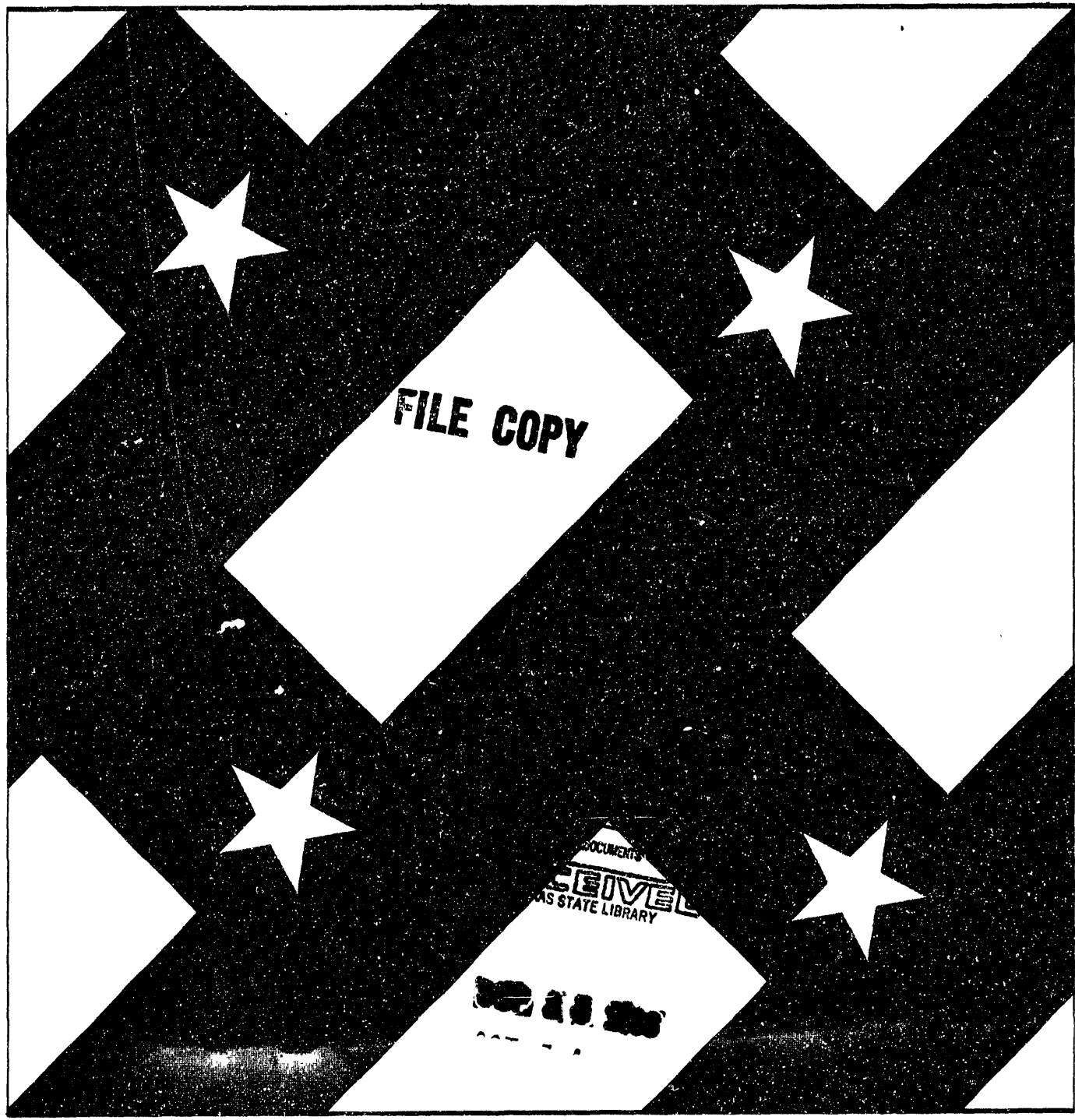


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Texas Register

Volume 11, Number 70, September 19, 1986

Pages 3981-4018



Highlights

The **Texas Department of Labor and Standards** adopts an emergency amendment concerning increased inspection fees for special inspections. Effective date - September 10 **page 3989**

The **Texas Department of Human Services** proposes an amendment concerning additional participation requirements for inter-

mediate-care and skilled-nursing facilities (ICF/SNF). Earliest possible date of adoption - October 20 **page 3990**

The **State Board of Insurance** adopts amendments regarding the cancellation, denial, and nonrenewal of certain property and casualty insurance coverage. Effective date - October 3 **page 3996**

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*,

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



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The Governor

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

Appointments Made September 10

Texas State Board of Examiners of Dietitians

For a term to expire September 1, 1991:

James T. Moore
4500 Greenbriar Court
Austin, Texas 78756

Mr. Moore is being reappointed.

Family Practice Residency Advisory Committee

For a term to expire August 29, 1988:

Exalton Delco, Ph.D.
1805 Astor Place
Austin, Texas 78721

Dr. Delco is being reappointed.

Issued in Austin, Texas, on September 10, 1986.

TRD-8608730

Mark White
Governor of Texas

★ ★ ★

Appointments Made September 11

Radiation Advisory Board

For a term to expire April 16, 1987:

Jack Stewart Krohmer, Ph.D.
117 Highview Road
Georgetown, Texas 78628

Dr. Krohmer is replacing Dr. Ed Griffin of Dallas, Dallas County, who resigned.

Statewide Health Coordinating Council

For terms to expire September 1, 1988:

Marion R. Zetzman, M.D. (Chairman)
11475 Cromwell Court
Dallas, Texas 75229

Lynda Calcote
3499 Santa Monica
Abilene, Texas 79605

James L. Caldwell, Ph.D.
6804 Rockledge Cove
Austin, Texas 78731

Jack Lester Campbell
P O. Box 4039
Austin, Texas 78765

Melinda Gonzales
4206 Pecan Valley Drive
Corpus Christi, Texas 78413

Jose L. Gonzalez
2105 Guatemozin
Laredo, Texas 78040

M. Medesta Smith
300 East Pierce Street
Clarksville, Texas 75426

Michael Cooper Waters
1810 Woodridge
Abilene, Texas 79605

Dr. Zetzman, Ms. Calcote, Dr. Caldwell,
Mr. Campbell, Ms. Gonzales, Mr. Gonzalez,
Ms. Smith, and Mr. Waters are being reappointed.

Issued in Austin, Texas, on September 11, 1986.

TRD-8608811

Mark White
Governor of Texas

★ ★ ★

Proclamations 41-2094

Be it known that I, Mark White, Governor of the State of Texas, do hereby order a general election to be held throughout the State of Texas on Tuesday next after the first Monday in November, A.D. 1986, same being the 4th day of November, A.D. 1986; and

(Sepase que yo, Mark White, Gobernador del Estado de Texas, por la presente ordeno una eleccion general que se llevara a cabo por todo el Estado de Texas el Martes que siga el primer lunes en Noviembre A.D. 1986, el mismo siendo el dia 4 de Noviembre, A D 1986, y.)

