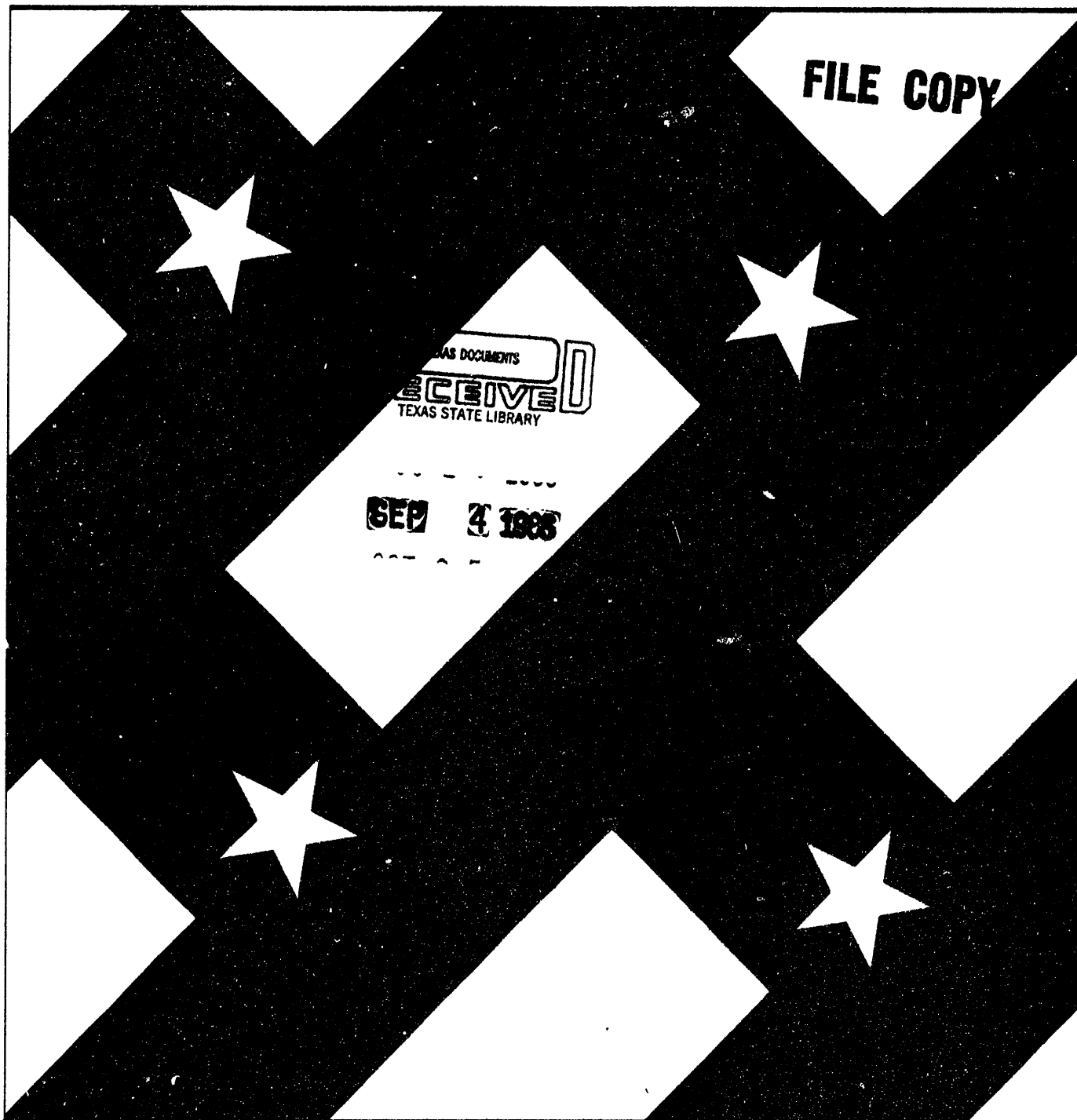


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# Texas Register

Volume 11, Number 66, September 5, 1986

Pages 3850-3882



## Highlights

The Texas Department of Agriculture proposes an amendment concerning collection and assessment of fees for testing weighing and measuring devices. Earliest possible date of adoption - October 6  
**page 3856**

The Texas Commission on the Arts proposes a new section concerning agency proce-

dures for the resignation of advisory panel members relocating to areas outside of the state. Earliest possible date of adoption - October 6.....**page 3857**

The General Land Office adopts an amendment concerning rules, practice, and procedure for land leases and trades. Effective date - September 16 .....**page 3862**

**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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## Texas Administrative Code

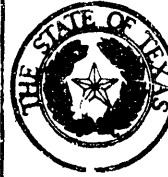
The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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

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

TAC stands for the *Texas Administrative Code*;

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



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*Illustrations courtesy of Texas Parks and Wildlife Department.*

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# Attorney General

**Description of attorney general submissions.** Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

## Opinions

**JM-531 (RQ-672).** Request from W. N. Kirby, commissioner, Texas Education Agency, Austin, concerning the current validity of a lease entered into by a school district in 1950.

**Summary of Opinion.** A board of trustees of an independent school district has the authority to lease school property so long as the lease does not impinge upon the board's authority to perform its essential function; i.e., to operate public schools. The question of whether the 50-year lease agreement, which is hindering Fredericksburg Independent School District from obtaining a higher rental value for its property, impinges upon its essential governmental function and is a question of fact. The single fact that the lease is for a period of 50 years is not necessarily contrary to public policy.

Although the 1973 assignment between the board president and the lessee did not involve a direct contractual relationship with the board, the effects of the assignment created a relationship which resulted in a pecuniary benefit to the board president, and therefore, was void as against public policy. The question of whether a party to a contract may benefit from the equitable doctrine of estoppel involves a determination of factual issues.

TRD-8608278

★ ★ ★

**JM-532 (RQ-707).** Request from Sam D. Millsap, Jr., criminal district attorney, Bexar County Courthouse, San Antonio, concerning the duty of institutions licensed under Texas Civil Statutes, Article 4442c, to provide a minimum diet to residents.

**Summary of Opinion.** An institution licensed under Texas Civil Statutes, Article 4442c, has a duty imposed by the statute and rules properly promulgated under the statute for minimum diet standards for its residents which satisfies the statutory duty requirements of the Penal Code, §6.01(c).

TRD-8608279

★ ★ ★

**JM-533 (RQ-711).** Request from Rene Guerra, criminal district attorney, Hidalgo County Courthouse, Edinburg, concerning whether a county clerk may deliver the services of his office on credit.

**Summary of Opinion.** County officers are not authorized—and cannot be authorized—to deliver county services to individuals, associations, or corporations on credit unless some provision of the Constitution of Texas authorizes it to do so.

TRD-8608280

★ ★ ★

**JM-534 (RQ-714).** Request from E. Bruce Curry, district attorney, Kerrville, concerning the authority of a commissioners court to amend a subdivision ordinance to exempt certain kinds of subdivisions from the provisions of Texas Civil Statutes, Article 6702-1.

**Summary of Opinion.** A commissioners court is authorized to amend its subdivision ordinance to make changes in the minimum requirements specified in Texas Civil Statutes, Article 6702-1, §2.401(d), which are enacted as requirements necessary for the county's approval of maps and plats of subdivisions located outside a city. A commissioners court may not amend its subdivision ordinance to exempt certain kinds of subdivisions from the provisions of §2.401 that require an owner to prepare and file a plat when land located outside a city is divided into two or more parts for the purposes specified in §2.401(b).

TRD-8608281

★ ★ ★

**JM-535 (RQ-759).** Request from Bob Bush, chairman, Committee on Judiciary, Texas House of Representatives, Austin, concerning whether the legislature may authorize a particular municipality to impose additional court costs on convictions.

**Summary of Opinion.** The Texas Constitution, Article III, §56, prohibits the Texas Legislature from enacting legislation granting a particular city the authority to impose additional court costs on convictions in municipal courts.

TRD-8608282

★ ★ ★

**JM-536 (RQ-772).** Request from Gary Garrison, Ector County attorney, Odessa, concerning the validity of a tax clearance account for excess property tax payments.

**Summary of Opinion.** A county tax assessor-collector may not establish a tax clearance account in which excess property tax payments may be deposited and then withdrawn to offset those property tax payments which are less than the amount imposed.

TRD-8608283

★ ★ ★

**JM-537 (RQ-758).** Request from Allen Ross Hightower, chairman, Committee on Law Enforcement, Texas House of Representatives, Austin, concerning the payment of attorney's fees, investigation costs, and expert witness fees under the Texas Code of Criminal Procedure, Article 26.005.

**Summary of Opinion.** The amount of attorneys fees, investigation costs, and expert witness fees allowed under the Texas Code of Criminal Procedure, Article 26.005, must be determined within the limits specified in Article 26.05 of the Code. Within the limits set forth in Article 26.05, the court has discretion in determining what constitutes reasonable fees and costs.

TRD-8608284

★ ★ ★

**JM-538 (RQ-819).** Request from O. H. Ike Harris, chairman, Economic Development Committee, Texas State Senate, Austin, concerning the duties and liabilities of a police officer who is also a firefighter emergency medical technician.

**Summary of Opinion.** A police officer, who must use deadly force against a person and injures him critically, has a duty under 42 United States Code, 1983, to provide or secure medical attention for that person and attempt to save his life.

TRD-8608285

★ ★ ★

# Proposed Rules

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

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

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 15. Consumer Services Division Texas Weights and Measures ★4 TAC §15.11

The Texas Department of Agriculture proposes an amendment to §15.11, concerning collection and assessment of fees for testing weighing and measuring devices. The proposed amendment changes the procedure for registration by persons who were not registered during the previous year. The proposed amendment requires that the applicant submit the required registration fee along with the application; deletes the requirement that the department bill new applicants; specifies that the applicant report change of ownership and/or increase in number of devices to the department; and clarifies that when the applicant adds devices after initial application, the certificate of registration issued for devices added may be good until the expiration date initially given the applicant, regardless of when, within the year, a new device is added.

The proposed amendment is made to make the collection and assessment process work more smoothly and efficiently, and so that inspectors may save time by not handling registration fees in the field.

Susan Raleigh, director, Consumer Services Division, 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.

Ms. Raleigh 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 a more efficient billing and collection procedure for the registration of weighing and measuring devices by individuals not previously registered. 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 Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §13.1001, which provides the Texas Department of Agriculture with the authority to establish a system of annual registration of pumps, scales, or bulk or liquified petroleum gas metering devices and charge a fee within the statutorily prescribed range for the registration of such devices.

### §15.11. Collection and Assessment of Fees for Testing Weighing and Measuring Devices.

(a) Procedure for annual registration of weighing and measuring devices.

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

(4) Effective September 1, 1986, annual registration shall be accomplished in the following manner.

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

(D) Persons who were not registered during the previous year shall register in the following manner.

(i) Each such person must file with the department an application to register. An application will be provided by the department.

(ii) The applicant shall remit the required registration fee with the application to register. [The department shall bill each new applicant for registration immediately after receipt of the application to register.

(iii) The applicant shall pay the required fee immediately after receipt of the billing.]

(iv) The department shall mail a certificate of registration [immediately] after receipt of payment of the established fee.

(5) Within 30 days of receipt of the required registration fee, the department will mail to the registrant a certificate of registration, which shall be good for a period of one year or until the next expiration date, whichever comes first.

(6) Registrants shall notify the department of any change of billing address or increase in the number of registered devices within 30 days.

(7) Any change of ownership must be reported to the department by the new owner within 30 days, and in the manner prescribed by paragraph (4)(D) of this subsection.

(8)(7) A late payment in an amount equal to the annual registration fee may be assessed to any registrant who fails to remit

the annual registration fee within 60 days of the due date or for failure to complete the required forms and processes necessary to register any devices. The department shall prohibit the operation of any weighing or measuring devices for the registrant's failure to submit the required registration fee or assessed penalty, or both, to the department within 60 days of the due date of the registration fee.

(9)(8) It is unlawful to operate a weighing or measuring device commercially without first obtaining a certificate of registration, except with the express permission of the department.

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

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

Issued in Austin, Texas, on August 25, 1986.

TRD-8608331

Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Earliest possible date of adoption:

October 6, 1986

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

## TITLE 7. BANKING AND SECURITIES

### Part I. State Finance Commission

#### Chapter 1. Consumer Credit Commission

##### Subchapter B. Miscellaneous

### ★7 TAC §1.301

The Consumer Credit Section of the State Finance Commission proposes new §1.301, concerning the procedures to be followed by a party appealing from an order issued by the consumer credit commissioner to desist or to refrain from violations of Texas Civil Statutes, Article 5069, Title 79, Subtitles Two and Three.

Al Endsley, consumer credit commissioner, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for

small businesses as a result of enforcing or administering the section. The effect on small businesses will be limited to the travel expenses incurred by appellants of the commissioner's order. There will be no effect on state or local government.

Mr. Endsley 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 help ensure that an appellant of an order to desist or to refrain from a violation of Title 79, Subtitles Two and Three, will be afforded an opportunity to receive a fair and impartial review of the commissioner's order.

Comments on the proposal may be submitted to Alan Lerner, Leopoldo Palacios, or Karen Leslie Simon, in care of the Office of Consumer Credit Commissioner, 2801 North Lamar, Austin, Texas 78705, within 30 days after the date of this publication.

The new section is proposed under Texas Civil Statutes, Article 5069-2.03(7), which provide that appeals from the commissioner's orders to desist or to refrain shall be taken to the Consumer Credit Section of the Finance Commission.

