on wells drilled in the general area of the proposed unit, and current production rates of offset wells;

(C) geophysical maps;

(D) portions of electrical and/or geophysical logs;

(E) any other pertinent evidence.

(b) The pooling application should be submitted no less than one week before the regular meeting of the Pooling Committee. The Pooling Committee meets on the first and third Wednesday of each month and at other times the Committee determines necessary.

(c) A personal appearance before the Pooling Committee is not required of the applicant or his representative; however, by timely appointment either may appear and be heard if a personal appearance is desired.

(d) The Pooling Committee shall consist of representatives from the General Land Office, the governor's office, and the attorney general's office.

(e) In the interest of time, an original and at least one copy of the fully executed pooling agreement may be submitted with the pooling application. The General Land Office has a form pooling agreement which is available upon request.

§153.13. Approval of Unit Agreements.

(a) If the agreement covers land belonging to the permanent school fund or the asylum funds in riverbeds, inland lakes, and channels, or in an area within tidewater limits, it must be approved by the School Land Board.

(b) If the agreement covers the state's royalty interest in land not covered by subsection (a) of this section, it must be approved by the appropriate board, official, agency, or authority of the state who is authorized to lease or to approve a lease of the land for oil and gas.

(c) If the agreement includes land leased for oil and gas under the Relinquishment Act (Natural Resources Code, Chapter 52, Subchapter F), it must be executed by the owner of the soil and approved by the School Land Board. The owner of the soil will be deemed to have executed the unit agreement if:

(1) the oil and gas lease contains language authorizing pooling consistent with the Natural Resources Code, §§52.151-52.153, inclusive;

(2) the owner of the soil expressly agrees that the inclusion of such language in the lease satisfies the execution requirement of the Code, §52.152; and

(3) such language is approved by the commissioner of General Land Office.

§153.15. Dissolution or Termination of Unit.

(a) If a unit previously approved by the School Land Board or other appropriate board is dissolved or terminated for any reason, the operator at the time of dissolution or termination shall notify the commissioner of the General Land Office that the unit no longer exists.

(b) The notice required under subsection (a) of this section shall contain a description of the unit and list the state lease

mineral file numbers sufficient to clearly identify the state properties within the unit.

(c) The notice required by this section shall be submitted no later than 30 days after the termination or dissolution of the unit.

(d) Any unit agreement approved by the School Land Board which is not executed by both the applicant and the commissioner, and filed with the Commissioner of the General Land Office within 90 days after approval shall automatically terminate. The applicant may resubmit the unit application to the pooling committee in accordance with §153.11.

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

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

TRD-859529 Garry Mauro
Chairman
School Land Board

Effective date: November 1, 1985
Proposal publication date: August 13, 1985
For further information, please call
(512) 475-6740

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Operations on Permanent Free School Fund Lands

★31 TAC §153.37

The School Land Board adopts an amendment to §153.37 without changes to the proposed text published in the August 13, 1985, issue of the *Texas Register* (10 TexReg 3056).

The adoption of this amendment will make the provision consistent with the force majeure clause of the lease and with legislation passed by the 69th Legislature, 1985.

The amendment deletes the provisions requiring 90 days to elapse between the time the board enters in its minutes an order stating that the cause for suspension has ceased to exist and the time that the oil and gas lease shall again become operative.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under the Natural Resources Code, §52.1301(c) and (d), which sets forth the provisions for the granting of suspensions by the School Land board, and under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to adopt rules which are not inconsistent with law.

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

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

TRD-859530 Garry Mauro
Chairman
School Land Board

Effective date: November 1, 1985
Proposal publication date: August 13, 1985
For further information, please call
(512) 475-6740.

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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 §3.297

The Comptroller of Public Accounts adopts an amendment to §3.297 without changes to the proposed text published in the September 10, 1985, issue of the *Texas Register* (10 TexReg 3425).

Texas Tax Code, §151.330(c), which exempted tangible personal property acquired outside Texas and moved into Texas for use as a licensed and certificated carrier was repealed by the Texas Legislature. The amendments would subject such tangible personal property to sales tax. The repeal became effective October 1, 1985. Additionally, the definition of licensed and certificated carrier was clarified.

The amendments will benefit the public by providing notice of changes due to tax law changes.

No comments were received regarding adoption of the amendment.

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

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

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

TRD-859673 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 6, 1985
Proposal publication date: September 10, 1985
For further information, please call
(512) 463-4606.

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★34 TAC §3.323

The Comptroller of Public Accounts adopts new §3.323 with changes to the proposed text published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3306).

Changes to the Tax Code, Chapter 151, made by the Texas legislature regarding proof of export for sales tax purposes became effective August 26, 1985. This rule sets out what documentation is necessary for retailers and purchasers alike to prove that merchandise was exported and that the transaction qualified for a sales tax exemption.

Clarification was added to subsections (c)(1)(A) and (c)(1)(D) to show that the licensed and certified carrier discussed was the one defined in subsection (a) and that it was this defined carrier issuing the bill of lading.

Subsection (c)(3) was clarified to show that tax would only be due on property in Texas after 30 days from purchase date if under control of the owner and the owner had paid to have the property stored here for a business reason other than arranging for shipment.

The words in cash were added to the second sentence of subsection (e)(2) to show that the purchaser issues a receipt only when a cash refund is made.

Subsection (g)(7) clarifies that the broker's signature must be original. A copy of a signature is not acceptable on the certification. A copy of the United States customs broker's license is not acceptable in lieu of proper certification. The statement by the customs broker on the export certification was changed so that the broker is required to certify that the merchandise was exported.

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

The new section is adopted 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.

§3.323. Imports and Exports.

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

(1) Consignee—Person named in bill of lading to whom or to whose order the bill promises delivery.

(2) Consignor—Person named in the bill of lading as the person from whom the goods have been received for shipment.

(3) Licensed and certificated carrier—A person authorized by the appropriate United States agency or by the appropriate state agency within the United States to operate an aircraft, vessel, train, motor vehicle, or pipeline as a common or contract carrier. Certificates of inspection or air-

worthiness certificates are not the appropriate documents for authorizing a person to operate as a common or contract carrier. These documents relate to the carrier device itself rather than a person's right to operate a carrier business.

(4) Licensed customs broker—A person licensed by the United States Custom Service to act as a custom house broker.

(b) U.S. Constitution. On the basis of the import and export clause of the United States Constitution (Article I, §10, clause 2), tangible personal property imported into or exported from Texas is exempt from taxation by the Texas Tax Code, §151.307 and §151.330, so long as the property retains its character as an import or export.

(c) Exports.

(1) When an exemption is claimed because tangible personal property is exported beyond the territorial limits of the United States, proof of export may be shown only by:

(A) a copy of a bill of lading issued by a licensed and certificated carrier of persons or property as defined by subsection (a)(3) of this section which shows the seller as consignor, the buyer as consignee, and a delivery point outside the territorial limits of the United States;

(B) documentation provided by a licensed United States customs broker certifying that delivery was made to a point outside the territorial limits of the United States;

(C) formal entry documents from the country of destination showing that the property was imported into a country other than the United States. For the country of Mexico, the formal entry document would be the pedimento de importaciones document with a computerized, certified number issued by Mexican customs officials; or

(D) copy of the original airway, ocean, or railroad bill of lading issued by a licensed or certified carrier as defined in subsection (a)(3) of this section which describes the items being exported and a copy of the freight forwarder's receipt if the freight forwarder takes possession of the property in Texas.

(2) The retailer is responsible for obtaining proof of exportation. Exemption certificates, affidavits, or statements from the purchaser that the goods will be or have been exported are not sufficient to exempt the sale as an export. The Texas proof of export form is no longer acceptable as proof of export. A passport issued by a foreign country is not acceptable as proof of export.

(3) Storing property in Texas by the owner prior to exportation is a use of that property in Texas. Property stored in Texas by the owner loses its exemption as an export. Sufficient time will be allowed to arrange for shipping. Property in Texas longer than 30 days from date of purchase

will be presumed to have been stored. Any use of the property in Texas by the owner prior to export also causes the loss of the export exemption. Property in the hands of a freight forwarder is not covered by this provision.

(4) The sale of property to military personnel is taxable unless proof of export is maintained as outlined in paragraph (1) of this subsection.

(d) Imports. Property imported into Texas from another country is exempt from Texas use tax as long as the property retains its character as an import. When transit ceases in Texas, the import becomes subject to the Texas use tax.

(e) Refunds.

(1) A retailer who collects sales tax on a taxable item which qualifies for exemption under subsection (b) of this section may refund the sales tax collected upon presentation by the purchaser of export documentation as required by subsection (c) of this section.

(2) The refund may be made by certified check, company check, money order, credit memo, or cash. If the refund is made in cash, the retailer must receive from the purchaser of the exported item at the time the refund is made, a receipt showing a description of the item purchased, the amount and date of the refund, the name, address, and signature of the purchaser.

(3) A copy of the certified check, company check, money order, credit memo, or signed cash receipt must be attached to a copy of the export documents and maintained in the seller's files. In an audit, the auditor must be able to tie the export documents to the original taxable transaction. Refunds made pursuant to undocumented export exemptions will be assessed against the seller.

(f) Records. Please refer to §3.281 of this title (relating to Records Required; Information Required) and §3.282 of this title (relating to Auditing Taxpayer Records).

(g) Contents of licensed customs broker export certification. The documentation provided by a licensed United States customs broker must, at a minimum reflect the following information:

(1) the name and address of the purchaser of the merchandise;

(2) the name and address of the seller of the merchandise;

(3) the name and address of the customs broker;

(4) the date of sale, date of exportation, and location of exportation;

(5) description of the items exported;

(6) invoice number and sales price of the items exported;

(7) the broker's license number and an original signature, together with a certification that the merchandise has been exported. A copy of the United States customs broker's license is not acceptable in lieu of proper certification.

(h) Suggested form of customs broker's certification. A suggested form for the customs broker's certification is set out as Attachment A.

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

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

TRD-859584

Bob Bullock
Comptroller of Public
Accounts

Effective date: November 3, 1985
Proposal publication date: September 3, 1985
For further information, please call
(512) 483-4806.

STATE OF TEXAS
LICENSED CUSTOM BROKER'S EXPORT CERTIFICATION

Customs Broker name _____ Broker license number _____

Customs Broker address _____

Purchaser name _____

Purchaser address _____

Seller name _____ Date of sale _____

Seller address _____

Description of Merchandise Exported _____

| Invoice Number | Quantity | Description | Sale Price |
|----------------|----------|-------------|------------|
|----------------|----------|-------------|------------|

Export location _____ Date and time of export _____

I declare that I am a licensed United States Customs Broker, and I certify that the merchandise described above was exported from the location and at the date and time specified above.

Sign here _____ Customs Broker _____ Date _____

Original - Seller _____ Copy - Customs Broker _____ Copy - Purchaser _____

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 1. General Information Special Projects

★40 TAC §1.1

The Texas Department of Human Services adopts the repeal of §1.1, without changes to the proposed text published in the August 27, 1985, issue of the *Texas Register* (10 TexReg 3258).

The repealed section is unnecessary. Special projects that involve significant departures from the department's normal practices are covered in other department rules. This section is being repealed because it is obsolete.

No comments were received regarding adoption of the repeal.

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

§1.1. Existence of Special Projects.

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

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

TRD-859625

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: November 5, 1985
Proposal publication date: August 27, 1985
For further information, please call
(512) 450-3786.