Notice thereof is hereby given to the people as required by Texas Civil Statutes, the Election Code, §3 003, and the County Judge of each county is directed to cause said election to be held at each precinct in the county on such date for the purpose of electing state and district officers, members of Congress, members of the legislature, and,

(Por la presente se da aviso de esto a la gente como requiere el Texas Civil Statutes,Codigo de Elecciones, §3.003, y el Juez Del Condado de cada condado es dirigido que haga causar la celebracion de la eleccion en cada precincto del condado en tal fecha con el proposito de elegir oficiales del estado y del distrito, miembros del Congreso, miembros de la legislatura, y)

For the purpose of adopting or rejecting the proposed constitutional amendments as submitted by the 69th Legislature, of the State of Texas.

(Con el proposito de adoptar o rechazar las enmiendas propuestas a la constitucion como sometidas por la 69th Legislatura, del Estado de Texas)

Issued in Austin, Texas, on September 10, 1986.

TRD-8608733

Mark White
Governor of Texas

41-2095

Under the provisions of the Texas Constitution, Article III, §40, I, Mark White, Governor of Texas, do hereby add to the call of this Third Called Session of the 69th Legislature, now convened, the following:

Legislation relating to safety procedures for securities and investments owned by the State of Texas and its agencies and to the creation and management of the Texas Treasury Safekeeping Trust Company.

The secretary of state will take notice of this action and will notify the members of the legislature.

Issued in Austin, Texas, on September 10, 1986.

TRD-8608810

Mark White
Governor of Texas

41-2096

Under the provisions of the Texas Constitution, Article III, §40, I, Mark White, Governor of Texas, do hereby add to the call of this Third Called Session of the 69th Legislature, now convened, the following:

Legislation relating to the addition of certain migrant and community health centers to coverage offered by the medical liability insurance underwriting association.

A constitutional amendment relating to the establishment of the Texas growth fund and to provide for the investment of the permanent university fund, the permanent school fund, and the public employee retirement trust funds in businesses in the state to promote and encourage economic development of the state.

The secretary of state will take notice of this action and will notify the members of the legislature.

Issued in Austin, Texas, on September 12, 1986.

TRD-8608809

Mark White
Governor of Texas

State Ethics Advisory Commission

Under provisions set out in Texas Civil Statutes, (Article 6252-9d), the State Ethics Advisory Commission is authorized to issue written advisory opinions. These opinions may be requested by a person subject to certain enumerated statutes (Articles 6252-9b, 6252-9c, 5428a and 5428b, Texas Election Code, Chapter 14, and the Texas Penal Code, Chapter 36 and Chapter 39) about the application of any of these laws to himself or herself in regard to a specified factual situation.

Requests for opinions and issued opinions are summarized for publication in the *Register*. Questions or comments on particular submissions or requests for copies of opinion requests or issued opinions should be addressed to the Chairman, State Ethics Advisory Commission, P.O. Box 13485, Austin, Texas 78711-3485.

Summary of Advisory Opinions

1986-1. The offer of a bonus or financial reward to a salaried employee or compensated lobbying representative for the purpose of preventing the prefiling of legislation does not violate the Texas Government Code, Chapter 305, §305.022.

TRD-8608716

★ ★ ★

1986-2. The registration threshold levels of §305.003(a) apply to the total amount spent on behalf of all of a lobbyist's clients and to the compensation or reimbursement received from all of a lobbyist's clients. Once the threshold is met, a registrant is required to list on his registration form everyone that compensates him to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.

TRD-8608717

★ ★ ★



Emergency

Rules

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

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards Chapter 65. Boiler Division Administration

★ 16 TAC §65.20

The Texas Department of Labor and Standards adopts on an emergency basis an amendment to §65.20, concerning an increased inspection fee of \$250 for special inspections of four hours or less and a \$400 fee for special inspections of greater than four hours and including eight hours. The amendment is adopted on an emergency basis to protect the welfare and safety of persons in Texas using boilers.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 5221c, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate and enforce a code of rules and regulations in keeping with standard usage, for the construction, inspection, installation, use, maintenance, repair, alternations, and operation of boilers.

§65.20. Fees.

(a) (No change.)

(b) Special inspections. The fee for a special inspection is **\$250** [\$175] for four hours or less and **\$400** [\$250] for greater than four hours and including eight hours. In addition to the fees stated in this section, travel and per diem in accordance with the current

rate as established in the current Appropriations Act shall be paid. A prepayment of **\$600** [\$500] shall be received by the department at least five working days before the department can initiate the requested special inspection. If the total billing from the department is less than **\$600** [\$500], any overage will be refunded. If the total amount due exceeds **\$600** [\$500], an invoice for the unpaid balance will be submitted for payment. Prepayment shall be made by certified check or money order made payable to the State of Texas Department of Labor and Standards, Boiler Division.

Issued in Austin, Texas, on September 10, 1986.

TRD-8608725

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Effective date: September 10, 1986
Expiration date: September 30, 1986
For further information, please call
(512) 483-3127.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department Chapter 65. Wildlife Subchapter A. Statewide Hunting and Fishing

★ 31 TAC §65.45

The Texas Parks and Wildlife Department adopts on an emergency basis an amend-

ment to §65.45, concerning daily bag and possession limits for quail.

The Texas Parks and Wildlife Commission found in public hearing that imminent peril to the public's wildlife resources, through depletion, requires the emergency amendment. The quail population, as indicated by August roadside census in the 10 ecological regions of Texas, is higher than in the two previous years, however, the populations do not warrant an increased bag limit of more than 12 per day.

The amendment is adopted on an emergency basis under the Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with the authority to regulate seasons, bag limits, means, methods, and places for taking wildlife resources.

§65.45. *Quail: Open Seasons, Bag, and Possession Limits.*

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

(d) **In all counties, the bag and possession limits are 12 quail per day and 36 in possession.**

Issued in Austin, Texas, on September 11, 1986.

TRD-8608746

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: October 1, 1986
Expiration date: January 29, 1987
For further information, please call
(512) 479-4974.

★ ★ ★

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 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 16. ICF/SNF Compliance with State and Local Laws

★40 TAC §16.1511

The Texas Department of Human Services (DHS) proposes an amendment to §16.1511, concerning additional participation requirements, in its rule chapter governing intermediate-care and skilled-nursing facilities (ICF/SNF). The proposed amendment adjusts the current moratorium on accepting applications for contracting Medicaid ICF/SNF beds.