**§1301. Appeals from Orders to Desist or to Refrain.** An appeal to the Consumer Credit Section of the Finance Commission of Texas pursuant to an order issued by the consumer credit commissioner to desist or to refrain from violating any provisions of Texas Civil Statutes, Article 5069, Title 79, Subtitles Two and Three, shall be heard by the consumer credit commissioner or his designated hearing officer in accordance with the Rules of Practice and Procedure of the Office of Consumer Credit Commissioner. Each party to the proceeding may submit proposed findings of fact to the hearing officer who shall forward to the members of the Consumer Credit Section such proposed findings of fact together with the record on appeal and the hearing officer's findings of fact, conclusions of law, and if in the proceeding a majority of the Consumer Credit Section of the Finance Commission has not heard the case or read the record, the decision, if adverse to a party to the proceedings other than the Consumer Credit Commission itself, may not be made until a proposal for decision prepared by the hearing officer in compliance with the provisions of the Administrative Procedure and Texas Register Act, Article 6252-13a, §15, has been served on the parties and all right and procedures available under the authority of said §15 have been provided to each party adversely affected by the decision, unless the parties, by written stipulation, waive compliance the provisions of §15.

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

Issued in Austin, Texas, on August 28, 1986.

TRD-8608369

Al Endsley  
Consumer Credit  
Commissioner  
State Finance Commission

Earliest possible date of adoption:

October 6, 1986

For further information, please call  
(512) 479-1299.

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## TITLE 13. CULTURAL RESOURCES

### Part III. Texas Commission on the Arts Chapter 31. Agency Procedures

#### ★ 13 TAC §31.6

The Texas Commission on the Arts proposes new §31.6, concerning Texas Commission on the Arts advisory panels. The new section calls for the immediate resignation of any advisory panel member upon their relocation to outside of the state. The new section also requires that when the Texas Commission on the Arts schedules advisory panel meetings, the panels must meet to provide their recommendations according to procedures as established.

Betty J. Brown, fiscal officer, 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.

A. Patrice Walker, assistant director for administration, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the decision-making procedure for applications reviewed by the advisory panels will be conducted by in-state residents only. Another benefit anticipated is that the decision-making procedure for applications reviewed by the advisory panels will be conducted in meetings which operate according to established guidelines. 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 A. Patrice Walker, Assistant Director for Administration, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

The new section is proposed under Texas Civil Statutes, Article 6144g, §4, which provide the Texas Commission on the Arts with the authority to make rules and regulations for its government and that of its officers and committees.

**§31.6. Required Advisory Panel Meetings and Required Advisory Panel Member Resignation upon Relocation Out-of-State.**

(a) When the Texas Commission on the Arts schedules advisory panel meetings,

advisory panel members must meet to review grant applications in order to provide recommendations according to established procedures. Voting by mail is not considered an acceptable substitution for the panel review process. The only exception to this section is the established emergency review process which will continue to use a vote-by-mail procedure.

(b) When a member of the Texas Commission on the Arts advisory panels moves outside the boundaries of the State of Texas, said member shall be automatically removed from the advisory panel on which he or she has been serving. The Texas Commission on the Arts chairman shall then appoint someone to fulfill the uncompleted term.

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

Issued in Austin, Texas, on August 22, 1986.

TRD-8608275

A. Patrice Walker  
Assistant Director for  
Administration  
Texas Commission on  
the Arts

Earliest possible date of adoption:

October 6, 1986

For further information, please call  
(512) 463-5535.

★ ★ ★

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services Chapter 16. ICF/SNF

The Texas Department of Human Services (DHS) proposes an amendment to §16.3401, concerning general requirements; the repeal of §16.3402 and new §16.3402, concerning direct delivery of social services by the facility; the repeal of §16.3403 and new §16.3403, concerning referral for social services; and amendments to §16.3404, concerning the social services planning process; §16.3903, concerning content; and §16.5903, concerning the recipient-patient activities plan.

The proposed amendments to §§16.3401, 16.3903, and 16.5903 delete obsolete references to Texas Department of Health (TDH) social services. New §16.3402, as proposed, expands the qualifications for the position of facility social service director to make them consistent with department qualifications for social-work certification. New §16.3403, as proposed, eliminates an obsolete reference to TDH social services. The proposed amendment to §16.3404 addresses discharge-planning requirements.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five year period the repeals, new sections, and amendments will be in effect there will be fiscal implications as a result of enforcing or administering the repeals, new sections, and amendments. The anticipated costs to the state are \$328,435 in fiscal year 1988; \$2,235,444 in fiscal year 1989; \$3,232,737 in fiscal year 1990; and \$3,229,749 in fiscal year 1991. There are no anticipated costs for fiscal year 1987. There is no effect on local government or small businesses.

Mr. Packard also has determined that for each year of the first five years the repeals, new sections, and amendments are in effect the public benefit anticipated as a result of enforcing the repeals, new sections, and amendments will be that recipient-patients in nursing homes will continue to receive social services. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals, new sections, and amendments.

The department will hold a hearing to accept comments on the proposal at 9 a.m., September 25, 1986, in the Texas Department of Human Services public hearing room, 701 West 51st Street, Austin. Written comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-550, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

## Social Services

### ★ 40 TAC §16.3401

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

#### §16.3401. General Requirements.

(a) The facility must identify the social and emotional needs of each recipient-patient and provide services to meet those needs. The facility may provide social services directly or may arrange for social services to be provided through referral of recipient-patients to outside resources [, including the social services staff of the Texas Department of Health, long-term care units].

(b) (No change.)

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608318

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
October 6, 1986  
For further information, please call  
(512) 450-3766.

### ★ 40 TAC §16.3402

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

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

#### §16.3402. Direct Delivery of Social Services by the Facility.

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608319

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
October 6, 1986  
For further information, please call  
(512) 450-3766.

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

#### §16.3402. Direct Delivery of Social Services by the Facility.

(a) If the facility chooses to provide social services, the facility must designate, in writing, a facility employee as the social services director.

(b) A social services director must be certified by the Texas Department of Human Services under the Human Resources Code, Chapter 50, and have at least one of the following combinations of qualifications:

- (1) a masters degree or a bachelors degree in social work from a college or university accredited by the Council of Social Work Education and at least one year of social-work experience in a health-care setting;
- (2) a bachelors degree and at least one year of social-work experience in a health-care setting;
- (3) an associate degree and at least three years of social-work experience in a health-care setting; or
- (4) a high school diploma or its equivalent and at least five years of social-work experience in a health-care setting.

(c) If the designated social services director does not have the qualifications specified in subsection (b)(1) of this section, he must receive consultation from a qualified social-work consultant. A qualified social-work consultant is one who meets the qualifications specified in subsection (b)(1) of this section.

(d) If consultation is required, the facility must provide at least eight hours of consultation every two months, based on the needs of the clients and the social services director.

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608320

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
October 6, 1986  
For further information, please call  
(512) 450-3766.

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### ★ 40 TAC §16.3403

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

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

#### §16.3403. Referral for Social Services.

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608321

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
October 6, 1986  
For further information, please call  
(512) 450-3766.

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



**§16.3403. Referral for Social Services.** If the facility chooses to arrange for social-service needs to be met by outside resources, the facility must designate, in writing, either the activities director or another employee equally qualified by training and experience to be the person responsible for referring recipient-patients to outside resources. Agreements between the facility and outside resources must comply with §16.1910 of this title (relating to Use of Outside Resources). The designee is responsible for developing social histories and social needs assessments, arranging for referrals, and documenting referrals. The facility must have written procedures for the referral process, including the types of services that may be provided and the resources that may be used.

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608322      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
October 6, 1986  
For further information, please call  
(512) 450-3766.

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#### ★ 40 TAC §16.3404

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

**§16.3404. Social Services Planning Process.** The social services plan of care is developed from a comprehensive collection of information about the recipient-patient including the social history and the social needs assessment. The plan of care describes the way in which needs and problems will be addressed. It is developed with the participation of the recipient-patient and his family members or responsible persons. The recipient-patient should always be involved to the extent of his capabilities in planning for the social needs and in changing that plan whenever it is warranted.

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

(3) Social services plan. The person responsible for providing social services must write the social services plan after the social history and social assessment are completed, and within 30 days after admission. In facilities that provide social services directly, the social services director must write the plan and include long-term goals and short-term objectives, approaches to achieve those goals and objectives, social services to be used to accomplish the approaches, and resources that will provide the services. Long-

term goals are general statements of desired outcomes. Short-term objectives are measurable, time limited, expected results which provide the means to evaluate the recipient-patient's progress toward achieving the long-term goals. Approaches identify the services that will be provided and by whom. In facilities that arrange for social service needs to be met by outside resources, the activities director, or another employee equally qualified by training and experience, prepares the social services plan which contains the purpose of the referral and identifies the social service provider to whom the recipient-patient is referred. The social services director must sign and date the social service plan if the facility provides social services. The activities director, or another employee equally qualified by training and experience, must sign and date the plan if social services are provided by referral.

(4) Review and updates. The facility must ensure that the social services plan is reviewed and updated every 90 days or more often if necessary. In facilities providing social services, at each review the social services director must document a reassessment of the recipient-patient's status and of the long-term goals and short-term objectives. The facility must evaluate outcomes and approaches to determine if the plan was implemented and whether it achieved the desired results. In facilities choosing to arrange for social service needs to be met by outside resources, the outcome of the social service provision is documented by the activities director, or another employee equally qualified by training and experience, on the plan when the plan is reviewed or when the service is completed. In this process, the activities director, or another employee equally qualified by training and experience, must change the social services plan if necessary. The facility must involve the recipient-patient in this process as much as possible and must document the involvement. The activities director, other employee equally qualified by training and experience, or social services director must sign and date each review.

(5) (No change.)

(6) Discharge planning. The facility must develop a discharge plan for each recipient-patient, addressing continued care after discharge. If alternate care is considered, the facility must consult with the attending physician and a qualified social worker.

(A) The written discharge plan must be developed within seven days after the day of admission. The discharge plan must include the following.

(i) Physician and nursing assessment of the recipient-patient's potential discharge.

(ii) Evidence of active involvement by the recipient-patient, family, or others in plans necessary to effect discharge.

(iii) Degree of social isolation-availability of and assistance of family, friends, or other social support.

(iv) Awareness and availability of community resources that may be needed.

(B) The facility must maintain written discharge-planning procedures that describe the following.

(i) Which facility staff or which outside agency is responsible for discharge planning.

(ii) How the facility staff or outside agency will perform discharge planning, including a description of the outside agency's authority and its relationship with the facility staff.

(iii) The time allowed for determining each recipient's need for discharge planning—no longer than seven days after the day of admission.

(iv) A schedule for reevaluation of the discharge plan.

(v) Local resources available to the facility, the recipient, and the attending physician for assistance in developing and implementing the discharge plan.

(vi) The provisions for periodic review and reevaluation of the facility's discharge-planning program.

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608323      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
October 6, 1986  
For further information, please call  
(512) 450-3766.

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#### Medical Records

#### ★ 40 TAC §16.3903

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

**§16.3903. Content.**

(a) (No change.)

(b) The facility must ensure that the medical record contains the following medical information. The documentation outlined in paragraphs (1) and (2) of this subsection must be obtained. Either, however, will be acceptable for compliance at the time of survey by the state survey agency.

(1) [The record must contain] An initial medical evaluation, including history, physical examination, diagnoses, and an estimate of restoration potential.

(2) [The record must include the] Authentication of any hospital diagnoses. This may be in the form of a hospital discharge summary sheet, a report from the recipient-patient's hospital or attending physi-

cian, or a transfer form. The facility is [will be] allowed seven workdays [working days] to receive this information from the hospital.

(3) [The record must contain] The physician's signed and dated orders, including medication, treatment, diet, and restorative and special medical procedures required for the safety and well-being of the recipient-patient.

(4) [The record must contain] A comprehensive, interdisciplinary medical-social plan explaining the precise reasons for placement and containing documentation showing that the plan is reassessed periodically. If alternate care is feasible, a qualified social worker (social services staff from the nursing facility[, or outside agency[, or long-term care unit]) must consult with the nursing facility staff to develop an alternate care plan for the physician's approval. The alternate care plan must also specify the medical-social plan of treatment for the recipient-patient. The facility must indicate in the medical record that care is authorized only by a physician.

(5) [The record must contain] Physician's progress notes signed by the physician for each visit or consultation.

(6) [The record must include] Arrangements for the medical care of the recipient-patient in the physician's absence, and specific instructions for how such care may be obtained.

(7) [The medical record must contain] Observations made by nursing personnel. In intermediate care facilities, observations must be recorded at least daily. In skilled nursing facilities, observations must be recorded on each of the three shifts for a 24-hour period. Facility staff must ensure that the [The] observations [must] show at least the following.

(A)-(B) (No change.)

(C) Discharge information as required in §16.3404 of this title (relating to the Social Services Planning Process) [subsection (d)(2)].

(8) (No change.)

(c) (No change.)

(d) The facility [SNF] must have a centralized, coordinated program for each recipient-patient for continuing care after discharge, as described in §16.3404 of this title (relating to the Social Services Planning Process). If alternate care is considered, the facility must consult with the attending physician and a qualified social worker.

[(1) The written discharge plan must be developed within seven days after admission and include.

[(A) Which facility staff or outside agency is responsible for discharge planning.

[(B) How the facility staff or outside agency will perform this function, including the outside agency's authority and its relationship with the facility staff.

[(C) When each individual's need for discharge planning will be determined

(not later than seven working days after admission).

[(D) When reevaluations of each individual's discharge plan will be made.

[(E) The local resources available to the facility, the individual, and the attending physician to assist in developing and implementing individual discharge plans.

[(F) The provisions for periodic review and reevaluation of the facility's discharge planning program.]

(1) [(2)] If the recipient-patient is discharged, the facility must provide to the person responsible for post-discharge care, pertinent information which will ensure the optimal continuity of care. This may include, but is not limited to:

(A)-(L) (No change.)

(2) [(3)] the recipient-patient's discharge plan, results of the plan, and information on alternate community resources to which the recipient-patient may be referred must be available to the utilization review committee.

(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 August 26, 1986

TRD-8608324

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

October 6, 1986

For further information, please call  
(512) 450-3768.

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## Recipient-Patient Activities

### ★40 TAC §16.5903

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

§16.5903. *Recipient-Patient Activities Plan.*

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

(c) The facility must ensure that the activities planning process contains the following items.

(1) (No change.)