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Chapter 10. Family Self-Support Services

Emergency Nutrition and Temporary Emergency Relief Program

★40 TAC §§10.4301, 10.4304, 10.4309

The Texas Department of Human Services (DHS) adopts amendments to §§10.4301, 10.4304, and 10.4309, concerning the expansion and continuation of the Temporary Emergency Relief Program (TERP), without changes to the proposed text published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3215)

The justification for the amendments is that they implement legislation passed by the 69th Legislature, 1985. House Bill 330 authorized the continuation of the Temporary Emergency Relief Program,

and Senate Bill 526 established the Emergency Nutrition Program. Because the department is implementing the new program as a component of TERP, the name of the program has been amended to the Emergency Nutrition and Temporary Emergency Relief Program (ENTERP). The title of the family self-support services subchapter in which these sections appear is also amended to the Emergency Nutrition and Temporary Emergency Relief Program.

The adoption of the amendments will function to ensure continuous delivery of emergency relief services, such as housing, utilities, food, and clothing.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 34, which authorize the department to administer public assistance programs and the Temporary Emergency Relief Program.

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

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

TRD-859624

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: *
Proposal publication date: September 3, 1985
For further information, please call
(512) 450-3786

State Board of Insurance Exempt Filings

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

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

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

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

The State Board of Insurance considered a filing by the Surety Association of America, of a rate filing for surface mining bonds.

Due to the large penalties of some surface mining bonds in Texas, it was determined that an experiment with a scale of rates would be appropriate. However, since these bonds are required under adverse selection against the surety, it is proposed that the rate of \$20 per M. per Annum would apply for the first layer.

The following rates will apply on all new bonds and on the next premium anniversary date of existing bonds. The following scale of rates apply to surface mining bonds in Texas:

| Bond Amount | Per M Per Annum |
|-----------------------|-----------------|
| First \$2,500,000 | \$20 |
| Next 2,500,000 | 10 |
| Excess Over 5,000,000 | 5 |

Texas Manual, page LP-5, will be revised to indicate the rate change. The filing is effective fifteen days after it is published in the *Texas Register*.

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

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

TRD-859669

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: November 7, 1985
For further information, please call
(512) 463-6327.

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 on Aging

Thursday, November 7, 1985, 10 a.m. The State Citizens Advisory Council of the Texas Department on Aging will meet in the third floor conference room, Texas Department on Aging, 1949 IH35 South, Austin. Items on the agenda include the approval of the minutes to the joint meeting of the Texas Board on Aging and the Citizens Advisory Council on July 10, 1985; the Silver Haired Legislature Steering Committee report; the long-term coordinating council activities report; the national training conference, the National Association of State Units on Aging and area agencies on aging report; the travel rules affecting council members; fiscal facts; a review of the Texas Department on Aging organizational structure; the area agency program review reports; draft nutrition standards; legal assistance services; the Omnibus Hunger Act Program; rural transportation project; the shared housing projects/work for Texas Housing Agency; literacy projects/discount directories; cooperative food purchasing; the Elder Watch Program; and long-term care demonstration projects.

Contact: Daniel N. Stewart, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: October 15, 1985, 1:44 p.m.
TRD-859629

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Texas Alcoholic Beverage Commission

Monday, October 28, 1985, 1:30 p.m. The Texas Alcoholic Beverage Commission will meet in the third floor hearing room, 1600 West 38th Street, Austin. According to the agenda, the commission will approve the minutes of September, 1985 meeting; consider the administrator's and staffs' report

of agency activity; and approve the affidavit of destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: October 15, 1985, 3:38 p.m.
TRD-859645

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Automated Information and Telecommunications Council

Friday, October 18, 1985, 8 a.m. The Board of Directors of the Automated Information and Telecommunication Council, met in the Committee Conference Room, 510 South Congress Avenue, Austin. According to the agenda summary, the executive session met for an emergency revision of the agenda for personnel matters. The emergency status was necessary because the workload and urgency for decision created a need to begin the meeting at 8 a.m. instead of 9:30 a.m.

Contact: Charlotte D. Craig, 510 South Congress, #216, Austin, Texas 78704, (512) 463-5530.

Filed: October 16, 1985, 10:42 a.m.
TRD-859697

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State Bar of Texas

Thursday, October 24, 1985, 9:30 a.m. The Executive Committee of the State Bar of Texas will meet at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will consider reports of the executive committee members; discussion and approval of budgetary matters; consider reports of ex-

ecutive director, supreme court liaison, and general counsel; consider reports from Fact Finding Committee, General Counsel Advisory Committee, Scope and Correlation Committee, Board Committee on Professional Development, Legislative Guidelines Committees, and Progress Report on 1986 convention.

Contact: Eveiyn Avent, 1414 Colorado Street, Austin, Texas 78711, (512) 475-4746.

Filed: October 16, 1985, 4:06 p.m.
TRD-859695

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Texas Credit Union Department

Thursday, October 31, 1985, 10 a.m. The Credit Union Commission of the Texas Credit Union Department, will meet at the Credit Union Department Building, 914 East Anderson Lane, Austin. Items on the agenda include consideration for the final adoption of Proposed Rule 91.802 (Other Investments), and Rule 91.212 (Foreign Insurers of Foreign State Credit Union Branch Offices); receive initial report from the ad hoc committee regarding the Standard Bylaws Project; and receive a report from the ad hoc committee which was charged with conducting a review of Section 95 of Rules from Credit Unions (section pertains only to TSGCU). The commission also will meet in executive session to consider personnel actions.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78753, (512) 837-9236.

Filed: October 16, 1985, 11:54 a.m.
TRD-859686

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Texas Employment Commission

Wednesday, October 23, 1985, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will review and adopt the Texas Employment Commission (TEC) travel policy; review the staff retreat regarding the planning function; and develop goals and objectives.

Contact: C. Ed Davis, Texas Employment Commission, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: October 15, 1985, 3:48 p.m.
TRD-859646

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Governor's Commission on Physical Fitness

Wednesday, October 23, 1985, 10 a.m. The Employee Fitness Task Force of the Governor's Commission on Physical Fitness will meet in emergency session in the Brazos Room, Executive Hotel, Austin. Items on the agenda summary include the discussion status of the State Agency Employee Fitness Program; review of employee fitness involvement with the Governor's Executive Development Program; consideration of workshop format and planning for the next employee fitness coordinator's workshop; review of evaluation procedures and resources; and consideration of initial planning for the Statewide Employee Health and Fitness Conference. The emergency status is necessary in order to accommodate schedules of two guest speakers.

Contact: Donald F. Haydon, Governor's Commission on Physical Fitness, Suite 408, 7703 North Lamar, Austin, Texas 78701, (512) 467-7141.

Filed: October 16, 1985, 4:35 p.m.
TRD-859706

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State Department of Highways and Public Transportation

Thursday, October 24, 1985, 9 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet on the first floor, Room 101-A, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will execute contract awards and routine minute orders; consider presentations from pre-

vious public hearing dockets as necessary, and review staff reports relative to planning and construction programs and projects.

Contact: Lois Jean Turner, Room 203, 11th and Brazos Streets, Austin, Texas 78701, (512) 475-3525

Filed: October 16, 1985, 11:53 a.m.
TRD-859685

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Texas Historical Commission

Wednesday, October 23, 1985, 2 p.m. The Main Street Committee of the Texas Historical Commission will meet at Gethsemane Lutheran Church, 1510 Congress, Austin. Items on the agenda include the status of Ennis Main Street project, assistance to Ennis Main Street project, and funding for Main Street project.

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

Filed: October 15, 1985, 4:07 p.m.
TRD-859648

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State Board of Insurance

Tuesday, October 15, 1985, 4 p.m. The State Board of Insurance met in emergency session in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board considered causing all non-rate-regulated insurers subject to Articles 5.35 and 5.36, Insurance Code, to report statistics in accordance with the current Texas property statistical plan for residential and commercial risks. The emergency status was necessary because statistics were being collected since October 1, 1985, and this requirement, if adopted, needs to be effective immediately.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: October 15, 1985, 1:37 p.m.
TRD-859626

Wednesday, October 16, 1985, 4 p.m. The State Board of Insurance met in emergency session in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board discussed orders respecting non-rate-regulated insurers subject to Insurance Code, Articles 5.35 and 5.36, requiring statistics in accordance with the current Texas Property Statistical Plan for Residential and Commercial Risks. The emergency status was necessary because statistics were being collected since October 1, 1985, and this requirement,

if adopted, may need to be effective immediately.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6328.

Filed: October 16, 1985, 1:39 p.m.
TRD-859687

Wednesday, October 23, 1985, 2 p.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. Items on the agenda summary include motion for rehearing in the appeal of Joe Celli from action of the Texas Catastrophe Property Insurance Association; board Orders on several different matters as itemized on the complete agenda; the fire marshal's report, the commissioner's report; a discussion of TAC §3.3601 (Rule 0509.03.68.001) proposed 10 TexReg 1290; final action on TAC §1.303 (Rule 059.04.07.013), TAC §1.304 (Rule 059.04.07.014), TAC §§11.403, 11.407, 11.408, 11.410, 11.411 (Rules 059.57.05.003, .007, .008, .010, .011), TAC §§19.101, 19.102, 19.104, (Rules 059.59.01.001, .002, .004), TAC §21.701, 21.703 (Rules 059.21.21.121, 123).

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: October 15, 1985, 1:37 p.m.
TRD-859627

Friday, October 25, 1985, 9 a.m. The State Board of Insurance will meet in Room 101, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the board will reopen the hearing on September 19, 1985, to consider the revision of private passenger and commercial automobile insurance rates, and rating plans (including rates applicable to public, garage, non-owned and miscellaneous classes and coverages) and such other matters as may be properly brought before the board.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: October 15, 1985, 1:37 p.m.
TRD-859628

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Texas Board of Irrigators

Thursday, October 24, 1985, 9:30 a.m. The Texas Board of Irrigators will meet in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda summary include the certification of licensed irrigators/installers; the site and dates for the next examinations; the consideration of referring complaints against licensees Curtis R. Pittman and Ronald S. Wilkins to Texas Water Commis-

sion for revocation of certificates of registration; a report from H. Rushing-legal counsel against Edward "Bud" Allen; the chairman will discuss regulations concerning board member travel, per diem, and proper procedures; the consideration of referring James Swindle to the Texas Attorney General; the chairman is to report on Amarillo Lawn Sprinkler Company; J Heidman is to report on complaints against Michael Alley, Derald Evans, Jeff Grusendorf; the chairman is to report on complaints against A&J Plumbing, Charles Isham, Gary Cox, Mark Goldstein, Robin Spruell; to make assignment of complaints; and report on matters of interest to the board.

Contact: Joyce Watson, Room 647, Stephen F. Austin Building, Austin, Texas 78701, (512) 463-7990.

Filed: October 15, 1985, 2:45 p.m.
TRD-859638

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North Texas State University

Wednesday, October 23, 1985, 2:30 p.m. The Board of Regents of the Texas College of Osteopathic Medicine of North Texas State University will meet in the board room, North Texas State University, Denton. According to the agenda the board will consider a resolution authorizing the issuance of consolidated university revenue refunding and improvement bonds; and a resolution authorizing the execution and delivery of the official statement to be used in connection with the sale of the Board of Regents of North Texas State University consolidated university revenue refunding and improvement bonds, series 1985. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, Section 2, paragraphs (e), legal; (f), real estate; and (g), personnel.