Since implementation of the current moratorium, it has become apparent to the department that there is a need to ensure the department's original intent is met. The proposed changes require that facilities identified in §16.1511(c)(1), (6), and (8)(A), (B), and (C) must be located in the county where the need for such facilities was originally identified.

New subsection (d) is added to require that providers who apply for certain exceptions declare their intent to contract on or before 120 days after the effective date of this amendment. This new subsection also requires that providers who declare intent must begin facility construction within 120 days from the date of the letter of acceptance from TDHS. Providers already in receipt of a letter of acceptance have 120 days from the date of this amendment to begin facility construction.

New subsection (e) is added to include a one-time only 30-day extension to the 120-day deadline when extenuating circumstances apply. New subsections (f) and (g) are added to require occupancy reporting of providers.

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

Mr. 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 the availability of nursing-facility beds to Medicaid recipient-patients in areas where need has been identified, and the assurance that potential contractors maintain a commitment to completing facilities within agreed-upon timeframes. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

The department will hold a public hearing to accept comments on the proposal at 9 a.m. on Wednesday, October 8, 1986, in the Department of Human Services public hearing room, 701 West 51st Street, Austin. Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-653, Texas Department of Human Services 222-E, P.O. Box 2960, 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.

§16.1511. *Additional Participation Requirements.*

(a) (No change.)

(b) Except as specified in subsections [subsection] (c) and (d) of this section, DHS does not accept applications for participation from or contract for nursing facility beds with any nursing facility unless it was granted by the Texas Health Facilities Commission before September 1, 1985, a valid certificate of need (CON) or other valid order which had the effect of authorizing the operation of the facility at the bed capacity for which participation is sought.

(c) If the provider meets all criteria, DHS may exempt the following facilities from the policy stated in subsection (b) of this section.

(1) Facilities that had a valid CON or other valid order and started construction. The facility must have started construction before the completion date specified in the CON or other valid order or before September 1, 1985, whichever is later, and must be located in the county for which the CON or order was issued. Facilities must provide written documentation of their construction

by submitting to DHS copies of the proposed facility's:

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

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

(6) facilities being replaced in whole or in part. DHS limits contracting of the replacement beds to the county in which the original facility was located and to no more than the number of certified Medicaid beds being replaced. DHS does not contract with the existing facility and the replacement facility simultaneously;

(7) (No change.)

(8) facilities that provide written documentation acceptable to DHS verifying that the applicant demonstrated substantial commitment as specified in subparagraph (A), (B), or (C) of this paragraph;

(A) the applicant filed an application for a CON or made a documented attempt to initiate the application process for a specific nursing facility with the Texas Health Facilities Commission and submitted architectural plans to the Texas Department of Health for review and approval. Both actions must have occurred before September 1, 1985, and the facility must be located in the county in which the original facility was to be located;

(B) the applicant filed an application for a CON with the Texas Health Facilities Commission. The Texas Health Facilities Commission accepted the application and set a hearing date. The applicant passed the contest date without opposition or the Texas Health Facilities Commission held the hearing but did not take final action. All actions specified in this subparagraph must have occurred before September 1, 1985. The facility must be located in the county in which the original facility was to be located;

(C) the applicant provides information acceptable to DHS that an amount equal to or greater than \$25,000 was expended before September 1, 1985, toward building a facility, including processing the application and planning the project. The facility must be located in the county in which the original facility was to be located.

(9) (No change.)

(d) Providers who apply for exceptions under subsections (c)(1) or (c)(8) of this section must:

(1) submit written declaration of their intent to contract with DHS to provide nursing facility beds, on or before 120 days after the effective date of this amendment;

(2) begin facility construction within 120 days from the date of the letter of acceptance from DHS. Providers already in receipt of letters of acceptance have 120 days from the effective date of this amendment to begin construction; and

(3) provide the following proof that construction has begun:

(A) the Texas Department of Health must give DHS written notification; or

(B) facilities must submit to DHS copies of the proposed facility's:

(i) architectural plan approved by the Texas Department of Health;

(ii) construction contracts that have been let;

(iii) construction schedule; and

(iv) all zoning and building permits.

(e) If there are extenuating circumstances that are acceptable to DHS, the department may grant a one-time only 30-day extension to a potential provider who anticipates default in the start of a construction deadline. The potential provider submits written documentation to DHS explaining the reasons for the delay in the start of construction of the facility. The request for the extension of the 120-day deadline must be made to DHS 15 days prior to the date of the anticipated default.

(f) Facilities must submit an initial occupancy report to DHS within 20 days of the effective date of this amendment. The initial report must be completed on monthly occupancy report forms and must contain six months of retroactive occupancy figures.

(g) Facilities must submit properly completed monthly occupancy report forms to DHS each month. This report must be submitted on or before the fifth day of the month following the reporting period month.

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

Issued in Austin, Texas, on September 15, 1986.

TRD-8806828

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

October 20, 1986

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

★ ★ ★

Medical Review and Re-Evaluation

★ 46 TAC §16.7103

The Texas Department of Human Services (DHS) proposes an amendment to §16.7103, concerning the utilization review plan in its intermediate care facility/skilled nursing facility (ICF/SNF) chapter. Section 16.7103 is amended to delete the standard

that allows inspections of care to serve as continued-stay reviews for Medicaid recipients in long-term care facilities.

A continued-stay review is a review of the recipient's current level of care and a prospective determination that the recipient needs to remain in the long-term care facility at least until the next review. The inspection of care is intended to evaluate the quality of services provided by the facility and to determine whether or not those services meet the recipient's needs. Both are utilization control functions and are documented on the level-of-care assessment forms, but require different time frames. Texas Department of Health staff conduct inspections of care and continued-stay reviews concurrently, updating levels of care for the recipients whose level-of-care assessment forms were reviewed during on-site inspections of care visits.

The department is initiating a computerized prepayment edit system to prevent vendor payments to facilities for Medicaid recipients whose ICF/SNF or ICF-MR levels of care are not currently valid. Separation of the continued-stay review and inspections of care functions facilitates the prepayment edit system by ensuring that the level-of-care assessment forms are processed as quickly as possible. As a result of this separation, continued-stay reviews will be performed as desk-reviews only, and the inspections of care will no longer serve to update the levels of care or verify the level-of-care assessment form information.

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

Mr. 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 a more timely processing of level-of-care forms and the implementation of the prepayment edit system. 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—504, Texas Department of Human Services 222-E, P.O. Box 2960, 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.

§16.7103. Utilization Review Plan.

(a)-(f) (No change.)

(g) Requirements of the review process. A continued-stay review is the determination of the need for continuing nursing facility care and a re-evaluation of the established level of care.

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

[(6)] independent professional reviews by the long-term care unit serve as a continued-stay review.]