(2) Activities assessment. An assessment of each recipient-patient's activities needs must be completed within 30 days after admission. The assessment should be based upon information gathered through the activities interest list, the social history, the social assessment, and the assessment of functional level. The assessment should consider needs for one-to-one relationships, social group interaction, reality orientation, intellectual stimulation, recreation, self-expression, and activities related to daily living. The assessment should indicate the degree to which

the recipient-patient participates in the care planning process. [The Texas Department of Health, social services staff may be contacted to provide consultation on the assessment process.]

(3) (No change.)

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

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608325

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

October 6, 1986

For further information, please call  
(512) 450-3768.

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## Chapter 27. ICF-MR

### Subchapter M. Admissions Policies

#### ★40 TAC §27.1206

The Texas Department of Human Services (DHS) proposes an amendment to §27.1206, concerning recipient-resident visits away from the facility, in its chapter governing intermediate care facilities for the mentally retarded (ICF-MR).

The amendment clarifies the requirements and circumstances under which facilities may claim vendor payment when recipient-residents are absent from facilities. The amendment addresses timeframes for absences, circumstances under which vendor payment will not be made, bed-hold reservation charges, and regulation of vendor payment when recipient-residents attend special activities.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the section will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the section.

Mr. Packard 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 clearer DHS policy for providers to use in determining when audit exceptions may be taken for bed-hold charges and vendor payments for residents on special-activities leave. 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 Cathy Rossberg, Administrator, Policy Development Support Division-512, Department of Human Services 153-E, P.O. Box 2900, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

**§27.1206. Visits away from the Facility.**

(a) In order for vendor payments to be made for ICF-MR recipients-residents who are away from the facility on therapeutic visits, [only] the following criteria must be met:

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

(3) Each therapeutic visit cannot [shall not] exceed three days duration. A "day" means a 24-hour period extending from midnight to midnight. If a visit extends beyond the third day, the facility must [shall] submit the discharge form effective on the fourth day of absence.

(4) The facility must maintain a record of each therapeutic visit and ensure that these records are [shall be] available for review by staff of the Texas Department of Human Services (DHS) [Resources]. Facility staff must also ensure that the [The facility's] records [must] provide statistics concerning the number of visits for which vendor payments [have been made as well as those visits for which vendor payments] have not been made.

(5) During audits of facilities, DHS audit-staff verify [Verification of] therapeutic visits [shall be a part of the audit procedures during the Texas Department of Human Resources' audit of the facility].

[(6) The facility may not receive vendor payments for recipient-residents away from the facility due to hospitalization.]

(b) (No change.)

(c) DHS does not make vendor payments when a Title XIX recipient-resident is absent from the facility because of:

(1) hospitalization;

(2) therapeutic home visits that extend beyond three days; or

(3) unauthorized departures that extend beyond three days.

(d) The ICF-MR may enter into a written agreement with the resident or responsible party to hold a bed during a recipient-resident's temporary absence from the facility. The written agreement must be signed and dated by the facility administrator or QMRP and by the resident or responsible party each time arrangements are made to hold a bed. The ICF-MR may charge the resident an amount not to exceed DHS' daily vendor rate according to the recipient-resident's classification at the time the individual leaves the facility.

(1) The ICF-MR must document each bed-hold charge in the recipient-resident's financial record at the time the bed-hold service is provided, and must specify that it is a bed-hold charge.

(2) If a bed-hold charge is made against the recipient-resident's personal-funds account managed by the ICF-MR, the ICF-MR must comply with §27.4803(c)(4) of this title (relating to Protection of Funds).

(3) During audits of facilities, DHS audit-staff verify bed-hold charges.

(e) When a recipient-resident is absent from the ICF-MR for special activities including, but not limited to, Special Olympics and camping trips, DHS makes vendor payments if:

(1) the need for the special activity is documented in the recipient-resident's individual program plan (IPP) with designation of IPP training provided;

(2) sufficient facility personnel are present at the special activity to meet the direct-care staff requirements outlined in §27.3213 of this title (relating to Resident Living Staff); and

(3) The provider incurs usual costs for caring for the recipient-resident(s), including, but not limited to, costs for meals, lodging, staff, supervision, and medication administration; and provides the indicated active-treatment program.

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

Issued in Austin, Texas, on August 29, 1986.

TRD-8608363

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
October 6, 1986  
For further information, please call  
(512) 460-3766.

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# Adopted

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

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

## TITLE 22. EXAMINING BOARDS

### Part IX. Texas State Board of Medical Examiners Chapter 166. Annual Registration

#### ★ 22 TAC §§166.1-166.3

The Texas State Board of Medical Examiners adopts new §§166.1-166.3, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2941).

Recent statutory changes enable the board to promulgate rules for retired physicians. This adoption was thought necessary to outline the requirements for registration and the exemptions from such for retired physicians so choosing.

The adoption of the new sections enables the board to initiate a status for retired physicians.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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

Issued in Austin, Texas, on August 27, 1986.

TRD-8808376

G. V. Brindley, Jr.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: September 18, 1986  
Proposal publication date: June 27, 1986  
For further information, please call  
(512) 452-1078.

### Chapter 175. Schedule of Fees

#### ★ 22 TAC §175.1

The Texas State Board of Medical Examiners adopts an amendment to §175.1, with-

out changes to the proposed text published in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3092).

Adoption of the amendment is necessary because of recent increases in cost to the agency for the examinations that physicians must take for licensure in this state.

The amendment enables the agency to more expeditiously process the applications leading to admittance to the examination for licensure.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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

Issued in Austin, Texas, on August 27, 1986.

TRD-8808375

G. V. Brindley, Jr.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: September 18, 1986  
Proposal publication date: July 4, 1986  
For further information, please call  
(512) 452-1078.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office Chapter 13. Leases Rules, Practice, and Procedure for Land Leases and Trades

#### ★ 31 TAC §13.1

The General Land Office adopts an amendment to §13.1, without changes to the proposed text published in the June 17, 1986, issue of the *Texas Register* (11 TexReg 2787).

The changes are mandated by 1985 Texas General Laws, Chapter 624, page 4727, et seq. The limitation on the length of lease terms has been eliminated, leaving it to the discretion of the commissioner. An exception would apply to escheated land that is part of the Permanent School Fund. If leased for anything other than grazing purposes, the lease term cannot be for over two years. Soil and water conservation plans must be implemented in agricultural and grazing leases. Commercial improvements not removed before the expiration of the lease become property of the state if no renewal or extension is granted before the lease term is up.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Natural Resources Code, §31.051, which provides the commissioner of the General Land Office with the authority to make rules to execute and perform all acts relating to public land, and §31.064 which provides the commissioner of the General Land Office with the authority to collect fees for various services performed by the General Land Office.

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8808330

Garry Mauro  
Commissioner  
General Land Office

Effective date: September 16, 1986  
Proposal publication date: June 17, 1986  
For further information, please call  
(512) 463-5019.

## TITLE 34. PUBLIC FINANCE

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

#### ★ 34 TAC §81.3

The Employees Retirement System of Texas adopts under federal mandate an amendment to §81.3.

Public Law 99-272, §10002, (Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)) requires state group health plans, such as the Texas Employees Uniform Group Insurance Program (UGIP) administered by the Employees Retirement System (ERS), to provide continuation coverage for certain eligible individuals. The federal law requires the UGIP to begin providing such continuation coverage effective September 1, 1986. Therefore, this amendment to §81.3, which specifies when and in what amount premiums for continuation coverage must be paid, is being adopted by the ERS effective September 1, 1986, consistent with the federal mandate.

The amendment specifies that the premium for continuation coverage authorized by COBRA will be 102% of the rates charged for other participants in the same coverage category and with the same health insurance coverage, and that such premiums must be paid in advance on a monthly basis.

The amendment is adopted under the Texas Insurance Code, Article 3.50-2, §4 and §4A, and pursuant to the federal mandate in Public Law 99-272, §10002, the Consolidated Omnibus Budget Reconciliation Act of 1986.

#### §81.3. Administration.

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

(d) Funding.

(1) (No change.)

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

(A) (No change.)

(B) Direct payment of premiums.

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

(i) (No change.)

(ii) A person who continues group health benefits as provided in §81.5(j) of this title (relating to Eligibility) must pay premiums in advance on a monthly basis. Health coverage premiums for such a person will be 102% of the rates charged for other participants in the same coverage category and with the same health insurance coverage. All premiums due for the election/enrollment period must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Subsequent premiums are due on the first day of the month covered and must be postmarked or received by the Employees Retirement System by the 10th day of the month covered to avoid cancellation of coverage.

(iii) A person, other than those described in subsection (d)(2)(B)(i) of this section or subsection (d)(2)(B)(ii) of this section must pay premiums in advance and may elect to pay either monthly, every three months, every six months, or annually. The full premium for the payment period option chosen must be paid directly to the Employees Retirement System and is due on the first day of the first month covered by the payment period. The premium payment must be postmarked or received by the Employees Retirement System by the 10th day of the first month covered to avoid cancellation of coverage. A person who fails to complete a payment period option election prior to the first premium due date will be required to pay premiums in advance every month until an election is filed with the Employees Retirement System.

Issued in Austin, Texas, on August 28, 1986.

TRD-8608339

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: September 1, 1986  
For further information, please call  
(512) 476-6431, ext. 178.

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#### ★34 TAC §81.5

The Employees Retirement System of Texas adopts under federal mandate an amendment to §81.5.

Public Law 99-272, §10002, (Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)) requires state group health plans, such as the Texas Employees Uniform Group Insurance Program (UGIP) administered by the Employees Retirement System (ERS), to provide continuation coverage for certain eligible individuals. The federal law requires the UGIP to begin providing such continuation coverage effective September 1, 1986. Therefore, this amendment to §81.5, which specifies which UGIP participants are eligible for continuation coverage under COBRA and the type of coverage provided, is adopted by the ERS effective September 1, 1986, consistent with the federal mandate.

The amendment specifies which UGIP participants are eligible for continuation coverage under COBRA, the type or nature of the continuation coverage that will be provided, and how the participant must elect the continuation coverage.

The amendment is adopted under the Texas Insurance Code, Article 3.50-2, §4 and §4A, and pursuant to the federal mandate in Public Law 99-272, §10002, the Consolidated Omnibus Budget Reconciliation Act of 1986.

#### §81.5. Eligibility.

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

(e) Surviving dependents.

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

(f)-(i) (No change.)

(j) Continuation of health coverage only for certain terminating employees, covered spouses, and dependent children (as provided by Title XXII of the Public Health Service Act).

(1) The surviving spouse and/or dependent child of a deceased employee or retiree who are not eligible to continue health coverage under the provisions of the Act, or subsection (e) of this section, who are not entitled to benefits under the Social Security Act, Title XVIII, and who are not covered under any other group health plan may continue for up to 36 months the health coverage only that was in effect immediately prior to the date of death of the employee/retiree. The surviving spouse, or dependent child, if the surviving spouse was not covered, must make an election to continue health coverage. The notice of election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue health coverage form.

(2) An employee whose employment has been terminated voluntarily or involuntarily (other than for gross misconduct), except for those persons not eligible pursuant to §81.11(c) of this title (relating to Insurance), who is not eligible to continue health coverage under the provisions of the Act or subsection (g) or (h) of this section, who is not entitled to benefits under the Social Security Act, Title XVIII, and who is not covered under any other group health plan may continue for up to 18 months the health coverage only without basic term life that was in effect immediately prior to the date of the termination of employment. The terminated employee must make an election to continue health coverage. The notice of election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue health coverage form.

(3) A spouse who is divorced from an employee/retiree and the spouse's dependent child who are not otherwise eligible to continue health coverage under the provisions of the Act or subsection (d) of this section, who are not entitled to benefits under the Social Security Act, Title XVIII, and who are not covered under any other group health plan may continue for up to 36 months the health coverage only that was in effect immediately prior to the date the divorce decree is signed. The divorced spouse or the employee/retiree must notify the Employees Retirement System through the employing agency or retiree insurance coordinator of the divorce within 60 days from the date the divorce decree is signed. The divorced spouse must make an election to continue health coverage. The notice of election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue health coverage form.

(4) A dependent child under 25 years of age who marries, who is not entitled to benefits under the Social Security Act, Title XVIII, and who is not covered under any other group health plan may continue for up to 36 months the health coverage only that was in effect immediately prior to the date of the marriage. The married child or the employee/retiree must notify the Employees Retirement System through the employing agency or retiree insurance coordinator of the marriage within 60 days from the date of the marriage. The married child must make an election to continue health coverage. The notice of election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue health coverage form.

(5) A dependent child who has attained 25 years of age, who is not otherwise eligible to continue health coverage indefinitely under the provisions of the Act or subsection (d) of this section, who is not entitled to benefits under the Social Security Act, Title XVIII, and who is not covered under any other group health plan may continue for up to 36 months the health coverage only that was in effect immediately prior to the date of the child's 25th birthday. The child or employee/retiree must notify the Employees Retirement System through the employing agency or retiree insurance coordinator within 60 days of the child's 25th birthday. The 25 year-old child must make an election to continue health coverage. The notice of election must be postmarked or received by the Employees Retirement System within 60 days of the date of notice contained in the notice of right to continue health coverage form.

(6) A person who continues group health benefits under the provisions of paragraphs (1)-(5) of this subsection, is eligible for only one period of continuation coverage based on the initial cessation of coverage event. The dates of commencement and termination of the continuation period will be determined by the initial cessation of coverage event regardless of subsequent events.

(7) A person who continues group health benefits as provided for in this section may not change health coverage levels or plans during the continuation period except as provided herein. A change in plans is permitted when such a person permanently moves out of an HMO service area. The health coverage level of a person who continues group health benefits may be reduced only upon the death, divorce, or loss of dependent status of that person or that person's department.

(8) In all situations deemed applicable by the Employees Retirement System where state or federal laws or regulations mandate specific terms or provisions which are omitted or conflict with specific terms or provisions of the group health contracts or trustees' rules, the appropriate contracts

and rules shall be interpreted and administered to comply with such laws or regulations.

Issued in Austin, Texas, on August 26, 1986.

TRD-8606340

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: September 1, 1986  
For further information, please call  
(512) 476-6431, ext. 178.