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

Filed: October 17, 1985, 9:32 a.m.
TRD-859710

Saturday, October 26, 1985, 9 a.m. The Board of Regents of the Texas College of Osteopathic Medicine of North Texas State University will meet in the boardroom, eighth floor, Medical Education Building I, Texas College of Osteopathic Medicine, Fort Worth. According to the agenda, the board will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, Section 2, paragraph (g), personnel.

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

Filed: October 17, 1985, 9:33 a.m.
TRD-859711

Public Utility Commission of Texas

Wednesday, October 16, 1985, 9 a.m. The Hearings Division of the Public Utility Commission of Texas made an emergency addition to the agenda concerning Dockets 6117, 6170, 6171, and 6172—application of Texas Utilities Electric Company to obtain a certificate of convenience and necessity for the Trophy Club-Coppell-Eules 138KV transmission line; appeals of Brazos Electric Power Cooperative, Inc., Tri-County Electric Cooperative, Inc., and Texas Utilities Electric Company of an ordinance of the Town of Westlake; appeals of Texas Utilities Electric Company and Brazos Electric Power Cooperative, Inc., of an ordinance of the Town of Trophy Club; and appeals of examiner's Order granting motion for interim emergency relief have been scheduled. The emergency status was necessary because the appeals relate to the finding of emergency situation.

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

Filed: October 15, 1985, 3:28 p.m.
TRD-859639

Wednesday, October 16, 1985 The Hearings Division of the Public Utility Commission of Texas met in emergency session to conduct a hearing on discovery disputes in Docket 6421—application of Texas Commercial Investments, Inc. for a water certificate of convenience and necessity within Travis County. The emergency status was necessary because the case involved a discovery dispute with deadlines.

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

Filed: October 15, 1985, 3:28 p.m.
TRD-859640

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

Tuesday, October 29, 1985, 2 p.m. A prehearing conference in Docket 6543—application of United Telephone Company of Texas for a rate/tariff change.

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

Filed: October 16, 1985, 1:59 p.m.
TRD-859693

Wednesday, November 6, 1985, 10 a.m. A second prehearing conference and an interim rate hearing in Docket 6382—application of Tri-County Utilities for a rate increase.

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

Filed: October 16, 1985, 2: p.m.
TRD-859694

Wednesday, November 6, 1985, 10 a.m. A hearing on the merits in Docket 6495—MCI Telecommunications Inc.'s request to release from the protective order certain documents from AT&T Communications of Southwest, Inc.

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

Filed: October 15, 1985, 3:28 p.m.
TRD-859641

Thursday, January 23, 1986, 2 p.m. A hearing on the merits in Docket 6482—petition of Mountain View Utility Company to terminate service within Johnson County.

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

Filed: October 15, 1985, 3:28 p.m.
TRD-859642

Thursday, January 30, 1986, 10 a.m. A hearing on the merits in Dockets 6160 and 6537—application of Windermere Utility Company to amend its certificate of convenience and necessity to provide water utility service within Travis County.

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

Filed: October 15, 1985, 3:29 p.m.
TRD-859643

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Stephen F. Austin State University

The Board of Regents Committees of the Stephen F. Austin State University met in Room 307, Austin Building, Stephen F. Austin University campus, on Monday, October 21, 1985, 1:30 p.m., and on Tuesday, October 22, 1985, 9 a.m. Items on the agenda summary included approval of minutes, personnel matters, faculty workload and enrollment reports, waiver of employment for persons over seventy, curriculum, approval of budget adjustments for fiscal year 1985 and 1986, final budget position for fiscal year 1985, collection of transportation fees, transfer of lapsed property deposits, engineering and construction contracts on Forestry Field Station, sale of bonds, contract for renovation of the Rusk Building, contract for completion of Liberal Arts North, bids on installation of telephone and electrical conduit, renovation of the reception room in the coliseum, and resolution of the board.

Contact: William R. Johnson, Box 6078, Nacogdoches, Texas 75962, (409) 569-2201.

Filed: October 17, 1985, 8:40 a.m.
TRD-859708

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Teacher Retirement System of Texas

Friday, October 25, 1985, 9 a.m. The Retirees Advisory Committee of the Teacher Retirement System of Texas will meet in the Teacher Retirement System (TRS) board room, 1001 Trinity, Austin. According to the agenda, the committee will consider opening remarks; the update on program timetable; recommendations on plan design; update on specifications project; and closing remarks and announcements.

Contact: Lanny Hall, 1001 Trinity, Austin, Texas 78701, (512) 397-6400, ext. 470

Filed: October 15, 1985, 10:01 a.m.
TRD-859622

Tuesday, November 12, 1985, noon. The Medical Board of the Teacher Retirement System of Texas will meet in the board room, 1001 Trinity, Austin. According to the agenda, the board will conduct a discussion of the members files that are due a re-examination report.

Contact: Don Cadenhead, 1001 Trinity, Austin, Texas 78701, (512) 397-6400, ext. 433.

Filed: October 15, 1985, 10:01 a.m.
TRD-859623

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University Interscholastic League

Saturday, October 19, 1985, 5:30 p.m. The State Conference and District Assignment Review Board of the University Interscholastic League met at La Mansion Hotel, 6505 North IH 35, Austin. According to the agenda summary, the board heard appeals of member school's district assignment.

Contact: Bill Farney, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: October 15, 1985, 4:10 p.m.
TRD-859649

Sunday and Monday, October 20 and 21, 1985, 8 and 9 a.m. respectively. The 45th Legislative Council of the University Interscholastic League met at La Mansion Hotel, 6505 North IH 35, Austin. According to the agenda summary, the council considered policy, athletic, music, and literary related items presented by individuals to a 20 member legislative council, and referred

to standing committees. Final action was taken by the legislative council on Monday on items brought forth.

Contact: Bonnie Northcutt, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: October 15, 1985, 4:10 p.m.
TRD-859650

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Texas Water Commission

Tuesday, November 19, 1985, 9 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider applications 4237 and 4237A by the City of Stephenville for authorization to construct and maintain a dam and 99,674 acre-foot capacity reservoir on the Paluxy River, tributary of Brazos River, Brazos River Basin, in Somervell and Hood Counties, Glen Rose. The application includes a request to use the reservoir for recreational purposes, to use 200 acre-feet of water per annum from Paluxy River for construction of the reservoir and to use 12,954 acre-feet of water per annum for domestic and municipal purposes.

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

Filed: October 15, 1985, 2:19 p.m.
TRD-859632

Tuesday, November 19, 1985, 9 a.m. The Texas Water Commission will conduct hearings in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

Application by City of Dallas for a permit to divert and use 25,127 acre-feet of water per annum from Lake Fort Reservoir, Sabine River Basin, approximately 5.1 miles west of Quitman, Wood County, Texas, for a trans-basin diversion to the Trinity River Basin to use for municipal purposes by the City of Dallas and its customers.

Application by City of Dallas for a permit to divert 14,931 acre-feet of water per annum from Lake Tawakoni, Sabint River Basin, approximately 9 miles northeast of Wills Point, Van Zandt County, Texas, for a trans-basin diversion to the Trinity River Basin to use for municipal purposes by the City of Dallas and its customers.

Application by Sabine River Authority for an amendment to Permit 1742 to increase the impounding capacity of Lake Tawakoni from 926,000 acre-feet to 927,440 acre-feet and to increase from 230,750 acre-feet to \$248,470 acre-feet per annum the authorized diversion from said lake for municipal purposes, all being more fully set out in the application.

Application by Sabine River Authority for an amendment to Permit 2948 to increase the authorized appropriation and use from the presently authorized 164,940 acre-feet of water per annum to 190,360 acre-feet per annum. The increase request is for municipal use, all being more fully set out in the application.

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

Filed: October 15, 1985, 2:19 p.m.
TRD-859636

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Regional Agencies

Meetings Filed October 15

The Deep East Texas Council of Governments, Board of Directors, will meet at the Senior Citizens Center, Old Hospital Building Annex, Newton, on October 24, 1985, at 1:30 p.m. Information may be obtained from Betty Snowden, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at 1500 West Grand Avenue, Marshall, on October 24, 1985, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.
TRD-859637

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Meetings Filed October 16

The Alamo Area Council of Governments, Executive Committee, will meet in Suite 420, 118 Broadway, San Antonio, on October 23, 1985, at 12:30 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, San Antonio, Texas 78205, (512) 225-5201.

The Comal Appraisal District, Board of Directors, met at 644 North Loop 337, New Braunfels, on October 21, 1985, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Deep East Texas Private Industry Council, Board of Directors, met at the Science Auditorium, Angelina College, Lufkin, on October 21, 1985, at 2 p.m. Information may be obtained from Jerry Johnson, P.O. Box 1463, Lufkin, Texas 75901, (409) 564-4624.

The Jasper County Appraisal District, Board of Directors, met in emergency session in the boardroom, Brookeland ISD,

Loop 149, Brookeland, on October 17, 1985, at 6:30 p.m. Information may be obtained from David W. Luther, County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Lone Star Municipal Power Agency, met at Huntsville City Hall, 1212 Avenue M, Huntsville, on October 21, 1985, at 5:30 p.m. Information may be obtained from Cathy Locke, 8240 MoPac Expressway, Austin, Texas 78759, (409) 764-3509.

The San Jacinto River Authority, Board of Directors, will meet at Lake Conroe Office Building, Highway 105 West, Conroe, on October 22, 1985, at 2 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, (409) 588-1111.

TRD-859677

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Meetings Filed October 17

The Brazos River Authority, Board of Directors, met at 4400 Cobbs Drive, Waco, on October 21, 1985, at 9 a.m. Information may be obtained from Mike Bukala, Brazos River Authority, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Region VIII Education Service Center, Board of Directors, will meet at 100 North Riddle Street, Mount Pleasant, on October 24, 1985, at 7 p.m. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75445, (214) 572-8552.

The Region XII Education Service Center, Board of Directors, will meet at 401 IH 35, Waco, on October 24, 1985, at 6:30 p.m. Information may be obtained from Weldon O. Mills, P.O. Box 1249, Waco, Texas 76703, (817) 756-7494.

The Region XIII Education Service Center, Board of Directors, met in Room 200, 7703 North Lamar, Austin, on October 21, 1985, at 12:30 p.m. Information may be obtained from Joe Parks, 7703 North Lamar, Austin, Texas 78752, (512) 458-9131.

The Region XIV Education Service Center, Board of Directors, will meet at 1850 State Highway 351, Abilene, on October 24, 1985, at 5:30 p.m. Information may be obtained from Taressa Huey, Route 1, P.O. Box 70A, Abilene, Texas 79601, (915) 676-8201.

The Trinity River Authority of Texas, Board of Directors, will meet at 5300 South Collins, Arlington, on October 23, 1985, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-859707

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In Addition

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

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

Texas Department of Agriculture Correction of Error

Proposed rules submitted by the Texas Department of Agriculture contained errors as published in the October 1, 1985, issue of the *Texas Register* (10 TexReg 3790).

The title of §19.3 should read "Noxious Weed Seeds."

Section 19.3(1) should read: "Prohibited noxious weed seeds are:"

In §19.4(a)(1), the last part of the sentence should read: "(except chaffy grasses, native grasses, mixtures, seed containing high inert matter, bermudagrass and rye grass: \$12 [\$10] each);"

In §19.6(a)(1), should read: "(1) before August 1 [July] of present year or after September 30 [June] of the next year;"

In §19.9, the first part of the first sentence should read: "In addition to the requirements of the Act, §61.011."