[(6)] [(7)] For long-term care unit utilization reviews:

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

(D) the facility may submit the medical-nursing care evaluation requesting a change in level of care whenever there are changes in diagnosis or substantial change in the plan of care. This will serve as a continued-stay review and will establish a new continued-stay date[;]

[(E)] periodic medical reviews by the long-term care unit serve as a continued-stay review[.]

[(7)] [(8)] Continued-stay reviews are initiated by facility staff or the long-term care unit staff during a visit to the facility, if the recipient-patient's condition has significantly improved or worsened. If a substantial change in the medical plan of care is indicated, a new level of care is required, based on an evaluation of the recipient-patient's current medical needs. This level of care establishes a new continued-stay date.

[(8)] [(9)] Continued-stay reviews are accomplished not later than the established continued-stay date and establish a new continued-stay date.

[(9)] [(10)] If the recipient-patient is discharged or transferred to another section of the facility, the administrator of the facility must submit, within 72 hours, a patient transaction notice showing the change to the long-term care unit. The administrator must include the recipient-patient's post-discharge address, if known, on the patient transaction notice. If the recipient-patient moves to another Title XIX facility or is readmitted to the same Title XIX facility (ICF II, ICF, SNF, or ICF-MR), the administrator of the admitting facility must initiate a level-of-care assessment for admission (which includes current certification by a physician) when:

(A)-(E) (No change.)

[(10)] [(11)] The Texas Department of Human Services (DHS) does not make vendor payment when a level of care expires. A provider is not entitled to payment for services rendered from the expiration date to the new effective date of a recipient-patient's level of care. Vendor payment made by DHS for that period is subject to recoupment

[(11)] [(12)] If more than 30 days elapse between the effective dates of a facility's contract cancellation and new contract, the facility must initiate a level-of-care assessment for admission for recipient-patients who have remained in the facility during the noncontracted period.

(h)-(i) (No change.)

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

Issued in Austin, Texas, on September 15, 1986.

TRD-8606829

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

October 20, 1986

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

★ ★ ★

Chapter 27. ICF-MR Subchapter S. Utilization Review

★ 40 TAC §27.1806

(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 Texas Department of Human Services proposes the repeal of §27.1806, concerning review teams, in its ICF-MR chapter. Section 27.1806 is repealed to ensure that the department's rules are consistent with the new pre-payment edit procedures for level-of-care reviews in ICF-MR facilities.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed repeal 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 repeal.

Mr. Packard also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the elimination of inconsistency between the repeal and the department's procedures about the prepayment edits for levels of care. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-629, Texas Department of Human Services 222-E P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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.

§27.1806. *Review Teams.*

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

Issued in Austin, Texas, on September 15, 1986.

TRD-8606830

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

October 20, 1986

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

Withdrawn

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 141. Massage Therapists

★25 TAC §141.7, §141.13

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §141.7 and §141.13, submitted by the Texas Department of Health, have been automatically withdrawn, effective September 9, 1986. The amendments as proposed appeared in the March 7, 1986, issue of the *Texas Register* (11 TexReg 1141).

TRD-8608833
Filed: September 9, 1986

★ ★ ★



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 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 21. Seed Certification Standards

General Requirements

★ 4 TAC §§21.6, 21.9, 21.11, 21.13

The Texas Department of Agriculture adopts amendments to §§21.6, 21.9, 21.11, and 21.13, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3456)

The amendments to §§21.6, 21.9, 21.11, and 21.13 are changes which have been adopted by the Texas Seed and Plant Board in accordance with the Texas Agriculture Code, §62.004, and are made for purposes of the clarification of existing standards

The amendment to §21.6 adds new language which specifies that each crop must be inspected in accordance with specific crop standards. The amendment to §21.9 substitutes conditioning for processing throughout this section. The amendment to §21.11 deletes language referring to the year of production. The amendment to §21.13 changes the section to state that a \$50 fee is to be paid for each lot of seed on which certification is requested

No comments were received regarding adoption of the amendments

The amendments are adopted under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed, and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code

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

Issued in Austin, Texas, on September 11, 1986

TRD-8608805 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: October 3, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 463-7583.



Genetic Seed Chart

★ 4 TAC §21.51

The Texas Department of Agriculture adopts an amendment to §21.51, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3457).

The section is changed to reflect amendments made by the Texas State Seed and Plant Board concerning genetic seed certification standards, and to reflect changes made in the phone number for the Seed Program

The amendment changes the date of last amendment of the genetic seed certification standard to July 1986. Changes to footnotes to the section adopted by the State Seed and Plant Board in accordance with the Texas Agriculture Code, §62.004, are the addition of Englemann daisy, Alkalai Sacaton, and Laurisgrass to allow for certification of these crops; and a reduction of the number of red rice seed allowed in certified seed over a three year period

No comments were received regarding adoption of the amendment

The amendment is adopted under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed, and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

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

Issued in Austin, Texas, on September 11, 1986

TRD-8608804 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: October 3, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 463-7583.



Additional Requirements for the Certification of Certain Crops

★ 4 TAC §21.63, §21.66

The Texas Department of Agriculture adopts amendments to §21.63 and §21.66, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3457).

The amendment to §21.63 is made pursuant to changes adopted by the Texas State Seed and Plant Board in accordance with the Texas Agriculture Code, §62.004. The amendment to §21.66 corrects a typographical error

The amendment to §21.63 clarifies the definition of a three way cross of corn seed, clarifies that different classes of corn seed are recognized, and clarifies definitions relating to sorghum seed. The amendment to the title of §21.66 changes variety to varietal

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas Agriculture Code §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

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

Issued in Austin, Texas, on September 11, 1986.

TRD-8608803 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: October 3, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 463-7583.

Vegetatively Propagated Pasture Grass and Turf Grass

★4 TAC §§21.82, 21.85-21.87

The Texas Department of Agriculture adopts amendments to §§21.82 and 21.85-21.87, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3458).

The amendment to §21.82 clarifies the intent of this section by clarifying that §21.82 relates to land prior to planting of turfgrass sprigs and by clarifying that soil conditions after chemical treatment must be considered favorable in order for the department to approve a field for production.

The amendment to §21.85 corrects the spelling of St. Augustine grass throughout that section. The amendment to §21.86 corrects an error in the standard measure of a bushel, and clarifies this section throughout.

The amendment to §21.87 corrects the spelling of St. Augustine grass and corrects an error in the standard for bulk distribution of shipping of planting stock.

All substantive amendments are made in accordance with changes adopted by the Texas State Seed and Plant Board.

The amendment to §21.82 changes sprigs to turfgrass sprigs and adds chemical treatment as a method of treatment. The amendment to §21.85 corrects the spelling of St. Augustine. The amendment to §21.86 adds ¼ cubic foot to the standard measure of a bushel, corrects the spelling of St. Augustine grass, changes the address where the report of use of certified labels must be sent, and clarifies this section throughout.