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### ★34 TAC §81.7

The Employees Retirement System of Texas adopts under federal mandate an amendment to §81.7.

Public Law 99-272, §10002, (Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)) requires state group health plans, such as the Texas Employees Uniform Group Insurance Program (UGIP) administered by the Employees Retirement System (ERS), to provide continuation coverage for certain eligible individuals. The federal law requires the UGIP to begin providing such continuation coverage effective September 1, 1986. Therefore, this amendment to §81.7, which specifies the enrollment process for participants who elect continuation coverage and the duration of such coverage, is being adopted by the ERS effective September 1, 1986, consistent with the federal mandate.

The amendment specifies the enrollment process for UGIP participants who elect continuation coverage, the type or nature of the continuation coverage, the duration of the continuation coverage, the premium for the continuation coverage, and other aspects of the continuation coverage.

The amendment is adopted under the Texas Insurance Code, Article 3.50-2, §4 and §4A, and pursuant to the federal mandate in Public Law 99-272, §10002, the Consolidated Omnibus Budget Reconciliation Act of 1986.

#### §81.7. Enrollment and Participation.

(a) Full-time employees and their dependents.

(1) (No change.)

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

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

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

(4)-(6) (No change.)

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

(d) Special rules for additional or alternative coverages.

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

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

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

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

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



effective date of coverage by submitting a notice of withdrawal in writing to the Employees Retirement System.

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

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

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

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

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

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

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

(6) Persons wishing to change from one HMO to another HMO in the same service area or change from the insured plan to an HMO will be allowed an annual opportunity to do so. Such opportunity will be scheduled prior to September 1 of each year at times announced by the Employees Retirement System. The pre-existing conditions

clause and evidence of insurability provision will not apply in these cases. Coverages in the new HMO will be effective September 1.

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

(1) a eligible newborn;

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

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

(4) An individual who enrolls in an HMO.

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

(h) Continuing coverage in special circumstances.

(1) A terminating employee is eligible to continue coverage through the last day

of the month in which employment is terminated.

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

(3) An applicant for disability retirement benefits may continue only the health, term life, and dependent term life insurance coverages that were in effect while he was an active employee during the time the application is pending. The employee must apply to continue the coverage on or before the requested retirement date, and the appropriate premium must be paid monthly. If the application for disability retirement is approved, the employee is eligible to apply for insurance coverage as a retiree by submitting an application within 30 days from the date of the notice of approval for disability retirement benefits. Coverages will be effective on the first day of the month following the date the disability retirement became effective. If the application for disability retirement is denied, the coverages of the applicant and his dependents will be canceled on the last day of the month following the month in which the notification is mailed.

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

(5) Continuation of health coverage benefits for a surviving spouse and/or dependent child of a deceased employee or retiree. The surviving spouse and/or dependent child of a deceased employee/retiree who, in accordance with §81.5(j)(1) of this title (relating to Eligibility), elect to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System.

The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the employee/retiree dies, provided all group insurance premiums due for the month in which the employee/retiree died and for the election/enrollment period have been paid in full.

(6) Continuation of health coverage benefits for a covered employee whose employment has been terminated, voluntarily or involuntarily. A terminated employee who, in accordance with §81.5(j)(2) of this title (relating to Eligibility), elects to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the covered employee terminates employment, provided all group insurance premiums due for the month in which the employee terminates and for the election/enrollment period have been paid in full.

(7) Continuation of health coverage benefits for a spouse who is divorced from an employee/retiree and the spouse's dependent child. The divorced spouse, including dependent child (not provided for by §81.5(a) of this title (relating to Eligibility)) of an employee/retiree who, in accordance with §81.5(j)(3) of this title (relating to Eligibility), elects to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the divorce decree is signed, provided all group insurance premiums due for the month in which the divorce decree is signed and for the election/enrollment period have been paid in full.

(8) Continuation of health coverage benefits for a dependent child under 25 years of age who marries. A dependent child under 25 years of age who marries and who, in accordance with §81.5(j)(4) of this title (relating to Eligibility), elects to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees

Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the marriage occurred, provided all group insurance premiums due for the month in which the dependent child's marriage occurred and for the election/enrollment period have been paid in full.

(9) Continuation of health coverage benefits for a dependent child who has attained 25 years of age. A 25-year-old dependent child (not provided for by §81.5(d) of this title (relating to Eligibility)) of an employee/retiree who, in accordance with §81.5(j)(5) of this title (relating to Eligibility), elects to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the dependent child of the employee/retiree attains 25 years of age, provided all group insurance premiums due for the month in which the dependent child attained age 25 and for the election/enrollment period have been paid in full.

(10) Continuation coverage as provided for in paragraphs (5)-(9) of this subsection (h) means the continuation of only health coverage benefits which meets the following requirements:

(A) type of benefit coverage. The coverage shall consist of only the health coverage, which, as of the time the coverage is being provided, is identical to the health coverage provided for a similarly situated person for whom a cessation of coverage event has not occurred;

(B) period of coverage. The coverage shall extend for at least the period beginning on the first day of the month following the date of the cessation of coverage event and ending not earlier than the earliest of the following:

(i) in the case of termination of an employee's employment, the last day of the 18th calendar month of the continuation period;

(ii) in any case other than termination of an employee's employment, the last day of the 36th calendar month of the continuation period;

(iii) the date on which the employer ceases to provide any group health plan to any employee/retiree;

(iv) the date on which coverage ceases under the plan due to failure to make timely payment of any premium required as provided in §81.3(d)(2)(B)(ii) of this title (relating to Administration);

(v) the date on which the participant, after the date of election, becomes covered under any other group health plan;

(vi) the date on which the participant, after the date of election, becomes entitled to benefits under the Social Security Act, Title XVIII;

(vii) in the case of a participant who is continuing by reason of being a spouse of a covered employee/retiree, the date on which the participant remarries and becomes covered under any other group health plan;

(C) premium requirements. The premium for a participant during the continuation of health coverage period will be 102% of the employee's/retiree's health coverage only rate and is payable as provided in §81.3(d)(2)(B)(ii) of this title (relating to Administration);

(D) no requirement of insurability. No evidence of insurability is required for a participant who elects to continue health coverage under the provisions of §81.5(j), paragraphs (1)-(5), of this title (relating to Eligibility);

(E) conversion option. An option to enroll under the conversion plan available to employees/retirees is also available to a participant who continues health coverage for the maximum period as provided in subsection (h)(10)(B)(i) of this section and subsection (h)(10)(B)(ii) of this section. The conversion notice will be provided to a participant during the 180-day period immediately preceding the end of the continuation period.

Issued in Austin, Texas, on August 26, 1986.

TRD-8808341

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: September 1, 1986  
For further information, please call  
(512) 476-8431, ext. 178.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

### Chapter 14. County Indigent Health Care Program

The Texas Department of Human Services (DHS) adopts amendments to §§14.1, 14.2, 14.101-14.103, 14.105, 14.107, 14.108, 14.203, and 14.204, without changes to the proposed text published in the July 22, 1986, issue of the *Texas Register* (11 TexReg 3343).

The adoption is justified to add information concerning DHS audit procedures used in determining if counties are eligible for state assistance. Section 14.203 is amended to specify that a flat payment



rate may be used by counties to reimburse providers for services. This payment standard will particularly benefit those who provide services through a health maintenance organization.

The amendments furthermore clarify requirements, track the language of the Indigent Health Care and Treatment Act, and eliminate redundancy.

The amendments will function to provide counties with more thorough guidelines for operating the program and more options for providing benefits.

No comments were received regarding adoption of the amendments.

#### Subchapter A. Program Administration

##### ★40 TAC §14.1, §14.2

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

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608314      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: September 29, 1986  
Proposal publication date: July 22, 1986  
For further information, please call  
(512) 450-3766.

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#### Subchapter B. Determining Eligibility

##### ★40 TAC §§14.101-14.103, 14.105, 14.107, 14.108

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

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608315      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: October 1, 1986  
Proposal publication date: July 22, 1986  
For further information, please call  
(512) 450-3766.

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#### Subchapter C. Providing Services

##### ★40 TAC §14.203, §14.204

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

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608316      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: October 1, 1986  
Proposal publication date: July 22, 1986  
For further information, please call  
(512) 450-3766.

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#### Chapter 27. Intermediate Care for Mentally Retarded

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

##### ★40 TAC §27.2903

The Texas Department of Human Services adopts an amendment to §27.2903 in its Intermediate Care Facility for the Mentally Retarded (ICF-MR) chapter without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2963).

The amendment to §27.2903 is justified because it deletes a reference to a section that was repealed in 1985 and replaces it with a current citation.

Section 27.2903, as amended, will function by specifying that ICF-MR facilities must comply with record-keeping requirements listed in §27.4803, Protection of Funds.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608317      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: September 16, 1986  
Proposal publication date: June 27, 1986  
For further information, please call  
(512) 450-3766.

#### Chapter 48. Community Care for Aged and Disabled

##### Family Care Services

##### ★40 TAC §48.9201

The Texas Department of Human Services (DHS) adopts new §48.9201, concerning minimum standards for family care providers, in its community care for aged and disabled chapter. The department is simultaneously adopting the repeal of obsolete standards that were located in the purchased social services chapter. The new section is adopted without changes to the proposed text published in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3098).

The new section reflects current requirements for providers of family care services, and is located in the more appropriate chapter.

The new section clearly outlines contractors' obligations to provide quality services.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

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

Issued in Austin, Texas, on August 26, 1986.

TRD-8608335      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: October 8, 1986  
Proposal publication date: July 4, 1986  
For further information, please call  
(512) 450-3766.

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#### Chapter 69. Purchased Social Services

##### Subchapter J. Standards

##### ★40 TAC §§69.191-69.194

The Texas Department of Human Services (DHS) adopts the repeal of §§69.191-69.194 in its purchased social services chapter. Sections 69.191-69.193, concerning standards and definitions for alternate care providers, are obsolete. The department has modified §69.194, concerning standards for family care providers, and is simultaneously adopting the new standards as a new section in its community care for aged and disabled chapter. The repeals are adopted without changes to the proposed text published in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3100).

The repeals remove obsolete standards and definitions for alternate care and family care providers.

The repeals make purchased social services rules clearer and more concise and allow current standards to be placed in a more appropriate chapter.

No comments were received regarding adoption of the repeals.

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

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

Issued in Austin, Texas, on August 28.

TRD-8608334      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: October 8, 1986  
Proposal publication date: July 4, 1986  
For further information, please call  
(512) 450-3766.

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## Part XII. Texas Advisory Board of Occupational Therapy

### Chapter 361. Statutory Authority and Definitions

#### ★40 TAC §361.2

The Texas Advisory Board of Occupational Therapy adopts an amendment to §361.2,

without changes to the proposed text published in the July 15, 1986, issue of the *Texas Register* (11 TexReg 3256).

The Texas Advisory Board of Occupational Therapy is adopting this rule to add the definition of the phrase "complaint review committee."

The amendment will function to more efficiently and effectively act upon complaints concerning the enforcement of this Act.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on August 25, 1986.

TRD-8608354      Vernon H. Newman  
Assistant Commissioner  
Texas Rehabilitation  
Commission

Effective date: October 27, 1986  
Proposal publication date: July 15, 1986  
For further information, please call  
(512) 445-8368.

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### Chapter 385. Complaints

#### ★40 TAC §385.1

The Texas Advisory Board of Occupational Therapy adopts an amendment to §385.1,

without changes to the proposed text published in the July 15, 1986, issue of the *Texas Register* (11 TexReg 3257).

The Texas Advisory Board of Occupational Therapy is adopting this amendment to create the Complaints Review Committee to review and advise concerning complaints when such a review is deemed necessary in order to insure the appropriate action is taken.

The amendment will function to increase consumer protection so that complaints will be acted upon in a more timely, appropriate manner.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

Issued in Austin, Texas, on August 8, 1986.

TRD-8608355      Vernon H. Newman  
Assistant Commissioner  
Texas Rehabilitation  
Commission

Effective date: October 27, 1986  
Proposal publication date: July 15, 1986  
For further information, please call  
(512) 445-8368.

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## 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 has approved rate revisions to the currently approved Insurance Agents Errors and Omissions Professional Liability Coverage Program.

The board finds that such revised rates, which represent an overall increase of 34.9% in rate level, are reasonable and adequate to the insurance carriers writing this coverage in the State of Texas.

The rate revisions are effective October 1, 1986.

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

Issued in Austin, Texas, on August 25, 1986.

TRD-8608310      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: October 1, 1986  
For further information, please call  
(512) 463-6327.

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# Open Meetings

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

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

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

## Texas Department on Aging

**Thursday, September 18, 1986, 10 a.m.** The Texas Board of Aging will meet in the Third Floor Conference Room, 1949 IH 35 South, Austin. Items on the agenda include approval of the minutes of the June 26, 1986, meeting; a report on the State Citizens Advisory Council; the fiscal report; the report on the Silver Haired Legislature; the report on the Southwest Society on Aging conference; the program report; and special projects.

**Contact:** Daniel Stewart, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

**Filed:** August 28, 1986, 10:28 a.m.  
TRD-8608364

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## Texas Department of Agriculture

**Tuesday, September 9, 1986, 10:30 a.m.** The Texas Department of Agriculture will meet in the district office, 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct an administrative hearing to review the alleged violation of Texas pesticide laws and regulations by Robert D. Adams, doing business as Perma-Green Products.

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

**Filed:** August 27, 1986, 10:36 a.m.  
TRD-8608348

**Tuesday, September 9, 1986, 10:45 a.m.** The Texas Department of Agriculture will meet in the district office, 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct an administrative hearing to review the alleged violation of Texas pesticide laws and regulations by Barney Janacka, holder of a private applicator license.

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

**Filed:** August 27, 1986, 10:36 a.m.  
TRD-8608349

**Tuesday, September 23, 1986, 10:15 a.m.** The Texas Department of Agriculture will meet at the district office, two blocks west of Morningside Road, Expressway 83, San Juan. According to the agenda, the department will conduct an administrative hearing to review alleged violation of Texas pesticide laws and regulations by Thomas Arbuthonot, doing business as Coastal Bend Weed Control, holder of a commercial applicator license.