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Texas Air Control Board Contested Case Hearing

Pursuant to the authority provided in the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §3.15-3.17, (the Act), and the Procedural Rules of the Texas Air Control Board (TACB), §§103.11(3), 103.31 and 103.41, an examiner for the TACB will conduct a contested case hearing to consider whether a special permit should be issued to Pennwalt Corporation, Lucidol Division (hereinafter referred to as the company) for construction of a pilot plant for production of dodecadedioic peroxide. This plant is to be located north of U.S. Highway 90 and east of the junction of U.S. Highway 90 and Crosby-Eastgate Roads in Crosby.

The said company is directed to appear at the time and place shown below and demonstrate by a preponderance of evidence that the proposed facility will have emissions of less than 250 tons per year of carbon monoxide or nitrogen oxides or 25 tons per year of any other air contaminant, and that the emissions from the proposed facility will not cause or contribute to a condition of air pollution. The company must also demonstrate that the proposed facility will operate in compliance with all rules and regulations of the TACB and will utilize the best available control technology, and that the proposed facility will comply with any applicable federal regulation.

The record of this hearing will be used by the TACB in determining whether to issue a special permit for construction of the pilot plant.

Information regarding the application for the special per-

mit and copies of the board's rules and regulations are available for public inspection at the central office of this agency, located at 6330 Highway 290 East, Austin, Texas 78723; the regional office of the TACB, 5555 West Loop, Suite 300, Bellaire, Texas 77401; and Crosby Branch Library, 514 Church Street, Crosby, Texas 77532.

The examiner has set the hearing to begin at 7 p.m., December 10, 1985, at the Knights of Columbus Hall, 1508 Crosby-Dayton Road, Crosby, Texas 77532. Prospective parties to the hearing will be the TACB staff and the company. Any other person desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner Bill Ehret, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the above address by 5 p.m., October 24, 1985. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the date set out below. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing but who does not desire to be a party, may call the legal division of the TACB at 512 451-5711, extension 358, to determine the names and addresses of all admitted parties. The parties may then be contacted about the possibility of presenting testimony.

Pursuant to the Procedural Rules of the TACB §103.46, the examiner has scheduled a prehearing conference on November 5, 1985, at 7 p.m., at the Knights of Columbus Hall, 1508 Crosby-Dayton Road, Crosby, Texas 77532. All persons wishing to be admitted as parties must attend the conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. Motions for continuance will only be granted upon proof of good cause. At this conference a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony, and copies of written and documentary evidence pursuant to §103.46(2). Prehearing orders setting out discovery periods and other requirements may also be issued following this conference.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, Texas at 512 451-5711, extension 358, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

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

TRD-859621 Bill Stewart, P.E.
Executive Director

Filed: October 15, 1985

For further information, please call (512) 451-5711 ext. 354

Correction of Error

Adopted rules submitted by the Texas Air Control Board contained errors as published in the October 8, 1985, issue of the *Texas Register* (10 TexReg 3900).

In §101.24(d), the first two sentences should read: "An additional fee shall be paid by the owner or operator of an account for each inspection fee payment not received by the tenth day of the month following the month due. The additional fee to be remitted shall be 10% of the unpaid fee for the first month, or part thereof, after the month the inspection fee is due."

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Attorney General of Texas Solid Waste Enforcement

Solid Waste Enforcement Notice. Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Solid Waste Disposal Act. The following is a summary of the nature of the lawsuit and the proposed agreed judgment.

Case Title and Court. State of Texas v. Chromalloy American Corporation, Cause Number 85-CI-07577, in the District Court of Bexar County, Texas, 255th Judicial District.

The Complaint. Chromalloy American Corporation, through its Turbine Support Division, operates two industrial plants in San Antonio. At its director drive plant, the company repairs jet engine components. At its west turbo drive plant, the company electroplates jet engine components with cadmium, nickel, chromium, silver, and gold. The state alleges in its lawsuit that Chromalloy American Corporation has stored, processed, and disposed of hazardous wastes at these plants in violation of the hazardous waste regulations of the Texas Department of Water Resources, now the Texas Water Commission.

The Judgment.

(1) Injunctive relief. The proposed agreed final judgement requires Chromalloy American Corporation to perform a soil clean-up program and to implement safer waste storage measures at the director drive plant. At the west turbo drive plant, Chromalloy is required to continue with plant renovation and to perform a soil clean-up program upon replacing any concrete-covered areas. Additionally, the company is required to adhere to the minimum requirements pertaining to 90-day accumulators of hazardous wastes.

(2) Civil penalty. Chromally American Corporation shall pay a Civil Penalty in the amount of \$50,000.00.

Comments and requests for copies or inspection of the pleadings or proposed judgment may be directed to: Ken Cross, Texas Attorney General's Office, Environmental Division, P.O. Box 12548, Austin, Texas 78711, (512) 475-1101.

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

TRD-859651 Jim Mattox
Attorney General of Texas

Filed: October 15, 1985
For further information, please call (512) 475-5445.

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State Banking Board Order to Change Date of Hearing

The date of the hearing for the charter application of Sanger Bank, Sanger previously scheduled for November 12, 1985, has been rescheduled. The hearing is hereby rescheduled to begin on November 20, 1985, at 9 a.m., at the Texas Department of Banking, 2601 North Lamar, Austin, Texas.

The rescheduling for the hearing in this matter shall not alter the deadline for the filing of a petition in intervention by any party under State Banking Board rules. Any such petition shall be considered timely filed if received by November 1, 1985.

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

TRD-859670 William F. Aldridge
Director of Corporate Activities
Texas Department on Banking

Filed: October 16, 1985
For further information, please call (512) 475-4451.

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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 October 11, 1985, the banking commissioner received an application to acquire control of Liberty Bank, Houston, Texas, by John R. Gordon and Frances T. Gordon of Houston, Texas.

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

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

TRD-859586 William F. Aldridge
Director of Corporate
Activities
Banking Department of
Texas

Filed October 14, 1985
For further information, please call (512) 475-4451.

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Comptroller of Public Accounts

Decision 14,149

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 Texas holding company claimed to be eligible to use an alternate short form method for filing its franchise tax reports. For financial accounting and federal income tax purposes, it valued its wholly-owned subsidiaries on the equity method, and the value was over the million-dollar limit each year. Without investments in subsidiaries, the value was under one million each year. Held, the taxpayer is not eligible to use short form. The corporation used an equity method consistently for its own purposes, as generally accepted accounting principles required. The use of the short form was meant by the legislature to be reserved for small companies, and the comptroller's rule implementing that intention was proper.

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

TRD-857686 Bob Bullock
Comptroller of Public Accounts

Filed: October 16, 1985
For further information, please call (512) 463-4606.

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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 that it was not required to pay local and MTA taxes, because it had no permanent business locations in Texas. Held, the taxes are 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 obligated 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-859671 Bob Bullock
Comptroller of Public Accounts

Filed: October 16, 1985
For further information, please call (512) 463-4606.

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Office of Consumer Credit Commissioner

Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79,

Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

| Type of Rate Ceilings Effective Period (Dates are Inclusive) | Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000 | Commercial ⁽⁴⁾ over \$250,000 |
|---|---|--|
| Indicated (Weekly) Rate—Article 1.04(a)(1) 09/16/85-09/22/85 | 18.00% | 18.00% |
| Monthly Rate— Article 1.04(c) ⁽¹⁾ 09/01/85-09/30/85 | 18.00% | 18.00% |
| Standard Quarterly Rate—Article 1.04(a)(2) 10/01/85-12/31/85 | 18.00% | 18.00% |
| Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 10/01/85-12/31/85 | 18.00% | N/A |
| Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 10/01/85-12/31/85 | 14.46% | N/A |
| Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 10/01/85-12/31/85 | 18.00% | 18.00% |
| Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/85-12/31/85 | 18.00% | N/A |
| Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/85-12/31/85 | 18.00% | N/A |
| Judgm'n. Rate— Article 1.05, §2 09/01/85-09/30/85 | 10.00% | 10.00% |

- (1) For variable rate commercial transactions only
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose.

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

TRD-859675 Sam Kelley
Consumer Credit
Commissioner

Filed: October 16, 1985
For further information, please call (512) 479-1299.

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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 October 7-11, 1985.

Total unallocated principal amount of private activity bonds authorized to be allocated as per the Federal Deficit Reduction Act of 1984 through October 11, 1985:

\$1,582,138,332.12

Comprehensive listing of bond issues which have received a reservation date as per House Bill 690 during the week of October 7-11, 1985:

| <u>Issuer</u> | <u>User</u> | <u>Amount</u> |
|--|---|---------------|
| Beaumont Multi-Family Housing Finance Corporation | New Beaumont Hotel Project | \$1.4 million |
| The Lubbock Housing Finance Corporation | The Urban Group III | \$1.4 million |
| Edinburg Industrial Development Corporation | Azteca Milling Co. | \$3.5 million |
| Central Waco Development Corporation | Wesley Schreiber | \$1.7 million |
| Pearland Industrial Development Corporation | Pearland Mini-Storage | \$1 million |
| Bexar County Health Facilities Development Corporation | Encore Nursing Center Partners, Ltd. 85 | \$3 million |

Total principal amount of private activity bonds issued through October 11, 1985;

\$786,711,310.63

Comprehensive listing of bonds issued as per House Bill 690 during the week of October 7-11, 1985:

| <u>Issuer</u> | <u>User</u> | <u>Amount</u> |
|--|---|----------------|
| City of Arlington Industrial Development Corporation | Dallas-Fort Worth Suburban Newspaper, Inc. | \$6.4 million |
| Terrell Development Corporation | Southwest Associated Furniture Buyers, Ltd. | \$1.50 million |
| Beaumont Multi-Family Housing Finance Corporation | New Beaumont Hotel Project | \$1.4 million |
| The Lubbock Housing Finance Corporation | The Urban Group II | \$1.4 million |
| City of San Antonio Industrial Development Authority | Harcourt Brace Jovanovich, Inc. | \$8 million |

Comprehensive listing of projects whose reservations have been cancelled due to failure to follow the provisions set forth in House Bill 690:

| <u>Issuer</u> | <u>User</u> | <u>Amount</u> |
|--|----------------------------------|----------------|
| Deaf Smith County Industrial Development Corporation | Hereford Power Partnership, Ltd. | \$26.2 million |

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

TRD-859874

David V. Brandon
Executive Director
Texas Economic Development
Commission

Filed: October 16, 1985

For further information, please call (512) 472-5059.

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Texas Education Agency Consultant Proposal Request

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

The Texas Education Agency is requesting proposals from individuals or corporations to coordinate all data collection activities for evaluation studies designed by the agency's Task Forces on Learning Disabilities (LD) and Emotional Disturbance (ED). This project is funded through the United States Department of Education Federal Evaluation Studies program and will be administered by the agency's Division of Special Education Programs through a subcontract to the successful bidder. Dates of the subcontract will be January 1, 1986, through March 31, 1987; the funding amount will be no more than \$115,887. The subcontractor will be expected to oversee all aspects of data collection for both Task Force studies during the Spring 1986 and Fall 1986 semesters. Data collection during the Spring 1987 semester will be confined to limited on-site follow-up of participants in the LD Task Force's study for Fall 1986 and will be completed by March 15, 1987.

Data collection activities will include training field-test site personnel, coordinating the collection of all raw data, and coding data in formats suitable for analysis by agency program evaluation staff. In addition to data collection, the successful bidder will be expected to assist in refining data collection devices and procedures and to arrange for the services of two nationally recognized consultants—one in the area of LD and one in the area of ED—to assist the Task Forces in formative evaluation of their studies.