The amendment to §21.87 corrects the spelling of St. Augustine grass and changes the standard for bulk distribution of shipping of planting stock to contain a maximum of 2.0% of other living plants.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

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

Issued in Austin, Texas, on September 11, 1986

TRD-8608802

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: October 3, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 463-7583



Sugar Cane-Vegetatively Propagated

★4 TAC §21.105, §21.106

The Texas Department of Agriculture adopts amendments to §21.105 and §21.106, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3459).

The amendment to §21.105 is made pursuant to changes adopted by the Texas State Seed and Plant Board in accordance with the Texas Agriculture Code, §62.004. Such changes were made by the board to assure that specified diseases are not spread to other sugar cane fields.

The amendment to §21.106 is made for purposes of clarification of the example given for submitting label report forms and for giving the new address to which label report forms are to be sent.

The amendment to §21.105 adds subsection (c), concerning field standards for mosaic infestation and ratoon stunting disease. The amendment to §21.106 clarifies the example given for reporting on label report forms and change the address where the report of use of certified labels must be sent.

Comments were submitted on §21.105 by the Rio Grande Valley Sugar Growers, Inc., recommending that smut disease be added at subsection (c) relating to disease, and that sugar cane borer infestations be added to the certification of vegetatively propagated sugar cane seed stocks. These comments have been forwarded to the Texas State Seed and Plant Board for their consideration. The State Seed and Plant Board is the entity responsible for the promulgation of standards for certification of seed, as authorized by the Texas Agriculture Code, §62.004.

The agency does not disagree with the comments submitted; however, any substantive changes made must be made through the State Seed and Plant Board.

The amendments are adopted under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed, and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

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

Issued in Austin, Texas, on September 11, 1986.

TRD-8608801

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: October 3, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 463-7583



Forest Reproductive Material

★4 TAC §21.122, §21.123

The Texas Department of Agriculture adopts amendments to §21.122 and §21.123, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3459).

The amendment to §21.122 substitutes handling for processing in order to be consistent with other seed certification standards. The amendment to §21.123 corrects an error in the measurement of the isolation distance for seedbed lots. These amendments are made in accordance with changes adopted by the Texas State Seed and Plant Board.

The amendment to §21.122 substitutes handling for processing. The amendment to §21.123 adds ½ foot to the isolation distance for seedbed lots.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed, and the Texas Agriculture Code, §12.001, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code.

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

Issued in Austin, Texas, on September 11, 1986.

TRD-8608800

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: October 3, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 463-7583



**TITLE 16. ECONOMIC
REGULATION**
**Part IV. Texas Department
of Labor and Standards**
**Chapter 69. Manufactured
Housing Division**
Titling

★ 16 TAC §69.208

The Texas Department of Labor and Standards adopts new §69.208, without changes to the proposed text published in the March 14, 1986, issue of the *Texas Register* (11 TexReg 1340).

There is a need for a central location for the recording of tax liens for manufactured homes in Texas. The department already issues the titles for manufactured homes and provides the file for the recording of the tax liens.

Tax liens on manufactured homes titled in Texas will now be filed by governmental entities with the department's Manufactured Housing Division.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 5221f, which provide the commissioner of the department with the authority to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provision 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 September 12, 1986.

TRD-8608806

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Effective date: October 3, 1986
Proposal publication date: March 14, 1986
For further information, please call
(512) 463-3127

★ ★ ★

**TITLE 22. EXAMINING
BOARDS**
**Part XXIII. Texas Real
Estate Commission**
**Chapter 543. Provisions of the
Texas Timeshare Act**
Forms

★ 22 TAC §543.4

The Texas Real Estate Commission adopts an amendment to §543.4, with changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3463).

The amendment adopts by reference two revised application forms. Form TSR1-0 is used to register a timeshare property; Form TSR2-0 is used to amend existing registrations. One change was made in Form TSR1-0; the oath now calls for the developer to affirm that he will not offer, sell, or otherwise dispose of a timeshare interest in Texas except as otherwise provided by the Texas Timeshare Act, §6(a).

The amendment is adopted under the Texas Timeshare Act, Article 6573c, which provides the Texas Real Estate Commission with the authority to prescribe and publish forms necessary to carry out the provisions of the Act.

§543.4. Forms.

(a) The Texas Real Estate Commission adopts by reference revised Application Form TSR1-0 approved by the commission in July, 1986. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

(b) The Texas Real Estate Commission adopts by reference revised Application Form TSR2-0 approved by the commission in July, 1986. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

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

Issued in Austin, Texas, on September 10, 1986.

TRD-8608745

Mark A. Moseley
Legal Counsel
Texas Real Estate
Commission

Effective date: October 2, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 465-3990

★ ★ ★

TITLE 28. INSURANCE
**Part I. State Board of
Insurance**
**Chapter 5. Property and
Casualty Insurance**
**Subchapter H. Cancellation,
Denial, and Nonrenewal of
Certain Property and Casualty
Insurance Coverage**

**★ 28 TAC §§5.7001, 5.7010, 5.7013,
5.7014**

The State Board of Insurance adopts amendments to §5.7001 and §5.7010 and new §5.7013 and §5.7014, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3464).

Two corrections to that published text should be noted. Publication of the pro-

posed text for §5.7001(b) in the August 5, 1986, issue of the *Texas Register* referred to: "§5.7009 of this title (relating to Endorsement Forms)." The correct text is: "§5.7009 of this title (relating to Texas Insurance Code, Article 21.11-1), §5.7010 of this title (relating to Endorsement Forms)."

Publication of the proposed text of §5.7013 in the August 5, 1986, issue of the *Texas Register* omitted subsection (b) except for the last sentence. The published text erroneously included the last sentence of subsection (b) as the last sentence of subsection (a). The correct text for subsection (b) of §5.7013 is: "(b) General liability insurance policies and automobile insurance policies to which this section applies must be renewed at expiration, at the option of the policyholder, unless the company has mailed written notice to the policyholder of its intention to decline renewal at least 45 days in advance of the policy expiration date except as provided in §5.7014(d) of this title (relating to Exceptions to Cancellation and Nonrenewal Notice Requirements for General Liability and Certain Automobile Insurance Policies). The company may comply with this provision by requiring or permitting its agent to notify the policyholder. However, the responsibility of giving notice to the insured remains with the company if the agent fails to carry out its instructions to notify the insured. Upon failure of the insured to pay the renewal premium when due, the company's obligation to renew the policy on its expiration date terminates, regardless of whether the company has given any notice of intent to decline renewal."

These sections concern cancellation, denial, and nonrenewal of certain property and casualty insurance coverage. These sections will provide the insurance buying public with greater security and more predictability as to cancellations and nonrenewals of coverage, and will allow time for insurance consumers to replace insurance coverage in a seriously constricted market. The State of Texas is currently experiencing a serious constriction of the market for general liability insurance and for certain automobile insurance. These amendments and new sections are necessary to provide adequate time after cancellations and nonrenewals of general liability insurance policies and of certain automobile insurance policies for policyholders to secure other policies without gaps in coverage.