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

**Filed:** August 27, 1986, 10:37 a.m.  
TRD-8608350

**Thursday, September 25, 1986, 10 a.m.** The Texas Department of Agriculture will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will conduct an administrative hearing to review alleged violation of Texas pesticide laws and regulations by Clifton Bowren, doing business as Bowren Flying Service, holder of a commercial applicator license.

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

**Filed:** August 27, 1986, 10:37 a.m.  
TRD-8608351

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## State Banking Board

**Monday, September 8, 1986, 2 p.m.** The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, the board will consider approval of charter applications, interim charter applications, change of domicile application, and conversion of applications. The board also will consider hearings procedures; and review applications approved, but not yet open. The board will meet in executive session to discuss pending litigation.

**Contact:** William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705.

**Filed:** August 29, 1986, 2:50 p.m.  
TRD-8608414

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## State Bar of Texas

**Thursday, September 4, 1986, 9 a.m.** The Executive Committee of the State Bar of Texas met at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee considered the reports of the president and executive director, including budgetary and personnel matters; the reports of the general counsel, TYLA president, immediate past president, president-elect, immediate past chairman, supreme court liaison, and the board PDP committee; and an update on legislation for the State Bar package.

**Contact:** Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

**Filed:** August 27, 1986, 3:35 p.m.  
TRD-8608358

**Thursday, September 4, 1986, 9 a.m.** The Executive Committee of the State Bar of Texas met for an emergency revised agenda at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the committee considered a proposal by the Committee on Victim Assistance to co-sponsor a statewide training conference for victim assistance; considered budget allocations; considered adoption of final MCLE Rules and Regulations, §11, Standards of Accreditation. The emergency status was necessary because these items required rapid attention from the executive committee and were not posted in time.

**Contact:** Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

**Filed:** August 29, 1986, 11:38 a.m.  
TRD-8608397

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### **Battleship Texas Advisory Board**

**Saturday, September 13, 1986, 10 a.m.** The Battleship Texas Advisory Board will meet at the Battleship Texas, 3527 Battleground Road, La Porte. Items on the agenda include the approval of minutes; a report on the Pasadena sesquicentennial fundraiser; a presentation of ship models; review of slide presentation and song; approval of expenses; and a report on fundraising activities. The board also will meet in executive session if necessary.

**Contact:** W. Douglas Williams, Suite 601, 3033 Chimney Rock, Houston, Texas 77056, (713) 783-8109.

**Filed:** August 27, 1986, 8:48 a.m.  
TRD-8608347

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### **Texas Department of Community Affairs**

**Friday, September 5, 1986, 10 a.m.** The State Community Development Block Grant Review Committee of the Texas Department of Community Affairs will meet in the First Floor Conference Room, 8317 Cross Park Drive, Austin. According to the agenda, the committee will consider the economic development report; recommendations on economic development projects; appeals; and TCDP comments.

**Contact:** Kelly Myrick, P.O. Box 13166, Austin, Texas 78711, (512) 834-6070.

**Filed:** August 28, 1986, 1:47 p.m.  
TRD-8608371

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### **Coordinating Board, Texas College and University System**

**Tuesday, September 16, 1986, 10 a.m.** The Administrative Council of the Coordinating Board, Texas College and University System will meet in the Board of Regents Conference Room, Administration Building, North Texas State University, Denton. According to the agenda, the council will elect officers; consider the final adoption of proposed amendments to §25.50—Coverage for Dependents and §25.56—Continuation Coverage; consider the staff recommendation on the Definition of Retired Employee—§25.32; legislative matters; and the executive secretary's report.

**Contact:** James McWhorter, P.O. Box 12788, Austin, Texas 78711, (512) 462-6420.

**Filed:** August 27, 1986, 10:35 a.m.  
TRD-8608352

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### **Texas Department of Corrections**

**Monday, September 8, 1986, 10 a.m.** The Board of Corrections of the Texas Department of Corrections will meet in Hazel D. Kerper Courtroom, Criminal Justice Center, Sam Houston State University, 815 16th Street at Avenue I, Huntsville. According to the agenda, the board will meet to consider operations; inmate affairs; medical affairs; finance; agriculture; business; construction; industries; director's items; and the Windham School system. The board also will meet in executive session.

**Contact:** O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 1160.

**Filed:** August 29, 1986, 11:33 a.m.  
TRD-8608396

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### **Texas Education Agency**

**Thursday and Friday, September 4 and 5, 1986, 10 a.m. daily.** The Accountable Costs Advisory Committee of the Texas Education Agency met in Room 1-109, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee reviewed the final reports of accountable costs studies.

**Contact:** Wess Robinson, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9704.

**Filed:** August 27, 1986, 4:13 p.m.  
TRD-8608359

**Friday, September 5, 1986, 10 a.m.** The Price Differential Index Advisory Committee of the Texas Education Agency will meet in Room 2-115, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will adopt the committee report. The meeting is rescheduled from Friday, August 29, 1986.

**Contact:** Maureen More Scheevel, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** August 27, 1986, 4:13 p.m.  
TRD-8608360

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### **Office of the Governor**

**Friday, September 19, 1986, 10 a.m.** The Task Force of Border Economic Development of the Office of the Governor will meet in Room 101, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include the adoption of the minutes; a presentation by Congressman Ron Coleman; comments and questions regarding the border caucus; a discussion of the "Future of a Region" Conference; a discussion of issues meriting further development, including en-

vironment/tourism, infrastructure, education and training, business and agribusiness, and federal and state issues; an open discussion; and other business.

**Contact:** Tom Adams, Room 412, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 463-1827.

**Filed:** August 26, 1986, 10:20 a.m.  
TRD-8608311

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### **Texas Department of Human Services**

**Monday-Thursday, September 8-11, 1986, 11 a.m. on Monday, and 9:30 a.m. Tuesday-Thursday.** The Program Design and Implementation Subcommittee of the Council on Child Abuse and Neglect Prevention of the Texas Department of Human Services will meet in Room 223, Brookhollow Inn, 925 La Posada, Austin. According to the agenda summary, the subcommittee will consider the report on subcommittee activities and review the proposals.

**Contact:** Susan Watkins, P.O. Box 2960, Austin, Texas 78769, (512) 450-3306.

**Filed:** August 29, 1986, 11:58 a.m.  
TRD-8608400

**Friday, September 12, 1986, 9:30 a.m.** The Council on Child Abuse and Neglect Prevention of the Texas Department of Human Services will meet in Room 1-W, 701 West 51st Street, Austin, Texas 78769, (512) 450-3306.

**Contact:** Susan Watkins, P.O. Box 2960, Austin, Texas 78769, (512) 450-3306.

**Filed:** August 29, 1986, 11:58 a.m.  
TRD-8608401

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### **Texas Industrial Accident Board**

**Tuesday, September 2, 1986, 9:30 a.m.** The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside, Austin. Items on the agenda included a discussion of the board policy on compromise settlement agreements closing out future medical and the proposed board rule on compromise settlement agreements setting aside the board award. The board also met in executive session to review board files pursuant to the workers' compensation statute.

**Contact:** William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

**Filed:** August 28, 1986, 3:34 p.m.  
TRD-8608374

**Tuesday, September 2, 1986, 9:30 a.m.** The Texas Industrial Accident Board met for a revised agenda in Room 107, first floor, Bevington A. Reed Building, 200 East Riverside

Drive, Austin. According to the agenda, the board will review the proposed 1987 budget.

**Contact:** William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

**Filed:** August 29, 1986, 3:42 p.m.  
TRD-8608421

**Tuesday, September 2, 1986, 9:30 a.m.** The Texas Industrial Accident Board made a revision to the agenda for a meeting held in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. The revision concerned the proposed board rule on contents of rule-making petitions (061.01.00.013).

**Contact:** William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

**Filed:** August 29, 1986, 10:01 a.m.  
TRD-8608390

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### State Board of Insurance

Hearing Sections of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, sections, and dockets follow.

**Tuesday, September 9, 1986, 9 a.m.** In Room 342, the Commissioner's Hearing Section will consider Docket 9342—whether disciplinary action should be taken against Becky Diane Fender, Richardson, who holds a Group I, legal reserve life insurance agent's license and Group II life, health, and accident insurance agent's license issued by the State Board of Insurance.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** August 29, 1986, 1:16 p.m.  
TRD-8608418

**Tuesday, September 9, 1986, 9 a.m.** In Room 353, the Fire Marshal's Hearing Section will consider Docket FM-036—whether disciplinary action should be taken against Sandberg Fire Protection of Texas, Inc., Austin, who holds a certificate of registration to install fire protection sprinkler systems.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** August 29, 1986, 1:16 p.m.  
TRD-8608417

**Tuesday, September 9, 1986, 1:30 p.m.** In Room 353, the Fire Marshal's Hearing Section will consider Docket FM-055—whether disciplinary action should be taken against Sun Protective Services, Inc., who holds a certificate of registration to install fire detection and alarm devices and systems.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** August 29, 1986, 1:16 p.m.  
TRD-8608416

**Thursday, September 11, 1986, 1:30 p.m.** In Room 342, the Commissioner's Hearing Section will consider Docket 9237—application of John Douglas Sharp, Austin, for a Group I legal reserve life insurance agent's license.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** August 29, 1986, 1:16 p.m.  
TRD-8608425

**Friday, September 12, 1986, 1:30 p.m.** In Room 342, the Commissioner's Hearing Section will consider Docket 9281—application of Donald Leroy Brown, Dallas, for a legal reserve life insurance agent's license and a Group II life, health, and accident insurance agent's license.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** August 29, 1986, 1:17 p.m.  
TRD-8608426

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### Texas Department of Labor and Standards

**Tuesday, September 2, 1986, 11 a.m.** The Manufactured Housing Division of the Texas Department of Labor and Standards met in emergency session in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division considered license and registration; suspensions; and alleged violations of various rules and regulations of the department. The emergency status was necessary to consider the possible violation of Texas Civil Statutes, Article 5221f rules which jeopardize individual safety and the public's welfare.

**Contact:** Pat Katon, P.O. Box 12157, Austin, Texas 78711, (512) 463-7348.

**Filed:** August 26, 1986, 3:43 p.m.  
TRD-8608336

**Thursday and Friday, September 4 and 5, 1986, 1 p.m. and 9 a.m., respectively.** The Board of Boiler Rules of the Boiler Division of the Texas Department of Labor and Standards met in Room 103, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the board approved the agenda and the minutes of March 6, 1986; considered the membership report; the task force reports; and new business.

**Contact:** Steven M. Matthews, P.O. Box 12157, Austin, Texas 78711, (512) 463-2904.

**Filed:** August 26, 1986, 11:22 a.m.  
TRD-8608329

**Friday, September 12, 1986, 9 a.m.** The Manufactured Housing Division of the

Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider license and registration; suspensions; and alleged violations of various rules and regulations of the department.

**Contact:** Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

**Filed:** August 26, 1986, 3:44 p.m.  
TRD-8608337

**Tuesday, September 16, 1986, 9 a.m.** The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider license and registration; suspensions; and alleged violations of various rules and regulations of the department.

**Contact:** Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

**Filed:** August 26, 1986, 3:43 p.m.  
TRD-8608338

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

**Wednesday, September 10, 1986, 10 a.m.** The Texas Commission on Law Enforcement Officer Standards and Education will meet in Room 310, Old Supreme Court Room, State Capitol, Austin. According to the agenda summary, the commission will consider two proposed commission rules and three final commission rules.

**Contact:** David Boatright, Suite 100, 1606 Headway Circle, Austin, Texas 78754, (512) 834-9222.

**Filed:** August 26, 1986, 4:53 p.m.  
TRD-8608345

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### Texas State Board of Medical Examiners

**Tuesday-Thursday, September 3-11, 1986, 8 a.m. daily.** The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Austin. According to the agenda, the committee will review individual investigation files; and discuss committee recommendations on proceeding with cases and board matters. The committee also will meet in executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Op. A. G. 1974, No. H-484.

**Contact:** Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

**Filed:** August 29, 1986, 1:33 p.m.  
TRD-8608424

### State Board of Morticians

**Tuesday, September 2, 1986, 9 a.m.** The State Board of Morticians made an emergency revision to the agenda for a meeting held in Conference Room B, Building B, 8100 Cameron Road, Austin. The revision concerned the applicant for reinstatement of apprenticeship and credit for time and cases completed. The emergency status was necessary because all credentials were not received until after the final deadline.

**Contact:** Larry A. Farrow, Suite 550, Building B, 8100 Cameron Road, Austin, Texas 78753, (512) 834-9992.

**Filed:** August 28, 1986, 1:40 p.m.  
TRD-8608370

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### Texas Motor Vehicle Commission

**Tuesday, September 9, 1986, 9 a.m.** The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos Street, Austin. According to the agenda summary, the commission will adopt the minutes of the commission meeting of August 19 and 20, 1986; consider hearing reports and final orders in lemon law cases: Dockets 86-116, 86-125, 86-106, 86-152, 86-114, 86-109, and 86-097; agreed orders for approval and entry by the commission: Dockets 86-184, 86-194, and 86-202; the order of dismissal, Docket 453; adopt rules for the lemon law cases; the election of the chair and vice chair for fiscal year 1987; general discussion; review pending litigation; and the financial report.

**Contact:** Russell Harding, 815 Brazos Street, Suite 301, Austin, Texas 78701, (512) 476-3587.

**Filed:** August 27, 1986, 1:42 p.m.  
TRD-8608356

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### Texas Music Commission

**Thursday, September 4, 1986, 10 a.m.** The Texas Music Commission met in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the commission considered new business, a committee report, and public comment.