Selection of the subcontractor will be based on corporate capacity and related experience, management and staffing plans, budget, and internal evaluation procedures.

A copy of the complete request for proposals may be obtained by calling or writing Jill Gray, Director, Special Education Programs, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9427. Applications may be delivered by mail or in person to the Texas Education Agency Document Control Center. Applications received after 5 p.m. on November 22, 1985, will not be considered for funding.

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

TRD-859586

W. N. Kirby
Commissioner of Education

Filed: October 14, 1985

For further information, please call (512) 463-9682.

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Request for Proposals-Plan for Public Education Information Management System

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Education Agency (TEA) announces a request for proposals for the development of an operational plan for a public education information management system.

Public Education Information Management System. The State Board of Education (SBOE) and the Commissioner of Education support the development of a comprehensive information system to improve public education management at the state level. This system must support efficient administrative operations and provide timely information for use in education policy making.

Consultant Services Requested. Consulting services are requested to assist in the development of an operational plan for a public education information management system. The operational plan will outline steps for designing and implementing the public education information management system. The operational plan must be ready for review by the SBOE in early April 1986, and is to be adopted by the SBOE in early May 1986. Upon completion of the operational plan, the contractor will continue planning activities, concentrating upon an assessment of internal capabilities with respect to implementing the operational plan.

Proposal Evaluation Criteria. Proposals will be evaluated on the basis of the following criteria:

- (1) proven performance in planning large government and business information systems;
- (2) proposed approach to the development of the operational plan; and
- (3) cost for completing the project

Contract Award Procedure. The deadline for the receipt of proposals is Tuesday, November 26, 1985, at 5 p.m. Submit proposals to: Lynn Moak, Deputy Commissioner for Research and Information, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. A bidders conference will be held on Friday, October 25, 1985, at 10 a.m., in Room 109, of the William B. Travis Building, located at 1701 North Congress Avenue. The contract will be considered for award by the SBOE on Saturday, December 7, 1985.

Contract Term. The contract begins on Monday, December 16, 1985, and ends on June 31, 1986. Up to \$200,000 may be awarded for this project.

Contact Person. For a RFP application packet or additional information regarding this RFP, please contact: Jarrett Brack, Data Services Division, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9778.

Issued in Austin, Texas, on October 15, 1985

TRD-859652 W. N. Kirby
Commissioner of Education

Filed: October 16, 1985
For further information, please call
(512) 463-9882.

General Land Office Invitation for Proposals for Auditing-Related Services

Pursuant to Texas Civil Statutes, Article 6252-11c, the General Land Office (GLO) invites proposals to provide approximately 500 hours of ongoing assistance in audit management and planning. The services contracted for will include, but are not limited to, the following duties:

- (1) review of audits in progress to advise on completion of pending audits and to identify significant deficiencies in procedure, if any;
- (2) evaluation of current approaches to conducting audits;
- (3) development of alternative planning procedures, if needed, including identification of diagnostic tools to be used in planning;
- (4) guidance and evaluation of GLO personnel in the conduct of selected audits; and
- (5) audit training for staff on an ongoing basis in key areas to be determined in subsequent months.

Services shall commence immediately upon award of the contract and continue no later than August 31, 1986.

Proposals will be evaluated using the following criteria:

- (1) experience and qualifications of personnel assigned to the project;
- (2) firm's experience in similar work;
- (3) firm's reputation with clients;
- (4) timetable of proposed work;
- (5) suitability of work plan; and
- (6) projected cost.

The amount of the contract is not to exceed \$65,000. Proposals must be submitted on or before 5 p.m., November 5, 1985, to Mr. Wade Brannan, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701.

Peat, Marwick, Mitchell, and Company performed the pilot program providing the justification for establishing the Royalty Audit Division of the General Land Office. The pilot program included performing royalty audits on a variety of oil and gas well operators, both large and small, and staff training over a period of two years. It is anticipated that Peat, Marwick, Mitchell, and Company will submit a proposal for the present contract. Because of their prior association with the General Land Office and the similarity of the services to be performed, the General Land Office anticipates awarding the contract to Peat, Marwick, Mitchell, and Company unless a substantially better proposal is received. All proposals will be reviewed.

Any questions regarding the foregoing invitation for proposals should be directed in writing to the address specified.

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

TRD-859667 John Hall
Deputy Commissioner for Energy
Resources
General Land Office

Filed: October 16, 1985
For further information, please call (512) 475-8740.



Texas Department of Health Correction of Error

Emergency rules submitted by the Texas Department of Health contained an error as submitted in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3826).

In §701.7(e)(1), the first sentence should begin: "As authorized by Texas Civil Statutes, Article 4477-41,"

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Extension of Public Comment Period

The Texas Department of Health announces an extension of the public comment period and the scheduling of public hearings concerning proposed rules to initiate fees for certain municipal solid waste management activities. House Bill 1593 and House Bill 2091, enacted during the 69th Legislature, 1985, mandated:

- (1) a fee for each permit application for a solid waste facility;
- (2) an annual fee from each solid waste facility; and
- (3) an annual fee from transporters of solid waste who are required to register (This applies to transporters of sludge, septic waste, etc.)

Revenues from the fees are to be deposited in the state's general revenue fund and are expected to equal the cost of operating the programs for which a fee is collected. The Texas Department of Health published emergency and proposed amendments to §§325.55, 325.56, 325.59, 325.61, and new 325.63, for permit application fees in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3285 and 3298). Proposed amendments to §§325.445, 325.462, 325.482, and new 325.448, 325.601-32.603, 325.611-326.613, and 325.621-325.623, for registration of facilities and for annual fees from facilities, were published in the September 24, 1985, issue of the *Texas Register* (10 TexReg 3676). The public comment period for both of these rules is being extended until November 8, 1985. Send comments or inquiries to L.D. Thurman, P.E., Acting Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-7271.

Three public hearings have been scheduled, to receive verbal comment on the proposed rules. Interested persons may attend:

- (1) 10 a.m., November 6, 1985, Council Chamber, 825 West Irving Boulevard, Irving.
- (2) 2 p.m., November 6, 1985, Room 100, Houston Pollution Control & Laboratory, 7411 Park Place, Houston.
- (3) 10 a.m., November 7, 1985, Auditorium, Texas Department of Health, 1100 West 49th Street, Austin.

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

TRD-850658 Robert A. McLean
Deputy Commissioner
Texas Department of Health

Filed: October 16, 1985
For further information, please call (512) 458-7271.

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Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

| Location | Name | License # | City | Amend- ment # | Date of Action |
|-----------|----------------------------|-----------|---------|------------------|-------------------|
| Austin | Texas Instruments, Inc | 06-3838 | Austin | 0 | 09/05/85 |
| Fort Bend | County Utility Fuels, Inc. | 11-3828 | Houston | 0 | 09/05/85 |

AMENDMENTS TO EXISTING LICENSES ISSUED:

| Location | Name | License # | City | Amend- ment # | Date of Action |
|------------------|---|-----------|-------------------|------------------|-------------------|
| Amarillo | Saint Anthony's Hospital | 01-1242 | Amarillo | 34 | 08/30/85 |
| Austin | Nuclear Pharmacy, Inc | 06-2117 | Austin | 35 | 09/13/85 |
| Beaumont | Cramer & Gilstrap & Associates | 10-3670 | Beaumont | 1 | 09/13/85 |
| Dallas | North Dallas Diagnostic Center | 05-3125 | Dallas | 13 | 09/13/85 |
| El Paso | Sun Towers Hospital | 03-2715 | El Paso | 3 | 09/11/85 |
| Gilmer | Ford Memorial Hospital | 07-3493 | Gilmer | 1 | 08/30/85 |
| Houston | The Methodist Hospital | 11-457 | Houston | 46 | 08/30/85 |
| Kaufman | Presbyterian Hospital of Kaufman | 05-3337 | Kaufman | 3 | 09/13/85 |
| Lubbock | Methodist Hospital | 02-483 | Lubbock | 48 | 09/12/85 |
| Midland | Parkview Hospital | 12-3386 | Midland | 6 | 09/12/85 |
| Orange | Owens-Illinois, Inc | 10-1029 | Orange | 25 | 09/05/85 |
| Pasadena | Pasadena General Hospital | 11-3504 | Pasadena | 3 | 09/13/85 |
| San Antonio | Nuclear Pharmacy, Inc | 09-2033 | San Antonio | 29 | 09/12/85 |
| Taylor | Johns Community Hospital | 06-3657 | Taylor | 4 | 09/13/85 |
| Terrell | Terrell Community Hospital | 05-3048 | Terrell | 6 | 09/10/85 |
| Terrell | Colonial Hospital | 05-2934 | Terrell | 4 | 09/10/85 |
| Throughout Texas | PRO-TAG Services, Inc | 12-3561 | Midland | 2 | 09/09/85 |
| Throughout Texas | Weldtest, Inc | 10-3560 | Port Arthur | 8 | 09/04/85 |
| Throughout Texas | Brown and Root U S A, Inc | 11-3371 | Houston | 2 | 09/04/85 |
| Throughout Texas | Testmasters, Inc | 11-3651 | Houston | 1 | 09/04/85 |
| Throughout Texas | Troxler Electronics Laboratories | 05-1296 | Resch Trl Pk., NC | 17 | 09/05/85 |
| Throughout Texas | Dow Chemical Company | 11-451 | Freeport | 38 | 09/05/85 |
| Throughout Texas | Perfaco, Inc | 04-2843 | Abilene | 4 | 09/05/85 |
| Throughout Texas | Houston Testing Services, Inc | 11-2757 | Houston | 3 | 09/05/85 |
| Throughout Texas | Bexar County Department of Public Works | 09-2109 | San Antonio | 6 | 09/05/85 |
| Throughout Texas | Nuclear Sources and Services, Inc. | 11-2991 | Houston | 11 | 09/05/85 |
| Throughout Texas | CRC Wireline, Inc | 05-315 | Grand Prairie | 57 | 09/05/85 |
| Throughout Texas | Technical Welding Laboratories | 11-2187 | Houston | 33 | 09/06/85 |
| Throughout Texas | G & G X-Ray, Inc. | 08-3326 | Corpus | 6 | 09/06/85 |

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|------------|-----------------------------------|---------|---------------|----|----------|
| Texas | Christi | | | | |
| Throughout | Midwest Inspection Services, Inc. | 01-3120 | Perryton | 14 | 09/06/85 |
| Texas | R & R X-Ray | 11-3091 | Houston | 2 | 09/06/85 |
| Throughout | Citizens Medical Center | 08-1544 | Victoria | 12 | 09/12/85 |
| Texas | Citizens Medical Center | 08-283 | Victoria | 33 | 09/12/85 |
| Victoria | Bethania Hospital | 04-1844 | Wichita Falls | 23 | 09/11/85 |

TERMINATIONS OF LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|------------|--------------------------|-----------|----------|-------------|----------------|
| Throughout | Amerada Hess Corporation | 12-3462 | Seminole | 2 | 09/06/85 |

NEW LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|------------|----------------|-----------|---------|-------------|----------------|
| Throughout | HVJ Associates | 11-3813 | Houston | 0 | 09/26/85 |