The amendment of §5.7001 expands the applicability of requirements for cancellation, denial, and nonrenewal of insurance coverage to include general liability insurance policies and certain automobile insurance policies not heretofore included. The amendment of §5.7010 expands the applicability of provisions for endorsements setting forth such requirements to include general liability insurance policies and certain automobile insurance policies not heretofore included. New §5.7013 sets

out requirements for notice of cancellation and nonrenewal for general liability insurance policies and for certain automobile insurance policies. New §5.7013 requires the mailing of written notice at least 45 days prior to any cancellation or nonrenewal. New §5.7014 provides for exceptions to the requirements for notice of cancellation or nonrenewal.

No comments were received regarding adoption of the amendments and new sections.

The amendments and new sections are adopted under the Texas Insurance Code, Articles 1.04 and 21.49-2, and Texas Civil Statutes, Article 6252-13a. Article 1.04 authorizes the State Board of Insurance to determine policy and rules. Article 21.49-2 authorizes the board to adopt rules and regulations as to the cancellation and the nonrenewal of policies of insurance regulated by the board pursuant to the Insurance Code, Chapter 5, including notice requirements thereof, and authorizes the board to require written statements of reasons for declination, cancellation, or nonrenewal of such policies. Texas Civil Statutes, Article 6252-13a, prescribes the procedure for adoption of rules by any state administrative agency.

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

Issued in Austin, Texas, on September 12, 1986.

TRD-8608812 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 3, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 483-6327.

★ ★ ★

**TITLE 31. NATURAL
RESOURCES AND
CONSERVATION**
**Part II. Texas Parks and
Wildlife Department**
Chapter 65. Wildlife
**Subchapter O. Late Season
Migratory Game Bird
Proclamation**

★ 31 TAC §§65.331-65.335

The Texas Parks and Wildlife Department adopts amendments to §§65.331-65.335. Amendments to §§65.332-65.335 are adopted with changes to the proposed text published in the July 18, 1986, issue of the *Texas Register* (11 TexReg 3286). The amendment to §65.331 is adopted without changes and will not be republished.

Sections 65.331-65.336 constitute the late season migratory game bird proclamation. A change to §65.332(b)(9) was made by adding the word "or" to the first portion of the phrase concerning baiting. The change is consistent with the early season migratory game bird proclamation. A change to §65.333(b)(1)(C) and §65.334(b)(1)(A) closes the canvasback season and adds masked duck to §65.334(b)(1)(A) for clarification. Section 65.335(b)(1) was changed to allow the maximum number of days for the extended falconry season.

The amendments extend outside ending framework for ducks, add one day to duck season in eastern portion of state, add two days to duck season in High Plains area, close canvasback duck season to protect the resource, add three days to snipe season, add seven days to sandhill crane season in Zone C, and lengthen the extended falconry season for all late season species to the maximum as permitted under federal frameworks.

Fluctuation in migratory gamebird populations and the need to reduce waterfowl harvest requires the Texas Parks and Wildlife Department to adopt regulations for the 1986-1987 hunting seasons.

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

Dave Jenkins of Jenkins Guide Service spoke in favor of the amendments. Dick Hudgins of Hungerford Hunting spoke against the amendments, stating that the goose bag limits are too high. A total of 11 public comments, consisting of six letters, two telephone calls, and three comments made at the March 1986, county public hearings, were made. No comments were received as a result of publication in the *Texas Register*. The Texas Parks and Wildlife Commission disagreed with some proposals made because they were judged to be inconsistent with recognized wildlife management tenets or revised federal regulation frameworks.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.332. *Means, Methods, and Special Requirements.*

(a) (No change.)
(b) The following means and methods are unlawful in the taking of migratory game birds:

(1)-(8) (No change.)
(9) by the aid of baiting, or on or over any baited area, or where migratory birds are lured, attracted, or enticed by bait. However, nothing in this subsection shall prohibit:

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

(e) Identification requirements.
(1) One fully feathered wing must remain attached to all migratory game birds while being transported by any means from Mexico into Texas.
(2) (No change.)
(3) Paragraph (2) of this subsection does not apply to doves except in the south zone and the special white-winged dove area at all times.

§65.333. *Open Seasons.*

(a) (No change.)
(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways; the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including, but not limited to, the Nueces and Frio Rivers; and state wildlife preserves and sanctuaries, unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the U.S. Fish and Wildlife Service.

(1) Ducks and coots.
(A) High Plains Mallard Management Unit: November 1-9, 1986, and November 22, 1986-January 18, 1987, from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) Other portions of the state: November 1-5, 1986, November 22-30, 1986, and December 13, 1986-January 18, 1987, from ½ hour before sunrise to sunset.

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

(2) Geese.
(A) West of U.S. Highway 81: October 18, 1986-January 18, 1987.

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross'), November 1, 1986-January 25, 1987. Dark goose species (Canada, black-brant and white-fronted) November 1-December 5, 1986, and December 13, 1986-January 18, 1987.

(C)-(D) (No change.)
(3) Sandhill cranes.
(A)-(B) (No change.)

(C) Zone C: First Saturday in January for 37 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with Farm Road 616 at Placedo, thence north and east along Farm Road 616 to its junction with State

Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. 290, thence westward along U.S. 290 to its junction with U.S. Highway 277 at Sonora, thence south along U.S. 277 to its junction with the U.S.-Mexico international boundary at Del Rio, thence south and east along the U.S.-Mexico international boundary to its junction with the international toll bridge at Brownsville.

(D) (No change.)

(4) Common snipe or Wilson's snipe or jacksnipe. November 1 for 107 consecutive days from ½ hour before sunrise to sunset.

(5) (No change.)

§55.334. *Bag and Possession Limits.*

(a) (No change.)

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

(1) Ducks and coots.

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

(B) (No change.)

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

(c)-(f) (No change.)

§65.335. *Extended Falconry Season.*

(a) (No change.)

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

(1) Ducks, coots, and geese. October 20 for 98 consecutive days from ½ hour before sunrise to sunset.

(2) Sandhill cranes.

(A) Zone A: November 1 for 107 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County, thence northwesterly following U.S. Highway 87 and including all of Howard and Lynn Counties, to its junction with U.S. Highway 287 at Dumas, Moore County, thence northwesterly following U.S. Highway 287 to the point of intersection with

the Texas-Oklahoma state line in Dallam County.

(B) Zone B: November 1 for 107 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County; and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of Highway 87 and Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas Oklahoma state line in Dallam County.