**Contact:** Bekki Lammert, P.O. Box 2910, Austin, Texas 78769, (512) 463-1100.

**Filed:** August 27, 1986, 3:19 p.m.  
TRD-8608357

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### Board of Pardons and Paroles

**Thursday, September 4, 1986, 9:30 a.m.** The Board of Pardons and Paroles met at 8610 Shoal Creek Boulevard, Austin. According

to the agenda, the board considered the minutes of the July 1 and 24, 1986, meetings; the revision of rules; the Sunset Commission report; the NCIC/TCIC published cases/extradition policy; the supervision fees halfway house cases; the HH and alternate parole plans; early mandatory supervision review 3-G cases; reviewed the revocation cases; the parole in absentia procedure; budget; considered the executive director's report; and the parole panel compositions.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

**Filed:** August 26, 1986, 4:25 p.m.  
TRD-8608343

**Monday-Friday, September 8-12, 1986, 1:30 p.m. daily except 11 a.m. on Friday.** A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

**Filed:** August 29, 1986, 10:39 a.m.  
TRD-8608391

**Tuesday, September 9, 1986, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

**Filed:** August 29, 1986, 10:38 a.m.  
TRD-8608392



### Proprietary School Advisory Commission

**Tuesday, September 9, 1986, 9 a.m.** The Proprietary School Advisory Commission made an emergency additions to the agenda for a meeting to be held in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. The additions concern a discussion of proposed legislative recommendations for the upcoming regular legislative session; and a discussion of school owners assisting Joe Price and the Texas Education Agency staff with compliance surveys of other schools in their area.

**Contact:** Joe L. Price, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9475.

**Filed:** August 29, 1986, 1:23 p.m.  
TRD-8608415

**Tuesday, September 9, 1986, 9 a.m.** The Proprietary School Advisory Commission will meet in Room 1-110, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will discuss school sponsored housing; the request for attorney general's opinion, Texas Education Code, §32.12(b), concerning schools offering subsidized courses of special study; discuss student transcripts; the full and correct name of the school, its address, and the city where the school is located; discuss multiple locations; definitions (unearned tuition); the title change from certificates of approval and permits for representative to certificates of approval; the revisions to record of the previous education and training forms; the notification of the report of survey; the additional blank on renewal application for the total number of students; and the status report.

**Contact:** Joe L. Price, 1701 North Congress Avenue, Austin, Texas 78704, (512) 463-9475.

**Filed:** August 27, 1986, 4:13 p.m.  
TRD-8608361

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### Texas State Board of Public Accountancy

**Friday, August 29, 1986, 10 a.m.** The Texas State Board of Public Accountancy met in emergency session via conference call in Suite 340, 1033 La Posada, Austin. According to the agenda, the board discussed litigation in a lawsuit filed against the board styled "Opella vs. Texas State Board of Public Accountancy" which is scheduled for trial in early October. The emergency status was necessary because situations in the lawsuit have necessitated full board decisions in order for counsel to prepare for the forthcoming trial. The next regularly scheduled board meeting is September 18 and 19, 1986, and decisions must be made before that date.

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

**Filed:** August 28, 1986, 1:32 p.m.  
TRD-8608367

**Thursday, September 4, 1986, 9 a.m.** The Enforcement Committee of the Texas State Board of Public Accountancy met in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee reviewed the workload status report; discussed the specific complaints against licensees and non-licensees; items dealing with possible complaints, solicitation, rules of professional

conduct, independence, and advertising; other matters coming before the committee; and conducted panel hearings regarding possible violations of the rules of professional conduct.

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

**Filed:** August 26, 1986, 2:11 p.m.  
TRD-8608333

**Friday, September 5, 1986, 9 a.m.** The State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the board will conduct an examination on unusual similarities in the papers written at the May 1986, uniform CPA examination by Candidates 1-24-6312 and 1-24-6313.

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

**Filed:** August 28, 1986, 1:31 p.m.  
TRD-8608368

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

**Thursday, September 4, 1986, 10 a.m.** The Hearings Division of the Public Utility Division met in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division conducted a prehearing conference in Docket 6960—appeals of the City of Houston Rate Ordinance 86-984.

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

**Filed:** August 26, 1986, 4:06 p.m.  
TRD-8608342

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, September 9, 1986, 10 a.m.** A prehearing conference in Docket 6995—petition of Lower Colorado River Authority *et al.* for determination of the whelling impact of the transmission of bulk power from Oklahoma Unit 1 to the Public Utilities Board of the City of Brownsville.

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

**Filed:** August 29, 1986, 3:09 p.m.  
TRD-8608419

**Tuesday, September 9, 1986, 2 p.m.** A prehearing conference in Docket 7008—application of Texas-New Mexico Power Company for approval of a small wholesale power for resale service rate.

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

**Filed:** August 29, 1986, 3:08 p.m.  
TRD-8608420

**Friday, September 26, 1986, 10 a.m.** A prehearing conference in Docket 6970—application of Southwestern Bell Telephone Company to offer in-line wire maintenance service.

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

**Filed:** August 29, 1986, 3:10 p.m.  
TRD-8608430

**Monday, October 6, 1986, 1:30 p.m.** A hearing on the merits in Docket 6999—complaint of Pat Milliken against Tri-County Electric Cooperative, Inc., for refusal to serve within the City of Keller.

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

**Filed:** August 29, 1986, 3:08 p.m.  
TRD-8608428

**Monday, January 5, 1987, 10 a.m.** A hearing on the merits in Docket 6968—complaint of Intellicall, Inc., against General Telephone Company of the Southwest regarding rates for selective class of call screening.

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

**Filed:** August 29, 1986, 3:10 p.m.  
TRD-8608429

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### **Railroad Commission of Texas**

**Monday, September 16, 1986, 9 a.m.** The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

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

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

**Filed:** August 29, 1986, 11:51 a.m.  
TRD-8608405

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

**Filed:** August 29, 1986, 11:52 a.m.  
TRD-8608408

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

**Contact:** Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

**Filed:** August 29, 1986, 11:59 a.m.  
TRD-8608402

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

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** August 29, 1986, 11:54 a.m.  
TRD-8608412

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

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

**Filed:** August 29, 1986, 11:53 a.m.  
TRD-8608409

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters; and jurisdiction over LP-gas systems which service 10 or more housing units.

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

**Filed:** August 29, 1986, 11:52 a.m.  
TRD-8608407

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

**Contact:** Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

**Filed:** August 29, 1986, 11:52 a.m.  
TRD-8608406

Additions to the previous agenda:

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

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

**Filed:** August 29, 1986, 11:53 a.m.  
TRD-8608410

Consideration of a staff recommendation to file a grant application with the U.S. Environmental Protection Agency for the Underground Injection Control Program for fiscal year 1987 in the amount of \$509,864.

**Contact:** Jerry Mullican, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6790.

**Filed:** August 29, 1986, 11:49 a.m.  
TRD-8608398

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

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



**Filed:** August 29, 1986, 11:54 a.m.  
TRD-8608411

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

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

**Filed:** August 29, 1986, 11:55 a.m.  
TRD-8608413

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

**Contact:** Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

**Filed:** August 29, 1986, 11:50 a.m.  
TRD-8608403

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; and award a contract for backfilling and enclosing mine shafts at the Terlingua Abandoned Mine Land Project in Brewster County.

**Contact:** J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

**Filed:** August 29, 1986, 11:51 a.m.  
TRD-8608404

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

**Contact:** Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

**Filed:** August 29, 1986, 11:49 a.m.  
TRD-8608399

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### **Texas Real Estate Commission**

**Monday, September 8, 1986, 9:30 a.m.** The Texas Real Estate Commission (TREC) will meet in the conference room, TREC Headquarters, 1101 Camino La Costa, Austin. According to the agenda summary, the commission will consider the minutes of the August 11, 1986, commission meeting; staff reports for the month of July, 1986; education matters; errors and omissions insurance; consider final action on proposed amendments to 22 TAC §543.4 concerning time-share registrations, §535.92 concerning certification of licensure status, and §535.64 concerning time for providing educational documentation; motions for rehearing and/or probation; and a rehearing in the matter of Marilyn M. Hoffman's application for a real estate broker license, hearing A-8615. The commission also will meet in executive session to discuss pending litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(c).

**Contact:** Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 465-3900.

**Filed:** August 27, 1986, 10:35 a.m.  
TRD-8608353

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### **Texas Rehabilitation Commission**

**Thursday, September 4, 1986, 7 p.m.** The Executive Committee, Texas Planning Council for Developmental Disabilities (DD) for the Texas Rehabilitation Commission met in emergency session in the Pecan Room, first floor, Embassy Suites Hotel, 300 South Congress Avenue, Austin. According to the agenda, the committee will discuss DD grant funding activities. The emergency status was necessary to provide recommendations necessary to fully obligate all federal DD funds prior to September 30, 1986.

**Contact:** Roger Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8004.

**Filed:** August 29, 1986, 11:00 a.m.  
TRD-8608395

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

**Tuesday, September 9, 1986, 9 a.m.** The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda, the department will accumulate a record of evidence in regard to the application of Austin Savings Association, Austin, Travis County, Texas, for a branch office to be located at 1912 West 35th Street, Austin, Travis County, from which record the commissioner will determine whether to grant or deny the application.

**Contact:** Nancy O. Ricketts, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** August 29, 1986, 10:56 a.m.  
TRD-8608394

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### **Office of the Secretary of State**

**Wednesday, September 3, 1986, 10 a.m.** The Office of the Secretary of State met in emergency session in Room 127, State Capitol, Austin. According to the agenda, the office determined by a public drawing, the ballot positions for the proposed constitutional amendments as a result of the second called special session of the 69th Legislative Session that will appear on the November 4, 1986, general election ballot, in accordance with the Election Code, Texas Civil Statutes, §274.002(b). The emergency status

was necessary because consideration of additional proposed amendments for the November ballot is ongoing during the special session.

**Contact:** Kim Tolar Sutton, Elections Division, Room 917, Sam Houston Building, Austin, Texas 78701, (512) 463-5650.

**Filed:** August 29, 1986, 5:14 p.m.  
TRD-8608431

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### **Teacher Retirement System of Texas**

**Friday, September 12, 1986, 9 a.m.** The Retirees Advisory Committee of the Teacher Retirement System of Texas will meet at the Wyndham Hotel, 9821 Colonnade, San Antonio. According to the agenda, the committee will report on TRS Group Insurance Program staffing; and hear the TRS-care enrollment status report and the TRS-care new member packet report.

**Contact:** Stanford Blake, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

**Filed:** August 29, 1986, 1:54 p.m.  
TRD-8608427

**Friday, September 12, 1986, 10 a.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet in the Wyndham Hotel, 9821 Colonnade, San Antonio. According to the agenda summary, the board will consider the report of the committee to nominate officers; approve the minutes; review the investments for the quarter and year ending August 31, 1986; review the discussion and recommendations at the IAC meeting; appoint the officers for the Investment Advisory Committee; consider the terms of office for the Investment Advisory Committee; consider the report of the Building Committee; the proposed amendments to rules and regulations; proposed amendments to the Retiree Group Insurance Plan; the report of the general counsel; an estimate of state contributions for the 1987-1989 biennium; and estimate of state contributions for the Retiree Group Insurance Fund for the 1987-1989 biennium; and a report of the Benefits Division. The board also will meet in executive session to discuss personnel.

**Contact:** Mary Godzik, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

**Filed:** August 29, 1986, 9:38 a.m.  
TRD-8608389

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

**Wednesday, September 10, 1986, 7 p.m.** The Advisory Council for Technical-Vocational Education in Texas will meet in Salon E, Marriott Hotel, Highway 290 at IH 35, Aus-



tin. According to the agenda summary, the council will hear an overview of the September 11, 1986, roundtable discussions on vocational education issues to be held by the council; receive a legislative update; discuss the fiscal year 1987 budget; review the 1986-1987 council committee structure; plan the 1986-1987 council meeting dates; discuss the upcoming reports of the council to the state board, governor, and legislature; review council position statements; review the council's schedule of work; and conduct other business.

**Contact:** Val Blaschke, Suite 424, 12th and Trinity, Austin, Texas 78701, (512) 463-5490.

**Filed:** August 26, 1986, 11:17 a.m.  
TRD-8608327

**Thursday, September 11, 1986, 9 a.m.** The Advisory Council for Technical-Vocational Education in Texas will host roundtable discussions on vocational education issues with business, industry, labor, government, and education participating. The roundtable discussions will focus on the proposal to reshape vocational education currently being considered by the State Board of Education. A legislative update on vocational education will be given.

**Contact:** Val Blaschke, Suite 424, 12th and Trinity, Austin, Texas 78701, (512) 463-5490.

**Filed:** August 26, 1986, 11:18 a.m.  
TRD-8608328

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### Texas State Technical Institute

**Sunday and Monday, September 14 and 15, 1986, 10 a.m. daily.** The Board of Regents of Texas State Technical Institute (TSTI) will meet at the Sears Technology Building, Sweetwater. According to the agenda summary, the board will approve the minutes; the requests for budget change; the TPEG and emergency student loan guidelines; addendum to lease with aviation properties; the lease agreement with the educator's credit union; the lease agreement with Electrospace Systems, Inc., for an office in space in Building 6-3; the lease agreement with Electrospace Systems, Inc., for office space in Building 8-13; the addendum to Hangar 8-1 lease with Electrospace Systems, Inc.; the lease agreement with Al Bunton, doing business as Amarillo Custom Store Fixture Company for Building 6400; the lease agreement with Superior Pallet Company for Buildings 9530 and 9531; the sale and removal of seven buildings at TSTI-Amarillo; the Aeronautical Council of the Texas Air Show at TSTI-Waco; the easement for the City of Harlingen to construct a road on state property at TSTI Harlingen; policies relating to instruction; the declaration of buildings at TSTI-Amarillo as not needed for educational purposes; and other business.

**Contact:** Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, (817) 799-3611, ext. 3909.

**Filed:** August 27, 1986, 4:27 p.m.  
TRD-8608362

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### University Interscholastic League

**Thursday, September 4, 1986, 1:30 p.m.** The State Executive Committee of the University Interscholastic League (UIL) met in Room 1.202, Thompson Conference Center, 26th and Red River Streets, Austin. According to the agenda summary, the committee conducted hearings on alleged violations of UIL rules.