AMENDMENTS TO EXISTING LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|----------------|--|-----------|-------------------|-------------|----------------|
| Alvin | Montanto Fibers and Intermediates Co. | 11-219 | Alvin | 44 | 09/20/85 |
| Center | Memorial Hospital of Center | 10-3608 | Center | 2 | 09/23/85 |
| Corpus Christi | Humana Hospital Corpus Christi | 08-2816 | Corpus Christi | 12 | 09/19/85 |
| Corpus Christi | Spohn Hospital | 08-2495 | Corpus Christi | 14 | 09/19/85 |
| Dallas | Endocrine Associates of Dallas, P.A. | 05-2668 | Dallas | 9 | 09/16/85 |
| Dallas | The University of TX Health Science Center at Dallas | 05-385 | Dallas | 41 | 10/01/85 |
| Dallas | Baylor College of Dentistry | 05-323 | Dallas | 17 | 09/30/85 |
| Denton | Denton Osteopathic Hospital | 05-3286 | Denton | 2 | 09/26/85 |
| Denton | Nutopes Diagnostic Radiology, P.A. | 05-3472 | Denton | 6 | 09/30/85 |
| El Paso | Diagnostic Radiology, P.A. | 03-3395 | El Paso | 3 | 09/13/85 |
| El Paso | The University of SEATT Corporation | 03-159 | El Paso | 17 | 09/17/85 |
| El Paso | SEATT Corporation | 99-3815 | Downers Grove, IL | 2 | 09/24/85 |
| Fort Worth | Haltom General Hospital | 05-3364 | Fort Worth | 4 | 09/23/85 |
| Fort Worth | Moncrief Radiation Center | 05-696 | Fort Worth | 12 | 09/26/85 |
| Galveston | The University of Texas Medical Branch | 11-1299 | Galveston | 24 | 09/18/85 |
| Galveston | Teledyne Pipe | 11-2227 | Galveston | 6 | 09/24/85 |
| Georgetown | Georgetown Hospital | 06-3152 | Georgetown | 5 | 09/13/85 |
| Gilmer | Ford Memorial Hospital | 07-3493 | Gilmer | 2 | 09/23/85 |
| Groves | Doctors Hospital | 10-2091 | Groves | 19 | 09/20/85 |
| Hazelwood, MO | Malliacrodt, Inc. | 11-3008 | Hazelwood, MO | 9 | 09/17/85 |
| Henderson | Henderson Memorial Hospital | 07-3466 | Henderson | 5 | 09/17/85 |
| Houston | Parkway Hospital | 11-1964 | Houston | 17 | 09/19/85 |
| Houston | Texas Pipe Bending Company | 11-280 | Houston | 29 | 09/17/85 |
| Houston | Homco International, Inc. | 11-2827 | Houston | 7 | 09/19/85 |
| Houston | Bellaire General Hospital | 11-2038 | Houston | 11 | 09/18/85 |
| Houston | Houston Northwest Medical Center | 11-2253 | Houston | 22 | 09/26/85 |
| Hubbard | Hubbard Hospital | 06-3562 | Hubbard | 1 | 09/13/85 |
| Jasper | Jasper Memorial Hospital | 10-3075 | Jasper | 15 | 09/20/85 |
| Jourdanton | Mercy Hospital of Jourdanton | 09-3510 | Jourdanton | 1 | 09/16/85 |

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|------------------|--|---------|-------------------|----|----------|
| Kaufman | Presbyterian Hospital of Kaufman | 05-3337 | Kaufman | 3 | 09/20/85 |
| Kilgore | Roy H. Laird Memorial Hospital | 07-3496 | Kilgore | 3 | 09/23/85 |
| LaPorte | PPG Industries, Inc. | 11-2206 | LaPorte | 9 | 09/20/85 |
| Lone Star | Hospital in the Pines | 07-3468 | Lone Star | 2 | 09/23/85 |
| Lufkin | Texas Foundries, Inc. | 10-357 | Lufkin | 15 | 09/24/85 |
| Matagorda County | Celanese Chemical Company | 11-246 | Bay City | 24 | 09/19/85 |
| McAllen | Rio Grande Regional Hospital | 08-3288 | McAllen | 10 | 09/16/85 |
| Pasadena | Pasadena Bayside Hospital, Inc. | 11-153 | Pasadena | 33 | 09/20/85 |
| Pasadena | Celanese Chemical Company, Inc. | 11-1130 | Houston | 24 | 10/02/85 |
| Port Arthur | Park Place Hospital | 10-1707 | Port Arthur | 12 | 03/05/85 |
| San Antonio | R. Saip and Associates | 09-106 | San Antonio | 10 | 09/16/85 |
| San Antonio | Nutopes | 09-3709 | San Antonio | 4 | 09/30/85 |
| Temple | R. L. Epperson, Administrator | 06-666 | Temple | 24 | 09/19/85 |
| Texarkana | Jarrell Myrick, M.D. | 07-3773 | Texarkana | 2 | 09/13/85 |
| Texas City | Amoco Oil Company | 11-254 | Texas City | 29 | 10/02/85 |
| Throughout | Cargill Drilling and Reclamation, Inc. | 07-3782 | Longview | 1 | 09/16/85 |
| Throughout | GEO Viking Well Stimulation | 06-3300 | Houston | 5 | 09/17/85 |
| Throughout | K & N Perforators | 08-2300 | Victoria | 14 | 09/17/85 |
| Throughout | Pro-Technics II, Inc. | 11-3835 | Houston | 1 | 09/17/85 |
| Throughout | Well Analysis Company, Inc. | 07-3682 | Tyler | 3 | 09/17/85 |
| Throughout | Alpha Testing, Inc. | 05-3411 | Dallas | 4 | 09/19/85 |
| Throughout | Amber Well Completion Rentals Inc. | 06-3267 | Austin | 4 | 09/19/85 |
| Throughout | Houston Inspectors | 11-3482 | Houston | 2 | 09/19/85 |
| Throughout | Geo-Log, Inc. | 05-1944 | Granbury | 29 | 09/19/85 |
| Throughout | R. W. McKinney | 06-3173 | Waco | 2 | 09/20/85 |
| Texas | and T. L. James and Co., Inc. | | | | |
| Throughout | Schlumberger Well Services | 11-1833 | Houston | 45 | 09/20/85 |
| Throughout | Star-Jet Services, Inc. | 08-2214 | Corpus Christi | 8 | 09/20/85 |
| Throughout | Troxler Electronics Laboratories | 05-1296 | Reach Tria Pk, NC | 18 | 09/19/85 |
| Throughout | Pengo Industries, Inc. | 05-2644 | Fort Worth | 17 | 09/24/85 |
| Throughout | Tri-State Labs, Inc. | 11-3802 | Freeport | 2 | 09/24/85 |
| Throughout | Daniel Industries, Inc. | 11-3456 | Houston | 3 | 09/24/85 |
| Throughout | Texas Industrial X-Ray, Inc. | 10-1851 | Lufkin | 32 | 09/24/85 |
| Throughout | Coastal Inspection, Inc. | 11-3716 | Alvin | 8 | 09/24/85 |
| Throughout | Smith Energy Services | 12-3667 | Golden, CO | 1 | 09/24/85 |
| Throughout | Lightfoot Wireline Service Company | 12-3478 | Andrews | 2 | 09/24/85 |
| Throughout | McClelland Engineers, Inc. | 11-58 | Houston | 20 | 09/24/85 |
| Throughout | Kebco Pipe Service, Inc. | 12-3163 | Odessa | 2 | 09/24/85 |
| Throughout | J & L Perforators | 04-3534 | Abilene | 2 | 10/02/85 |
| Throughout | Texas Department of Water Resources | 06-1852 | Austin | 7 | 10/02/85 |
| Throughout | San Antonio River Authority | 09-2706 | San Antonio | 2 | 10/02/85 |
| Throughout | Geo-Log, Inc. | 05-1944 | Granbury | 29 | 10/02/85 |
| Throughout | State Department of Highways and Public Transportation | 06-197 | Austin | 34 | 10/02/85 |

| | | | | | |
|------------------|---|---------|---------------|----|----------|
| Throughout Texas | Southwestern Laboratories | 11-2173 | Texas City | 11 | 10/01/85 |
| Throughout Texas | The Atchison, Topoka and Santa Fe Railway Company | 01-1760 | Amarillo | 11 | 09/27/85 |
| Throughout Texas | Curley's Inspection Service, Inc. | 12-2437 | Monahans | 6 | 09/27/85 |
| Throughout Texas | Weldtest, Inc. | 10-3560 | Port Arthur | 9 | 09/24/85 |
| Tyler | Doctors Memorial Hospital | 07-3505 | Tyler | 2 | 09/23/85 |
| Vinton | Border Steel Rolling Mills, Inc. | 03-3137 | El Paso | 1 | 09/20/85 |
| Wichita | Bethania Hospital | 04-1844 | Wichita | 24 | 09/16/85 |
| Wichita Falls | Bethania Regional Health Care Center | 04-1844 | Wichita Falls | 25 | 09/26/85 |

RENEWALS OF EXISTING LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|------------|-------------------------|-----------|------------|-------------|----------------|
| Midlothian | Chaparral Steel Company | 05-2015 | Midlothian | 9 | 09/17/85 |

TERMINATIONS OF LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|------------------|------------------------------------|-----------|-------------|-------------|----------------|
| Amarillo | Diagnostic Affiliates, Inc. | 01-3689 | Amarillo | 1 | 09/17/85 |
| Bruni | Mobil Alternative Energy Inc. | 08-2485 | Denver, CO | 16 | 09/20/85 |
| Canadian | Hemphill County Hospital | 01-3254 | Canadian | 1 | 09/30/85 |
| Pawnee | Mobil Alternative Energy Inc. | 08-2600 | Denver, CO | 13 | 09/23/85 |
| San Antonio | Ray W. Ware, M.D. | 09-2799 | San Antonio | 3 | 09/17/85 |
| Throughout Texas | MEDICOS | 05-3397 | Garland | 1 | 09/16/85 |
| Throughout Texas | Regional Well Service | 11-1763 | Richmond | 5 | 09/16/85 |
| Throughout Texas | NDT and Corrosion Control Services | 11-3245 | Houston | 8 | 09/17/85 |
| Throughout Texas | Moolin-Metascan, J.V., Ltd. | 11-3707 | Pasadena | 2 | 09/24/85 |
| Throughout Texas | National Construction Consultants | 05-2638 | Dallas | 6 | 09/24/85 |
| Waco | Waco Radiology Group | 06-1943 | Waco | 19 | 09/13/85 |

AMENDMENTS TO EXISTING LICENSES DENIED:

| Location | Name | License # | City | Amendment # | Date of Action |
|----------|------------------------------|-----------|----------------|-------------|----------------|
| | Everest Minerals Corporation | 08-3068 | Corpus Christi | 0 | 09/16/85 |
| | Everest Minerals Corporation | 09-2663 | Corpus Christi | 0 | 09/16/85 |
| | Everest Minerals Corporation | 08-2929 | Corpus Christi | 0 | 09/16/85 |

LICENSES REVOKED

| Location | Name | License # | City | Amendment # | Date of Action |
|----------|---------------------------------------|-----------|---------|-------------|----------------|
| Houston | Consolidated Maveric Industries, Inc. | 11-2665 | Houston | 3 | 09/16/85 |

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants

satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas, from 8:00 A.M. to 5:00 P.M. Monday through Friday (except holidays).

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

TRD-850680 Marlin W. Johnston
Commissioner
Texas Department of Health

Filed: October 16, 1985
For further information, please call (512) 835-7000.