(C) Zone C: November 1 for 107 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with Farm Road 616 at Placedo, thence north and east along Farm Road 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. 290, thence westward along U.S. 290 to its junction with U.S. Highway 277 at Sonora, thence south along U.S. Highway 277 to its junction with the U.S.-Mexico International Boundary at Del Rio, thence south and east along the U.S.-Mexico International Boundary to its junction with the international toll bridge at Brownsville.

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

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

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

Issued in Austin, Texas, on September 11, 1986.

TRD-8608784

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Proposal publication date: July 18, 1986
For further information, please call
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Part III. Texas Air Control Board

Chapter 116. Control of Air Pollution by Permits for New Construction or Modification

★31 TAC §116.12

The Texas Air Control Board (TACB) adopts new §116.12, with changes to the proposed text published in the May 9, 1986, issue of the Texas Register (11 TexReg 2177). This new section establishes a deadline by which the holder of an operating permit must apply for permit review and specifies the general requirements to be met by the applicant and the procedures for TACB review and action on an application. The new section is adopted in response to new requirements which were incorporated into the Texas Clean Air Act (TCAA) in 1985.

A public hearing was held May 28, 1986, in Austin, to receive comments on the proposal. The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Thirty commenters testified concerning the proposed new §116.12. No one commented in favor of the proposal. Those commenting against the proposal were Texas Instruments; La Gloria Oil and Gas Company; Brandt Mannchen; Temple-Eastex, Incorporated; Dow Chemical Company; Atlantic Richfield Oil and Gas Company; the Sierra Club, Lone Star Chapter; the League of Women Voters of Texas; the Texas Hot Mix Asphalt Pavement Association; El Paso Natural Gas Company; the Houston Chamber of Commerce; Texaco, Incorporated; the Texas Chemical Council; Texas Mid-Continent Oil and Gas Association; Texas Utilities Generating Company; Rohm and Haas Texas, Incorporated; Exxon Chemical Americas; Liquid Energy Corporation; the Gas Processors Association; Cities Service Oil and Gas Corporation; Houston Lighting and Power; Mid-Con Corporation; Champion International Corporation; Southwestern Public Service Company; the Lubrizol Corporation; Brown, Maroney, Rose, Barber, and Dye; Diamond Shamrock Chemicals Company; the Texas Forestry Association; the City of Fort Worth Health Department; and Mobil Producing Texas and New Mexico, Incorporated.

A summary of comments and a discussion of issues related to the proposed section follows. While some commenters addressed issues or potential revisions beyond the scope of this rulemaking process, most commenters addressed the specific rule provisions contained in the

May 9 proposal. Comments which related directly to those specific rule provisions have been divided into parts corresponding to the eight subsections of §116.12.

Testimony regarding the provisions of subsection (a) dealt with four issues. The first issue was that of requiring the agency to notify permit holders of upcoming reviews earlier than the proposed 180 days and of allowing more time for filing applications. La Gloria Oil and Gas Company (La Gloria) recommended 270 days notice prior to the end of the 15-year term of a permit. The TCAA specifies that notice must be given by the TACB no later than 180 days prior to the end of a permit's 15-year term, but does not prohibit the TACB from providing earlier notification. Nevertheless, the date of adoption of this new section will allow little more than 180 days notice to the continuance applicants due for review in early 1987. Therefore, the agency can not expand the 180 day notification requirement at this time. After 1987, the agency may exercise the option to provide more advanced notice. The rulemaking process, however, has provided notice of general continuance requirements. Permit holders can request date of issuance information at any time. Consequently, the timing of the notice should not be a critical issue.

La Gloria and Liquid Energy Corporation (LEC) recommended a period of 90 days for the filing of a review application by a permit holder. Rohm and Haas Texas, Incorporated (Rohm and Haas) recommended 180 days. The staff agrees that a 90-day limit for the filing of an application would allow more time to the permit holder and would not delay the TACB review procedures which should be completed prior to the end of a permit's 15-year term. Providing the permit holder with more than 90 days to complete an application, however, appears to be unwarranted in the vast majority of cases and would greatly reduce the time available for the staff to complete an effective technical review before the end of the 15-year period.

A related issue concerned the completeness of an application for review. LEC recommended the deletion of any mention of completed applications to ensure that an operator's permit will not expire merely because of a clerical oversight or difficulty in acquiring necessary data. The agency requires completed applications in order to avoid unnecessary delays in the review process. However, a provision has been added to subsection (h) to allow, at the discretion of the executive director, additional time to file application data.

The third issue, addressed by 13 commenters, was a question of the beginning point of the 15-year term of an operating permit. All 13 commenters suggested that the 15-year term should be restarted each time a permit is amended or modified. The most common argument in support of this suggestion was that permit amendments or modifications essentially require the same

process as a review for continuance and that another such review would be redundant if conducted, for instance, three years after a permit modification. If all permit amendments/modifications were major in scope and involved all parts of the permit, the start of a new 15-year term on the date of change could have more merit. However, very few permit amendments/modifications are so extensive and inclusive. Furthermore, the TCAA specifies only two beginning points for a permit's 15-year term: the expiration of the 15th year following the issuance or continuation of the operating permit. No other options are provided.

The fourth issue was that of exempting small emitters and those with good compliance records from applicability of §116.12. Dow Chemical Company (Dow) suggested no continuance review be required for facilities which emit below specified levels and MidCon Corporation suggested that an exemption be granted to companies with clean compliance records. Since the TCAA clearly requires all operating permits to be reviewed every 15 years, the TACB has no authority to grant such exemptions.

Some minor wording changes have been made by the staff to make subsection (a) more nearly match the wording of the TCAA.

Ten commenters objected in various ways to the requirements of paragraph (1) of subsection (b) that the facility owner/operator submit information which demonstrates satisfaction of six basic requirements for permit continuance. The wording of paragraph (1) closely resembles that of the TACB rules for construction permits (§116.3(a)) and operating permits (§116.3(b)). Some of those commenters, such as LEC, Diamond Shamrock, and the Gas Processors Association (GPA), suggested that the permit holder need only certify or otherwise state that the conditions are met. Other commenters, such as Brown, Maroney, Rose, Barber and Dye (Brown Maroney) and the Texas Chemical Council (TCC), suggested that data and information be submitted to TACB but not necessarily in a manner or form which would demonstrate satisfaction of the continuance requirements.