**Contact:** Bill Farney, P.O. Box 8028, Austin, Texas 78713, (512) 471-5883.

**Filed:** August 28, 1986, 4:13 p.m.  
TRD-8608386

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### Texas Water Commission

**Thursday, September 4, 1986, 9:30 a.m.** The Texas Water Well Drillers Board of the Texas Water Commission met in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board elected its officers for fiscal year 1987; considered the approval of the minutes of its July 10, 1986, meeting; the certification of applicants for registration; the applications for the driller trainee registration; proposed rule changes; staff reports; and considered whether to set the following complaints for formal public hearing before the board or for other appropriate legal action: Gerald Biffle, Ronnie Davis, James D. Fleck, Steve Grewing, Griffin Dewatering Corporation, Leon Hess, Kenneth Korenek, David Jeffery, Lewis and Brinkerhoff, Todd Moore and Robert Reising, Dwight Northcutt, Timmie Johnson, J. W. Oliver, Lawrence Pumphrey, Charles J. Walker, Sam Stringer, Travis T. Voelkel, Nick Walter Scheid and Steve Fette, and Gerald Warren.

**Contact:** Roger Schultz, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

**Filed:** August 26, 1986, 10:38 a.m.  
TRD-8608312

**Thursday, September 4, 1986, 1:30 p.m.** The Texas Water Well Driller Board of the Texas Water Commission met in Room 118, Stephen F. Austin Building, Austin. According to the agenda summary, the board considered whether to suspend or revoke the following licenses or impose an administrative penalty: WWDB-86-010—Jack Whittenburg (WWDB 2394), 3 p.m.; WWDB-86-015—Jim Bradford (WWDB 2058), 1:30 p.m.; WWDB-86-016—Michael

D. Campbell (WWDB 2624), 1:45 p.m.; WWDB-86-017—Kenny Hoefling (WWDB 2495), 2 p.m.; WWDB-86-018—David Powell (WWDB 2054), 2:15 p.m.; WWDB-86-019—Thomas Max Johnson (WWDB 857), 2:30 p.m.; WWDB 86-020—Charles Allen Raymond, Jr. (WWDB 774), 2:45 p.m.; and WWDB-86-021—J. R. Wilburn (No WWDB License), 3:15 p.m.

**Contact:** Roger Schultz, P.O. Box 13087, Austin, Texas 78711, (512) 463-8072.

**Filed:** August 26, 1986, 10:38 a.m.  
TRD-8608313

**Tuesday, September 9, 1986, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider water district bond issues, use of surplus funds, and release from escrow, proposed water quality permits, renewals and amendments, production area authorization water use applications, and consideration of a contract.

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

**Filed:** August 29, 1986, 3:50 p.m.  
TRD-8608422

**Friday, September 19, 1986, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7040-G—application for rate increase of Denton County Development Company, Inc.

**Contact:** Cynthia G. Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** August 28, 1986, 3:53 p.m.  
TRD-8608377

**Monday, September 22, 1986, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7041-G—a rate increase by Harward Computer Systems, Inc., doing business as Lake Road Water Company.

**Contact:** Charmaine Rhodes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** August 28, 1986, 3:53 p.m.  
TRD-8608378

**Wednesday, September 24, 1986, 9:30 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

The commission will consider TA-5505 of H.V. Caver, Inc., for a permit to divert and use two acre-feet of water for a two year period from Black Bayou, Cypress Basin, for industrial purposes in Cass County.

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

**Filed:** August 28, 1986, 3:54 p.m.  
TRD-8608379

The commission will consider TA-5528 of Garrison Contractors for a permit to divert ten acre-feet of water for a one year period from Pecos River, tributary of Rio Grande, Rio Grande Basin, for mining purposes in Pecos County.

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

**Filed:** August 28, 1986, 3:54 p.m.  
TRD-8608380

The commission will consider TA-5523 of Rob L. Harbison for a permit to divert ten acre-feet of water for a one year period from Fall Branch Creek, tributary Johnson Creek, tributary Guadalupe River, Guadalupe River Basin, for irrigation purposes in Derr County.

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

**Filed:** August 28, 1986, 3:54 p.m.  
TRD-8608381

The commission will consider TA-5537 of the U.S. Department of Energy, Strategic Petroleum Reservoirs for a permit to divert 14 acre-feet of water for a one year period from Halls Bayou, tributary West Bay, San Jacinto-Brazos Coastal Basin, for industrial purposes in Brazoria County.

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

**Filed:** August 28, 1986, 3:53 p.m.  
TRD-8608382

The commission will consider TA-5538 of U.S. Department of Energy, Strategic Petroleum Reservoirs for a permit to divert and use 19 acre-feet of water for a one year period from Bastrop Bayou, tributary Bastrop Bay, tributary Christmas Bay, San Jacinto-Brazos Coastal Basin, for industrial purposes in Brazoria County.

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

**Filed:** August 28, 1986, 3:53 p.m.  
TRD-8608383

The commission will consider TA-5527 of Danson Oil Corporation for a permit to divert and use a total of 25 acre-feet of water for a three year period from a reservoir on an unnamed creek, tributary of Clear Fork, Brazos River, tributary of Brazos River, Brazos River Basin, for industrial purposes in Young County.

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

**Filed:** August 28, 1986, 3:53 p.m.  
TRD-8608384

The commission will consider TA-5536 of Texas Utilities Fuel Company for a permit to divert sixty acre-feet of water for a six month period from Trinity River, Trinity River Basin, for industrial purposes in Anderson County.

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

**Filed:** August 28, 1986, 3:53 p.m.  
TRD-8608385

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### **Regional Agencies Meetings Filed August 26**

**The Bexar Appraisal District,** Appraisal Review Board, met in emergency session at 535 South Main Street, San Antonio, on August 29, 1986, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511.

**The Burnet County Appraisal District,** will meet at 215 South Pierce Street, Burnet, on September 11, 1986, at 6:30 p.m. Information may be obtained from Alvin C. Williams, Drawer E. Burnet, Texas 78611, (512) 756-8291.

**The Dallas Area Rapid Transit,** Board of Directors, met in emergency session at the DART Office, 601 Pacific Avenue, Dallas, on August 26, 1986, at 4 p.m. The Mobility Impaired Task Force met in emergency session at the same location on August 28, 1986, at 5 p.m. The Search Committee met in emergency session at the Melrose Hotel, 3015 Oak Lawn Avenue, Dallas, on August 29, 1986, at 8:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.  
TRD-8608326

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### **Meetings Filed August 27**

**The Concho Valley Council of Governments,** Regional Review Committee, will meet at 5014 Knickerbocker Road, San Angelo, on September 10, 1986, at 2 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

**The Dallas Area Rapid Transit,** Board, met in emergency session at 601 Pacific Avenue, Dallas, on August 28, 1986, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dawson County Appraisal District,** Board of Directors, met at 920 North Dallas Avenue, Lamesa, on September 3, 1986, 7

a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

**The Denton County Appraisal District,** Appraisal Review Board, met at 3911 Morse, Denton, on September 4, 1986, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

**The Garza County Appraisal District,** Appraisal Review Board, met in the appraisal office, courthouse, Post, on September 4, 1986, 1:30 p.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

**The Hamilton County Appraisal District,** met in the boardroom, Hamilton County Appraisal District, 119 East Henry, Hamilton, on September 4, 1986, at 7 p.m. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945.

**The Hockley County Appraisal District,** Board of Directors, will meet at 1103-C Houston Street, Levelland, on September 8, 1986, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Martin County Appraisal District,** Board of Directors, will meet in the appraisal office, 708 West Saint Anna Street, Stanton, on September 9, 1986, at 8 p.m. The meeting was rescheduled from September 11, 1986. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

**The West Central Texas Council of Governments,** Private Industry Council, met at 1025 10th Street, Abilene, on September 4, 1986, at 10:30 a.m. Information may be obtained from Tom K. Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.  
TRD-8608364

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### **Meetings Filed August 28**

**The Bexar Appraisal District,** Appraisal Review Board, met at 535 South Main, San Antonio, on September 3, 1986, at 8:30 a.m. and will meet at the same location, on September 10, 11, and 25, 1986, at 8:30 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 79204, (512) 224-8511.

**The Central Tax Authority of Taylor County,** Board of Directors, will meet at 340 Hickory Street, Abilene, on September 10, 1986, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

**The Dallas Area Rapid Transit, Board,** met for an emergency revised agenda at 601 Pacific Avenue, Dallas, on August 28, 1986, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dewitt County Appraisal District,** Board of Directors, will meet at 103 Bailey Street, Cuero, on September 11, 1986, at 7 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Henderson County Appraisal District,** Board of Directors, met at 101 East Corsicana, Athens, on September 2, 1986, at 7:30 p.m. Information may be obtained from Joe Cox, P.O. Box 430, Athens, Texas 75751, (214) 432-3941.

**The High Plains Underground Water Conservation District 1,** Board of Directors, met in the conference room, 2930 Avenue Q, Lubbock, on September 3, 1986, at 6 p.m. Information may be obtained from: A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-1081.

**The MoPac South Transportation Corporation,** Board of Directors, met in the boardroom, The Headliners Club, 21st Floor, MBank Tower, 221 West Sixth Street, Austin, on September 4, 1986, at 5 p.m., rescheduled from May 13, 1986. Information may be obtained from John C. Boehm, 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

**The West Central Texas Municipal Water District,** will meet in the conference room, Suite 300, First National West Building, 401 Cypress Street, Abilene, on September 11, 1986, at 10 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.  
TRD-8608363

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## Meetings Filed August 29

**The Bexar-Medina-Atascosa Counties Water Control and Improvement,** Board of Directors, met at the district office, Highway 81, Natalia, on September 2, 1986, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

**The Bosque County Appraisal District,** Board, will meet in the Judges Chambers, Courthouse, Meridian, on September 11, 1986, at 7 p.m. Information may be obtained from David G. Cooper, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

**The Brown County Appraisal District,** Board of Directors, will meet at 403 Fisk, Brownwood, on September 8, 1986, at 7

p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

**The Comal Appraisal District,** Board of Directors, will meet at 644 North Loop 337, New Braunfels, on September 9, 1986, at 5:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130.

**The Dallas Area Rapid Transit, Minority Affairs Committee, and Board of Directors,** met in emergency session at 601 Pacific Avenue, Dallas, on September 2, 1986, at 2 p.m. and 4 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dallas Central Appraisal District,** Board of Directors, met in Suite 500, Texas Commerce Bank, 1420 West Mockingbird Lane, Dallas, on September 3, 1986, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird, Suite 500, LB117, Dallas, Texas 75247, (214) 631-0520.

**The Hays County Central Appraisal District,** Appraisal Review Board, will meet on the first floor, Hays County Courthouse Annex, San Marcos, on September 3, 1986, at 9 a.m. Information may be obtained from Lynnell Sedlar, Courthouse Annex, Blair Room, 102 LBJ Drive, third floor, San Marcos, Texas 78666, (512) 396-4777.

**The Scurry County Appraisal District,** Board of Directors, met at 2612 College Avenue, Snyder, on September 2, 1986, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

**The Tarrant Appraisal District,** Board of Directors, met in Suite 505, 1701 River Run, Fort Worth, on September 3, 1986, at 10 a.m. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 505, Fort Worth, Texas 76107, (817) 332-3151.

**The Upshur County Appraisal District,** Board of Directors, will meet at the district office, Warren and Trinity Streets, Gilmer, on September 8, 1986, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.  
TRD-8608387

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## Meetings Filed September 2

**The Bexar Appraisal District,** Board of Directors, will meet at 535 South Main, San Antonio, on September 5, 1986, at 3 p.m. Information may be obtained from Bill Bur-

nette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Ellis County Tax Appraisal District,** will meet at 406 Sycamore Street, Waxahachie, on September 11, 1986, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Gonzales County Appraisal District,** Board of Directors, will meet at 928 St. Paul Street, Gonzales, on September 11, 1986, at 7 p.m. and 8 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Gregg Appraisal District,** Board of Directors, will meet at 2010 Gilmer Road, Longview, on September 11, 1986, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Lampasas County Appraisal District,** Board of Directors, will meet in the First National Bank Community Room, Lampasas, on September 10, 1986, at 3 p.m. Information may be obtained from Dara Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 536-8058.

**The Permian Basin Regional Planning Commission,** Board of Directors, will meet in the PBRPC Offices Conference Room, Midland, on September 10, 1986, at 1:30 p.m. Information may be obtained from Pam K. Weatherby, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

**The San Patricio County Appraisal District,** Board of Directors, will meet in the Courthouse Annex, Sinton, on September 11, 1986, at 9:30 p.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

**The Swisher County Appraisal District,** Board of Directors, will meet at 130 North Armstrong, Tulia, on September 9, 1986, at 7:30 p.m., rescheduled from August 26, 1986. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.  
TRD-8608442



# 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.

## Office of the Attorney General 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 and the Texas Water Code, Chapter 26. The following is a summary of the nature of the lawsuit and the proposed consent decree.

**Case title and court.** State of Texas, Plaintiff vs. United States Department of the Navy and John F. Lehman, Jr., the Secretary of the Navy, in his official capacity, Defendants; Civil Number C-85-363; in the United States District Court for the Southern District of Texas, Corpus Christi Division.

**The complaint.** The Corpus Christi Naval Air Station (the facility) is a facility of the United States Department of the Navy (the Navy), located in Nueces County. The navy and its tenant commands generate hazardous and nonhazardous wastes at the facility, principally from the maintenance of Army and Navy aircraft.

The state has alleged that prior to 1972, the navy disposed of much of this waste in shallow unlined pits on the site. Since then most wastes have been shipped off-site for disposal, or treated on-site and discharged from a permitted outfall. The state has alleged that conditions at three of those prior release sites constitute an imminent threat of discharge of industrial solid waste into or adjacent to the waters of the state.

The navy operates an industrial wastewater treatment plant at the facility. The state has alleged that sludge from this plant includes hazardous levels of heavy metals, thereby making the drying beds a hazardous waste surface impoundment and necessitating a groundwater monitoring program.