Public Hearing

Under authority conferred by the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(e)(8), and the Municipal Solid Waste Management Regulations of the Texas Department of Health, effective August 13, 1984, 25 TAC §325.56(a), the Texas Department of Health proposes to revoke Municipal Solid Waste Disposal Permit 153 issued to the City of Rising Star on March 18, 1976. The action is proposed upon the department's own motion. The permit holder has been served with the facts or conduct alleged to warrant the intended action, and has duly requested a public hearing to show cause why the intended action should not be taken.

The hearing is authorized by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §18(c), as well as the previously mentioned authorities.

A public hearing will be held for the purpose of receiving evidence for and against the proposed revocation at 9:30 a.m., on Tuesday, November 19, 1985, at City Hall, 201 North Miller, Rising Star, Texas. Parties will be designated at the start of the hearing upon a showing that they are persons affected by the proposed action. Parties and persons interested may be represented by counsel, may be examined and cross-examined, and may offer evidence in conformity with Texas Rules of Evidence, effective September 1, 1983, and the formal hearing procedures of the Texas Department of Health. The principal issue to be heard is the revocation of the said per-

mit. Pursuant to Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures, the cost of a written transcript of the hearing may be assessed against one or more of the designated parties.

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

TRD-859661 Marlin W. Johnston
Commissioner
Texas Department of Health

Filed: October 16, 1985
For further information, please call (512) 459-7271.

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Texas Department of Human Services Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of consultant contract awards. The notice for request for proposals was published in the June 28, 1985, issue of the *Texas Register* (10 TexReg 2142).

Description of Services. The contractors will provide one or more of the following services: assessment and evaluation; treatment planning; treatment; individual, group, and family therapy; and parenting training for eligible children, parents, or caretakers.

Name of Contractors and Value of Contracts. The contractors selected are: West Texas Psychological Association, 3471 Knickerbocker Road, Suite 508, San Angelo, 76904—\$120,284; Southwest Professional Center, 1302 Petroleum Drive, Abilene, 79605—\$31,080; Concho Valley Center for Human Advancement, 244 North Magdalen, San Angelo, 76903—\$55,770.48; Lyons and Mayben Counseling Services, 2257 Industrial Boulevard, Suite B, Abilene, 76904—\$152,795.

Effective Date of Contracts. The contracts began on October 1, 1985 and will end September 30, 1986.

Due Date of Reports. All reports under these contracts are client-specific and are confidential. Specific dates for reports are not applicable since all reports are placed in the client's case file.

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

TRD-859662 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: October 16, 1985
For further information, please call
(512) 450-3766.

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State Board of Insurance Public Hearing

The State Board of Insurance will consider and discuss and may act upon the new casualty general liability policy form filings of the Insurance Services Office, Inc. (I.S.O.) and such other matters related thereto as may be properly brought before the board at a hearing to be held on Wednesday and Thursday, October 30 and 31, 1985, commencing at 9 a.m. each day, in the hearing room, DeWitt Greer Building (State Department of Highways and Public Transportation Building), 11th and Brazos Streets, Austin.

The subject I.S.O. filings consist of an occurrence policy form and a claims made policy form. The occurrence policy form covers bodily injury and property damage that occurs during the policy period and for which a claim is filed at any time subsequent to the injury or damage. The claims made policy form covers bodily injury and property damage that occurs during the policy period and for which a claim is made during the policy period or the extended reporting period.

The State Board of Insurance will consider these filings under the authority of the Insurance Code, Articles 5.13, 5.15, and 5.97.

The policy forms are available for inspection at the office of the Chief Clerk of the State Board of Insurance, Jim Norman, 1110 San Jacinto, Austin.

Please direct inquiries to Milton Troxell, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6317.

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

TRD-859688 James W. Norman
Chief Clerk
State Board of Insurance

Filed: October 11, 1985
For further information, please call (512) 463-6327.

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Texas State Library and Archives Commission Consultant Contract Reports

Senate Bill 737 of the 65th Legislature (Texas Civil Statutes, Article 6252-11c) requires state agencies and regional councils of governments to file with the Office of Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Below is the list of reports received for the third quarter of 1985. The reports may be examined in Room 300, Texas State Library, 12th and Brazos Streets, Austin, Texas.

Agency: Air Control Board.
Consultant: Santa Fe Research Corporation.
Title: *Visibility Research Review for the Texas Air Control Board,*

Agency: Ark-Tex Council of Governments.
Consultant: Thomas & Thomas, CPAs.
Title: *Audited Financial Report.*

Agency: Department of Agriculture.
Consultant: Jimmy L. Morrow.
Title: *Citrus Market Information: Lower Rio Grande Valley 1984-1985.*

Agency: Comptroller of Public Accounts.
Consultant: John M. Keel, C.P.A.
Title: *Education Study Report.*

Agency: Coordinating Board, Texas College and University System
Consultant: De Colores Productions, Inc.
Title: *Eight Educational Public Service Announcements.*

Agency: Texas Department of Corrections.
Consultant: McKinsey & Company.
Titles: *Employees Retirement System of Texas Insurance;*
Report on the Group Medical Insurance Program for the Policy Year Ended August 31, 1984;
Uniform Group Insurance Program for Active Employees Over Age 70;
Uniform Group Insurance Program for Active Employees Under Age 70; and
Uniform Group Insurance Program for Retirees.

Agency: Highways and Department of Public Transportation.
Consultant: Korba, Helfert, and Zabel, Inc.
Titles: *Austin Safety Restraint Incentive Project; and*
Mobility Planning in Mid-Size Texas Cities.

Agency: Historical Commission.
Consultant: Schlaes & Company.
Titles: *Economic Benefits from Rehabilitation of Certified Historic Structures in Texas: Final Report; and*
Economic Benefits from Rehabilitation of Certified Historic Structures in Texas: Final Report, Executive Summary

Agency: Department of Human Services.
Consultant: Alexa Sparkman.
Titles: *Menu Planning/Kitchen Economy Workshop;*
Kitchen Math/Food Purchasing Workshop;
Nutrition and the Pre-school Child: A Workshop for Teachers;
Food Service Workshop;
Sanitation Workshop;
Off to a Good Start Workshop; and
Nutrition Education and Training Program Media Catalog, Volume 1.

Consultant: Ralph Kantor.
Title: *Evaluation of Case Consultation Team, 1984.*
Consultant: Coopers & Lybrand.
Title: *Final Report: Review of the Texas Child Support Enforcement Program, 1983 and 1984.*
Consultant: Arthur Young.
Titles: *Task Analysis of Unit Supervisors and Program Directors: Final Report;*
Task Analysis of Unit Supervisors and Program Directors: Executive Summary; and

Task Analysis of Unit Supervisors and Program Directors: Technical Appendix.

Agency: Industrial Commission.
Consultant: Milton A. Williams.
Title: *Industrial Energy Conservation Technology Conference and Exhibition.*

Agency: Low-Level Radioactive Waste Disposal Authority.
Consultant: George Bokorney.
Titles: *Low Level Radioactive Waste Disposal in Texas: Disposal Methods;*
Low Level Radioactive Waste Disposal in Texas: Transportation and Packaging;
Low-level Radioactive Waste Disposal in Texas: Site Selection; and
Low-level Radioactive Waste Disposal in Texas.

Agency: Department of Mental Health and Mental Retardation.
Consultant: Penelope Carragone *et. al.*
Title: *Case Management Information Requirements Project Report.*

Agency: Department of Public Safety.
Department of Public Safety.
Consultant: Mike Lacy Productions.
Title: *What Good's a Belt? SLide Presentation and Equipment Instructions.*
Consultant: Wayne Smith & Associates, Inc.
Title: *San Jacinto Upper Watershed Drainage Improvement and Flood Control Planning Study.*

Agency: Treasury Department.
Consultant: Andreoli, Johanson & Wood.
Title: *Examiner's Training Project.*

Agency: Water Commission.
Consultant: Engineering-Science, Inc.
Title: *TDWR Open Dump Inventory: Final Report.*
Consultant: IT Corporation/ERT/Rollins Environmental Services.
Title: *Site Investigation Report: Geneva Industries, Houston, Texas.*
Consultant: Murfee Engineering Company, Inc.
Titles: *Spill Response Map Series: Coastal Region; and*
Spill Response Map Series: Coastal Region, Support Information.

Agency: Texas Tech University.
Consultant: J. Richards Associates.
Title: *Current System Findings.*

Issued in Austin, Texas, on October 10, 1985.

TRD-859581 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: October 11, 1985
For further information, please call (512) 475-2166.

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Nuclear Waste Programs Office

Request for Proposals

In accordance with Texas Civil Statutes, Article 6252-11c, the Nuclear Waste Programs Office (NWPO), Division of Emergency Management, Texas Department of Public Safety, announces this request for proposals to deliver the services described. The NWPO intends to award the contract to L. Edwin Garner, Geologist, P.O. Box 13252, Austin, Texas 78711, unless a better and more satisfactory offer is received. This contract is a continuation of a previous consulting arrangement.

Interested parties must demonstrate the ability to perform the following tasks:

(1) review and provide written comments to the NWPO on plans and reports of the U.S. Department of Energy (DOE) that have been submitted to the NWPO for review; such written comments to deal with geological considerations regarding the plans and reports including, but not limited to:

(a) environmental assessments for Permian Basin Site(s), Gulf Interior Region Site(s), Nevada Test Site, and Hanford Reservation Site (DOE);

(b) Permian Basin Site Characterization Plan and subsequent revisions (DOE);

(c) Permian Basin Site Characterization Analysis (U.S. Nuclear Regulatory Commission);

(d) environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive waste (U.S. Environmental Protection Agency);

(e) Nuclear Waste Policy Act Mission Plan (DOE); and

(f) Nuclear Waste Policy Act Project Decision Schedule (DOE);

(2) consult with NWPO staff on geological and hydrological aspects of high-level nuclear waste management and disposal;

(3) attend and file reports on technical meetings as requested by the NWPO;

(4) assist other state agencies, as needed, in requested state reviews of DOE reports and plans, including those listed above;

(5) conduct research and analysis and prepare reports as directed by the NWPO on special projects relative to geology and hydrology of the areas under investigation by the DOE; and

(6) provide briefings on geological and hydrological investigations undertaken by the DOE Salt Repository Project Office and the Office of Civilian Radioactive Waste Management to NWPO staff, staff of selected other agencies, and public officials

Offerors must have the capability to accomplish the requested services, and proposals must include documentation of this capability. Specifically, the offeror must demonstrate experience with and knowledge of the following:

(1) evaluation of the geological and hydrological technical requirements of the Nuclear Waste Policy Act of 1982 (Public Law 97-425); United States Nuclear Regulatory Commission rule (Code of Federal Regulations, Title 10, Part 60); United States Environmental Protection Agency rule (Code of Federal Regulations, Title 40, Part 191); United States Department of Energy rule (Code of Federal Regulations, Title 10, Part 960); and the Texas Water Code, Chapters 27 and 28, and applicable rules;

(2) reports and documents of the United States Department of Energy Salt Repository Project Office; and

(3) reports and publications from the University of Texas Bureau of Economic Geology on the geology and geohydrology of the Palo Duro Basin, Texas panhandle.

In addition, proposals must provide a detailed budget breakdown by major category of expense, evidence of legal authority to contract with the NWPO, previous experience with similar work, a list of personnel and a breakdown of their time commitments to this project, substantiation of offeror's experience and competence in addressing the issues identified, demonstration of offeror's understanding of the nature of the work, and an ability to produce work products as requested by the NWPO through November 21, 1986.

Proposals must be received by the Nuclear Waste Programs Office, Division of Emergency Management, Texas Department of Public Safety, by November 1, 1985. The office will choose among any proposals submitted on the basis of demonstrated competence, knowledge, and qualifications, and on the reasonableness of the proposed fee for the services and, if other considerations are equal, will give preference to a private consultant whose principal place of business is within the state or who will manage the consulting engagement wholly from one of its offices within the state.

For details, contact Dan Smith, Deputy Director, Nuclear Waste Programs Office, P.O. Box 12428, Austin, Texas 78711, (512) 463-2198.

Issued in Austin, Texas, on October 10, 1985.

TRD-859534

James B. Adams
Director
Texas Department of Public Safety

Filed: October 11, 1985

For further information, please call (512) 465-2345.

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Texas Department of Public Safety Consultant Proposal Requests

In accordance with Texas Civil Statutes, Article 6252-11c, the Nuclear Waste Programs Office (NWPO), Division of Emergency Management, Texas Department of Public Safety, announces this request for proposals to deliver the services described. The NWPO intends to award the contract to David W. Stevens, Inc., 1621 South Eastside Street, Olympia, Washington 98501, unless a better and more satisfactory offer is received. This contract is a continuation of a previous consulting arrangement.

Interested parties must demonstrate the ability to perform the following tasks:

(1) assist the NWPO in scoping activities and developmental activities for potential formal negotiations between the State of Texas and the U.S. Department of Energy (DOE) of a high-level radioactive waste consultation and cooperation agreement under the authority of the Nuclear Waste Policy Act of 1982 §117(c). Work activities, products, and reports will be carried out and/or prepared in the following areas:

(a) suggesting alternate approaches to structuring and carrying out the negotiating process;

(b) identifying and analyzing issues for consideration in a consultation and cooperation agreement;

(c) examining strategy options and phasing alternatives for consideration in a consultation and cooperation agreement;

(d) coordinating any requested workshops and training sessions to prepare state negotiating team members to carry out negotiations with the Department of Energy;

(e) providing procedures and alternatives for developing and reviewing draft agreement language;

(f) providing other analyses and/or reports on the preparation, conduct, analysis, or conclusion of negotiations as may be requested by the NWPO;

(g) reviewing draft agreement outlines and language; and

(h) assisting the NWPO in analyzing methods of monitoring implementation of any consultation and cooperation agreement that may be negotiated and executed;

(2) travel to Austin or other locations at the request of the NWPO and meet with NWPO and other state staff and officials to provide briefings, status reports, and other information regarding the work, and to seek information relevant to the work products.

Offerors must have the capability to accomplish the requested services, and proposals must include documentation of this capability. Specifically, the offeror must demonstrate experience with and knowledge of the following:

(1) institutional and procedural provisions of the Nuclear Waste Policy Act (Public Law 97-425), especially §117(c) addressing development and content of consultation and cooperation agreements between potential high-level waste repository host states and the DOE;

(2) institutional and procedural provisions of relevant federal and State of Texas statutes and rules including, but not limited to, the applicable U.S. Nuclear Regulatory Commission rule (Code of Federal Regulations, Title 10, Part 60); the applicable DOE rule (Code of Federal Regulations, Title 10, Part 960); and the Texas Water Code, Chapter 27 and Chapter 28 and supporting rules;

(3) elements of a comprehensive consultation and cooperation agreement between the state and the DOE and details of each of those elements which should be specified in the agreement;

(4) logistics and strategies for effective negotiation of a complete and viable consultation and cooperation agreement between the state and the DOE;

(5) previous negotiations which have been undertaken to develop similar agreements including issues addressed, problems identified, results, and relative merit of approaches used;

(6) effective and thorough public policy analysis, research, and development; and

(7) history and status of the institutional and procedural aspects of the DOE high-level waste program.

In addition, proposals must provide a detailed budget breakdown by major category of expense, evidence of legal authority to contract with the NWPO, previous experience with similar work, a list of personnel and a breakdown of their time commitments to this project, substantiation of offeror's experience and competence in addressing the issues identified, and an ability to produce work products as requested by the NWPO through November 21, 1986.

Proposals must be received by the Nuclear Waste Programs Office, Division of Emergency Management, Texas Department of Public Safety, by November 1, 1985. The office will choose among any proposals submitted on the

basis of demonstrated competence, knowledge, and qualifications, and on the reasonableness of the proposed fee for the services.

For details, contact Dan Smith, Deputy Director, Nuclear Waste Programs Office, P.O. Box 12428, Austin, Texas 78711, (512) 463-2198.

Issued in Austin, Texas, on October 10, 1985.

TRD-859533

James B. Adams
Director
Texas Department of Public Safety

Filed: October 11, 1985

For further information, please call (512) 465-2345.

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Public Utility Commission of Texas Request for Proposals

In accordance with the provisions of Texas Civil Statutes, Article 6252-11C, the Public Utility Commission of Texas (PUC) seeks proposals from qualified engineers, institutions, or engineering firms to provide on-site maintenance and operations energy evaluations for Texas school districts. This program is a continuation of a service which was offered by the resource center in the spring and summer of 1985. The evaluations will be available to all state school districts as a service of the energy resource center for Texas schools. All programs of the energy resource center are funded by petroleum violation escrow funds.

Two contractors will be selected to provide the evaluation/audit service in specifically assigned regions of the state. Contractors will use a prescribed evaluation method and form to conduct and report their findings.

In providing an energy evaluation survey, contractors will be expected to complete the following steps: contact the designated energy manager at the assigned school district to explain the service and set up an evaluation date; travel to the audit site, meet with the manager, review the district's utility consumption and cost figures, and discuss current and past energy efficiency efforts; screen individual buildings to determine suitable candidates for walk-through surveys (number of walk-through audits provided will be determined by the size of the district); conduct audits of specific buildings; debrief energy manager on the findings of the survey; return to the firm office and conduct a technical analysis of specific energy cost reduction opportunities (ECRO) to calculate projected energy consumption and cost savings for each ECRO; prepare a written report based on the analysis; provide a telephone follow-up three months after the audit visit to determine the level of ECRO implementation; and prepare a report supplement to provide a realistic assessment of the savings the school district is likely to achieve as a result of the evaluation and the resulting action taken.

In addition, contractors may be requested to complete follow-up evaluation not completed during the first cycle of the program.

The fee to be paid to the contractor for each school district evaluation will be set by the PUC and will range from \$550 to \$7,500, depending on the size of the district and the number of specific walk-through audits allowed.

Additional information regarding the request for proposals and bid specifications may be obtained by contacting Mel Roberts, Energy Efficiency Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0100.

To be considered, written proposals must arrive at the PUC office no later than 3 p.m. on November 22, 1985. Proposals arriving after 3 p.m. will not be accepted. Five copies of the proposal should be sent to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, Attention: Sandy Becker, Bid Identification.

The bid identification number and the date filed should be clearly marked on the outside of the proposal package.

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

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

TRD-850668 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of Texas

Filed: October 16, 1985
For further information, please call (512) 458-0100.

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State Purchasing and General Services Commission

Correction of Error

Proposed rules submitted by the State Purchasing and General Services Commission contained errors as published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3952).

The first part of the statutory authority for §§111.41-111.43 should read: "The new sections are proposed under Texas Civil Statutes, Article 601b, §4.12, which provide,"

In §111.41(a), the first part of the first sentence should read: "Pursuant to the provisions and authority of Texas Civil Statutes, Article 601b, §4.12, and House Bill 20,"

In §111.42(a), the first part of the first sentence should read: "Pursuant to the provisions and authority of Texas Civil Statutes, Article 601b, §4.12, and House Bill 20,"

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Texas Rehabilitation Commission

Correction of Error

Proposed rules submitted by the Texas Rehabilitation Commission contained an error as published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3953).

In §113.3, the first part of the sentence should read: "An individual becomes ineligible for the Comprehensive Medical Rehabilitation Program"

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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 October 7-11, 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) 475-2678.

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 October 7-11, 1985

The Southern Sanitary Corporation, Houston; wastewater treatment plant; on the south bank of Halls Bayou, approximately 4500 feet west of Interstate Highway 45 in Harris County; 10610-1; amendment

International Minerals and Chemical Corporation, Texas City; marine terminal; at Dock 19B of Texas City southeast industrial area located on the west bank of the Texas City Ship Channel, which lies to the west of Galveston Bay in Galveston County; 02809; new permit

Freeport Carbonic Company, Inc., Houston; carbon dioxide liquefaction plant; at 9502 Bayport Road in Harris County; 02797; new permit

Eco-Resources, Inc., Alief; wastewater treatment plant; approximately 3.6 miles south of FM Road 1093 on FM Road 1464 in Fort Bend County; 13182-01; new permit

City of Groveton, Groveton; wastewater treatment plant; southeast of the City of Groveton on Colette Road adjacent to Kickapoo Creek in Trinity County; 10556-01; renewal

Archem Company, Houston; plant specializing in custom synthesis of fine organic chemicals; 13103 Conklin Lane in Harris County; 02801; new permit

Betz Laboratories, Inc., Houston; organic and inorganic chemicals blending facility; immediately west of Hobby Airport, on property generally bounded by Nelms Avenue, Kopman Drive, and a railroad siding in Harris County; 02791; new permit

Asbury Development Corporation, Richardson; mobile home park sewage treatment plant; approximately eight miles west of the City of Lewisville on the west side of Shiloh Road and on the north side of FM Road 1171 in Denton County; 11190-01; renewal

The City of Lorena, Lorena; wastewater treatment plant; adjacent to the southern boundary of the Lorena Cemetery and immediately west of the Missouri-Kansas-Texas Railroad right-of-way in McLennan County; 12195-01; renewal

Texas Department of Corrections, Huntsville; wastewater treatment plant; on the north bank of Oyster Creek, approximately three miles upstream of FM 1464 crossing Oyster Creek in Fort Bend County; 11475-01; renewal

San Antonio Savings Association, Houston; municipal utility district sewage treatment plant; approximately one-half mile south-southwest of the intersection of Clay Road and Elrod Road, approximately one-half mile north-northwest of the intersection of Martin Road and Elrod Road in Harris County; 13185-01; new permit

C. M. Acker, Huntsville; mobile home park wastewater treatment plant; approximately one and one-half miles due west of the intersection of FM Roads 247 and 980, approximately two and one-half miles due north of the intersection of State Highway 30 and Interstate Highway 45 in Walker County; 13207-01; new permit

The City of Covington, Covington; wastewater treatment plant; about 800 feet south and 250 feet west of the intersection of Weir Avenue and State Highway 171 (Business) in Hill County; 12279-01; renewal

Blanca C. Rodriguez and Angel M. Rodriguez, La Grange; egg farm operation; adjacent to County Road 376 about one mile west of State Highway 77 at a point approximately six miles southwest of the City of La Grange, Fayette County; 02813; new permit

E.I. Du Pont de Nemours and Company, Incorporated, La Porte; hazardous waste disposal wells; on company property, approximately two miles north-northwest of La Porte, in Harris County; WDW-82, WDW-83, and WDW-149; amendment

Shell Chemical Company, Deer Park; hazardous waste disposal wells; point five mile north of the City of Deer Park, on company property, in Harris County; WDW-172 and WDW-173; amendment

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

TRD-859806

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: October 14, 1985

For further information, please call (512) 463-7898.

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