The navy also operates a fuel farm with underground storage tanks at the facility. The state has alleged that leaks from the storage tanks have contaminated the groundwater in the area, and that a groundwater restoration program is required.

The navy ships some wastes off-site for disposal. The state has alleged that the navy manifested certain hazardous waste to an unauthorized disposal site, failed to properly classify certain hazardous wastes being shipped, and failed to submit proper exception reports when discrepancies appeared in returned manifests.

The state also has alleged that the navy stored drums of hazardous waste without sealed lids or proper labels, failed to notify the state of changes in its waste plans, failed to maintain a proper closure plan, and failed to keep proper records of training and inspection.

The navy does not admit liability for any violations. Further, the navy has raised a defense of sovereign immunity with respect to some of the alleged violations.

**The judgment—civil penalty.** The proposed judgment does not provide for civil penalties.

**Injunctive relief.** The navy has submitted an updated waste analysis plan and a revised hazardous waste management plan. The proposed judgment requires the navy to certify in writing that improper drum storage, manifesting, and training record practices have been eliminated, and to insure that no Class I violations occur at the facility.

The navy has installed monitoring wells around the industrial sludge drying beds, has submitted a closure plan, and will submit a completed design for closure of the beds on or before January 1, 1987. The navy will complete the closure by November 8, 1988, in accordance with the law.

The navy has placed a skimmer well in the area of groundwater contaminated by leaks from the fuel farm, and will use the well for groundwater restoration and data collection. The state and the navy will meet after April 1, 1987, to develop a plan for closing the storage tanks and correcting fuel leaks.

The navy has placed monitoring wells in areas of groundwater contaminated by three prior release sites, and is collecting data. The navy will submit a report recommending remedial action, if any is necessary, by January 1, 1987, and the state and the navy will meet to develop a plan for remedial action.

The navy has closed its solvent distilling unit and will not reopen it without notifying the state.

For a complete description of the allegations and the proposed settlement, the original petition and proposed consent decree should be consulted.

Comments and requests for copies of these pleadings may be directed to Thomas H. Edwards, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012.

Issued in Austin, Texas, on August 19, 1986.

TRD-8608286

Lou McCreary  
Assistant Attorney General

Filed: August 25, 1986

For further information, please call (512) 463-2087.

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## State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Monday, September 29, 1986, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for First State Bank, Temple.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on August 22, 1986.

TRD-8608295 William F. Aldridge  
Director of Corporate Activities  
Banking Department of Texas

Filed: August 26, 1986

For further information, please call (512) 479-1200.

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The hearing officer of the State Banking Board will conduct a hearing on October 15, 1986, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the charter application for First State Bank in Rhome, Rhome. The application is a conversion application from First National Bank in Rhome, to a state-chartered bank.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on August 25, 1986.

TRD-8608332 William F. Aldridge  
Director of Corporate Activities  
Banking Department of Texas

Filed: August 26, 1986

For further information, please call (512) 479-1200.

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## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer <sup>(3)</sup> Agricul- tural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 09/01/86-09/07/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 09/01/86-09/30/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 <sup>(3)</sup> 10/01/86-12/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) <sup>(3)</sup> 10/01/86-12/31/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) <sup>(2)</sup> 10/01/86-12/31/86	18.00%	18.00%

## Retail Credit Card

### Annual Rate—

#### Article 1.11<sup>(3)</sup>

10/01/86-12/31/86	18.00%	N/A
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### Annual Rate Applicable

#### to Pre-July 1, 1983,

#### Retail Credit Card and

#### Lender Credit Card

#### Balances with Annual

#### Implementation Dates

#### from

10/01/86-12/31/86	18.00%	N/A
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### Judgment Rate—Article

#### 1.05, §2

09/01/86-09/30/86	10.00%	10.00%
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(1) For variable rate commercial transactions only

(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).

(3) Credit for personal, family, or household use

(4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on August 25, 1986.

TRD-8608372

Al Endsley

Consumer Credit

Commissioner

Filed: August 26, 1986

For further information, please call (512) 479-1280.

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## Texas Commission for the Deaf Amended Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf (TCD) published notice of consultant contract awards. The invitation for the service proposal request appeared in the June 4, 1985, issue of the *Texas Register* (10 TexReg 1803). The notice of awards was published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3337). Also, the notices of amended awards were published in the March 7, 1986, issue of the *Texas Register* (11 TexReg 1158), the May 6, 1986, issue of the *Texas Register* (11 TexReg 2122), and the May 16, 1986, issue of the *Texas Register* (11 TexReg 2367).

**Value of amended contract.** The following names and addresses of the amended contract awards in which the real-locations for the interpreter services, interpreter services for Texas Employment Commission offices, message relay services, and/or services to the elderly deaf have been adjusted for fiscal year 1986 are: Central Texas Council for the Deaf/Hearing Impaired, P.O. Box 8792, Waco, Texas 76714, \$6,613: decreased to \$6,607; Corpus Christi Area Council for the Deaf, 5151 McArdle, Corpus Christi, Texas 78411, \$15,353: increased to \$16,799; Deaf Action Center, 3115 Crestview, Dallas, Texas 75235, \$47,197: decreased to \$46,376; Deaf Council of Greater Houston, 6910 Fannin #203F, Houston, Texas 77030, \$49,699: decreased to \$49,001; El Paso Center of the Deaf, Inc., 1005 East Yandell, El Paso, Texas 79902, \$23,200: decreased to \$22,950; Lubbock Community Services for the Deaf, 4325 22nd Place, Lubbock, Texas 79410, \$4,716: decreased to \$4,616; San Antonio Council for Advancement of Services to the Deaf, 2803 East Commerce, San Antonio, Texas 78203, \$19,470: increased to \$20,479; Southeast Texas Council for the Hearing Impaired, P.O. Box 1748, Lamar Station, Beaumont, Texas 77704, \$8,763: increased to \$9,075; Tarrant County Services for the Hearing Impaired, 2500 Lipscomb, Fort Worth, Texas 76110, \$37,219: increased to \$38,144; Texoma Council for the Deaf, 800 North Travis, Sherman, Texas 75090, \$7,498: increased

to \$7,741; Travis County Council for the Deaf, 2201 Post Road, Room 100, Austin, Texas 78704, \$51,039: increased to \$51,523; and West Texas Services for the Deaf, A.C.U. Station, P.O. Box 8107, Abilene, Texas 79601, \$1,593: decreased to \$1,523.

The original contract represents two fiscal years. The contract has a beginning date of September 1, 1985, and an ending date of August 31, 1987. However, the first amendment (called Contract Amendment II) to the original has an effective date of March 1, 1986 and continues until August 31, 1986. Now, the second amendment pertaining to the second reallocations (called Contract Amendment III) covers the period from August 1-August 31, 1986.

The fiscal year 1987 amendments including new reallocations will be subject to TCD commissioners' approval in February 1987, or before that time in accordance with 40 TAC §181.26(j).

Issued in Austin, Texas, on August 26, 1986.

TRD-8608373      Larry D. Evans  
Executive Director  
Texas Commission for the Deaf

Filed: August 28, 1986  
For further information, please call (512) 469-9891.

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## **Texas Historical Commission Consultant Proposal Request**

The Texas Historical Commission files this consultant proposal request under the provisions of Texas Civil Statutes, Article 6252-11c.

**Description.** The Texas Historical Commission invites the offer of services on a consulting basis relevant to the Texas Heritage Conservation Plan (THCP) database. These services will entail the design, maintenance, and enhancement of an Image 3000-type database system for THCP data, as this data has been defined in the *Texas Heritage Conservation Plan Computerization Program Manual*. Computer time and proper security systems are also required.

**Qualifications.** The contractor must have the ability to design and make operational the system within 15 days; Hewlett-Packard hardware or hardware guaranteed compatible with existing THC hardware; 1200-baud communications capability; the ability to designate a liaison person to develop and maintain the THCP database; the ability to submit a detailed, verifiable bill on a monthly basis; and demonstrated experience with a similar database to justify why preference should not be given to the present contractor.

**Duration and amount of funding.** The project must not extend beyond August 31, 1987. The contract amount will not exceed \$9,000 and is subject to available funds.

**Contact.** For further information, contact Pat Mercado-Allinger, (512) 463-6090, Staff Archeologist, or Nancy Kenmotsu, (512) 463-6096, Staff Archeologist, Texas Historical Commission, P.O. Box 12276, 105 West 16th Street, Austin, Texas 78711. The deadline for receipt of proposals is 5 p.m. on September 25, 1986.

**Selection.** The information contained in this proposal request is intended to serve only as a general description of the services desired. The THC will use any responses as a basis for further negotiation of specific project details. The THC reserves the right to accept or reject any of the

proposals submitted. Selection of a contractor will be made on the basis of demonstrated competence and qualifications and reasonableness of fees for services. Unless a better offer is submitted, preference will go to the contractor that has satisfactorily performed these services in the past.

issued in Austin, Texas, on August 19, 1986.

TRD-8608344      Curtis Tunnell  
Executive Director  
Texas Historical Commission

Filed: August 26, 1986  
For further information, please call (512) 463-6100.

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## **Nuclear Waste Programs Office, Texas Department of Public Safety Consultant Proposal Request**

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 Gary D. Rasp, 2902-A West Avenue, Austin, Texas 78705, 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. Serve as the office's liaison with and on-site representatives to the United States Department of Energy Salt Repository Project Office at its location in Columbus, Ohio, and in the area of the Texas Panhandle. The duties of this on-site representative include, but are not limited to the following:

oversee and report to the office, in a manner to be determined by the office, the day-to-day and programmatic activities and developments of the SRPO, and its contractors, as they relate to the DOE's site characterization, and other activities and planning for investigations, studies, and public and intergovernmental interactions in the Deaf Smith County and Texas Panhandle area;

assist the office in developing and transmitting the state's comments, reviews, positions and requests regarding the SRPO's activities and planning in the Deaf Smith County, and Texas Panhandle area;

coordinate with, and provide assistance and information to the office's local government and public liaison staff and local government and organization leaders, as directed by the office;

monitor and report on the DGE's disposition of the state and local government and organization comments, reviews, requests and statements of position regarding the DOE's activities and plans relating to the Deaf Smith County and Texas Panhandle area, and the DOE nuclear waste repository program, in general;

establish and direct the on-site representative office in the Texas Panhandle area at such time as the office directs and has acquired and secured a location to house the on-site representative office. The office will have full and direct responsibility for the funding of the establishment and operation of the on-site representative office;

travel as necessary, and with the approval of the office, to carry out the duties of the on-site representative, and as requested by the office;

assist the office in preparing, drafting, distributing, and presenting information to local governments, the general public, and news media regarding the state and local affected governments' and citizens' evaluations and views of the DOE nuclear waste repository program, as directed by the office;

travel to, and represent the office in, meetings and hearings as necessary to carry out the duties of this contract, and as directed by the office;

assist and coordinate the activities of state agencies, local governments and agencies in their interactions with the SRPO in the Deaf Smith County and Texas Panhandle area, as directed by the office.

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:

provisions of the Nuclear Waste Policy Act of 1982 (Public Law 97-425) addressing consultation and cooperation, public hearings, opportunities for review and comment on DOE documents and plans, provisions for obtaining information, statutory and administrative schedules and plans, impact mitigation assistance, and financial assistance; United States Nuclear Regulatory Commission Rule (10 Code of Federal Regulations Part 60) especially Subpart C; United States Department of Energy Rule (10 Code of Federal Regulations Part 960);

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

provisions of the National Environmental Policy Act of 1969 relating to preparation of an environmental impact statement for candidate repository sites;

relevant statutes and regulations of the State of Texas dealing with intergovernmental cooperation and assistance, especially the Interlocal Cooperation Act;

state laws, rules, and regulations relating to repository development and operations, especially provisions of the Texas Water Code, Chapters 26 and 27, relating to shaft mining activities;

mechanisms for providing organizational and evaluative assistance to local government officials, organizations, and citizens for oversight and monitoring of the high-level waste program within the complex program framework requiring extensive planning, organizing, cooperation, and coordination with federal and state agencies, and private consultants.

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 offerors experience and competence in addressing the issues identified, demonstration of offerors understanding of the nature of the work, and an ability to produce work products as requested by the NWPO through September 30, 1987.

Proposals must be received by the Nuclear Waste Programs Office, Division of Emergency Management, Texas Department of Public Safety, by September 15, 1986. 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 principle

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 August 25, 1986.

TRD-8608308

James B. Adams  
Director  
Texas Department of Public Safety

Filed: August 25, 1986

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

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## Public Utility Commission of Texas Energy Extension Service Plan

The Texas Energy Extension Service (EES) Plan for 1986-1987 has been developed by the Public Utility Commission of Texas (PUC) and is available for review and comment by interested persons. The PUC will be the administering agency for the Texas EES through August 31, 1987.

The Energy Extension Service was formed in June 1977 when congress enacted the national Energy Extension Service Act (Title V of Public Law 95-39). The Act directed states to design a program using existing organizations to provide small energy users with personalized technical assistance and information on energy conservation matters. The proposed state plan essentially continues programs currently under way and is designed to provide services that complement and supplement but do not duplicate other energy conservation efforts of the state and private sector.

Copies of the EES state plan are available on request by writing or calling Christina E. Roitsch, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0315. Public comments will be received in writing at the same address until September 30, 1986.

Issued in Austin, Texas, on August 22, 1986.

TRD-8608287

Rhonda Colbert Ryan  
Secretary  
Public Utility Commission of Texas

Filed: August 25, 1986

For further information, please call (512) 458-0231.

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## Texas Water Commission Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Southern Waste Management Company on August 20, 1986, assessing \$3,536 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jim Haley, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on August 25, 1986.

TRD-8608305      Mary Ann Hefner  
                         Chief Clerk  
                         Texas Water Commission

Filed: August 25, 1986

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

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th

day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Katty Industries, Inc., on August 20, 1986, assessing \$16,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mike Woodward, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on August 25, 1986.

TRD-8608306      Mary Ann Hefner  
                         Chief Clerk  
                         Texas Water Commission

Filed: August 25, 1986

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

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