The basic requirements for continuance are derived from the Texas Clean Air Act, §3.28(g), which requires the TACB to determine conditions (requirements) under which operating permits would be continued. At a minimum, TACB must consider the history of a facility's compliance with provisions of the TCAA and terms of the existing permit, plus the condition and effectiveness of existing emission control equipment and practices. Most of the continuance requirements in the proposal are quite similar to long-standing current requirements of the TACB rules for construction permits and operating permits. Information related to all of the requirements

is needed for TACB to make determinations of continuance or denial of operating permits. Furthermore, pertinent data and information must be submitted in an organized form with meaningful explanation and presentation if the review process is to be conducted in a timely manner. In addition, the estimate of agency resources required to administer the program has been predicated on the assumption that applicants have submitted a demonstration that the requirements are met. If the applicant were only required to submit related information without a demonstration, significantly greater staff resources would be required to evaluate the application. To assist applicants in completing this demonstration, information relating to each of the continuance requirements will be requested in detail on the review application, and spaces will be provided on the application for the permit holder to indicate that the TACB has on file any particular information previously given to the TACB which is applicable to the review process.

Testimony relating to the continuance requirements of §116.12(b)(1) contained many suggestions for rewording as well as outright deletions of entire subparagraphs. Even though several of the continuance requirements are redundant to construction permit and operating permit requirements, the TACB, by stating them in §116.12, can serve notice to permit holders that they also apply to permit continuance.

Thirteen commenters suggested deleting from subparagraph (A) the consideration of health effects on persons attending schools within 3,000 feet of the emitting facility. Most of these commenters, such as El Paso Natural Gas Company (EPNG), TCC, Rohm and Haas, and the Texas Forestry Association, contended that the statutory requirement for this review applies only to construction permits and then only if a school is built prior to construction of the emitting facility. Since the TACB will consider the effects of emissions on the surrounding area under other provisions of this section, deletion of this specific requirement would appear reasonable. As part of this review, the presence of schools, neighborhoods, hospitals, businesses, and other nearby activities can be considered in evaluating air quality impacts. Consideration of emission impacts on surrounding areas, whether or not schools are present, was supported by the Sierra Club.

Champion International Corporation (Champion) proposed an additional change to subparagraph (A). Champion recommended deletion of the clause in the first sentence which requires an applicant to demonstrate protection of the health and physical property of the people. Champion contended, and the staff agrees, that a facility operating in compliance with the TACB rules and the TCAA should be presumed to be operating at no detriment to public health or physical property. An affirmative

demonstration to that effect, therefore, would appear to be of little real value. Furthermore, in view of other requirements, such a deletion could be made without weakening the agency's ability to protect people's health and physical property. Some additional adjustments to the remainder of the first sentence of subparagraph (A) have been made by the TACB staff to clarify meaning.

Testimony was received from five commenters regarding subparagraph (B). In addition to requests to delete this requirement, the major recommendation was for modification of the language to clarify that amendments to an operating permit will be considered as part of the existing operating permit. Operating permit conditions which are modified after original permit issuance will be considered in their most current form at the time of continuance review. Adjustments to the wording of the subparagraph have been made to clarify this intent.

Some commenters, such as Atlantic Richfield Oil and Gas Company (ARCO), the Houston Chamber of Commerce, and Texas Utilities Generating Company (TUGCO), objected to subparagraph (C). Most of those concerned with this requirement contended that the subparagraph would force all continuance applicants to have on-site monitoring equipment rather than be able to determine emissions levels by calculation methods. This subparagraph was intended to require monitoring only if determined to be necessary by the executive director. Modifications to the wording of the subparagraph clarify this intent.

Suggestions received in the testimony from nine commenters on subparagraph (D) ranged from total deletion of the requirement to minor word changes. Temple-Eastex, Incorporated viewed the wording of the subparagraph as a requirement to upgrade all control equipment to best available control technology (BACT).

EPNG, Texas Mid-Continent Oil and Gas Association (TMOGA), GPA, and the Lubrizol Corporation contended that the executive director should not make any determination regarding control technology. LEC and Dow contended that the requirement lacks specific details and definition. The intent and the wording of subparagraph (D) are derived from the instructions given in the Texas Clean Air Act, §3.28(g). In determining the continuance of operating permits, the TACB must consider the condition and effectiveness of existing emission control equipment and practices. This subparagraph is intended to serve that purpose and not necessarily to retrofit BACT on a 15-year old facility. The TACB staff (the executive director) must evaluate application information in order for the instructions in §3.28(g) to be carried out. Specific details relating to the adequacy of control technology will appear on the application form and need not be contained in this new section. The staff

believes that the wording of subparagraph (D), as proposed, effectively carries out the intent of the TCAA.

Sixteen commenters recommended deletion of subparagraph (E) and fourteen did likewise for subparagraph (F). EPNG, LEC, and Cities Service Oil and Gas Corporation (Cities Service), among others, contended that these two requirements are redundant to the TACB rules for construction permits and operating permits and to the proposed §116.12(b)(1)(B) discussed earlier. Further, the commenters argued that these two subparagraphs could require older facilities to upgrade control equipment to meet more stringent federal standards meant for more recently constructed facilities. The wordings of (E) and (F) are the same as the corresponding parts of the TACB rules for construction permits and operating permits and are intended to serve the same purpose. The proposed wordings specify that applicable standards shall be met in both cases and do not imply any need to upgrade old facilities to meet new federal emissions standards. With regard to subparagraph (E), involving new source performance standards, the standards which were applicable at the time the construction permit was issued will apply during the continuance review unless some modification of the permit has introduced subsequent federal standards. With regard to subparagraph (F) involving national emission standards for hazardous air pollutants, the standards typically are applicable to both new and existing facilities. Inclusion of subparagraph (F) does not affect the standards a facility must comply with, but does ensure that applicants are cognizant of these requirements.

A great quantity of testimony was received regarding paragraph (2) of subsection (b). The League of Women Voters fully supported the paragraph while 21 other commenters suggested changes which ranged from minor rewording to complete deletion. One area of difficulty for many commenters, such as Diamond Shamrock, Brandt Mannchen, and Temple-Eastex, was the term "significant non-compliance," as used in the proposal. Some commenters suggested that the term be defined and accompanied by guidelines in the rule language. Others suggested the term not be defined in order to allow TACB flexibility in examining a wide variety of facilities with prior or current compliance problems. Still others recommended replacement with the term "substantial compliance," as used in the TCAA, and other wording changes. The review of a facility's history of compliance with the provisions of the TCAA and with the conditions of the current operating permit is mandated by the Texas Clean Air Act, §3.26(g). Section 3.28(g) directs the TACB to determine the conditions of approval or denial of continuance, based upon a review of facility compliance history and other factors. The staff agrees that the term "significant noncom-

pliance" leaves the subject open to much interpretation. Therefore, in substitution, the wording of the subparagraph has been changed to closely correspond to the wording of the TCAA, and a more definitive basis for denial will be the presence of any unresolved violations of the TACB rules at the time of review for continuance. A permit holder will know well in advance that a permit is approaching 15 years of age and that unresolved rule violations must be dealt with before the review process is completed. In addition, a facility having a history which indicates difficulty in maintaining substantial compliance with the provisions of the TCAA or the terms of the operating permit may be reviewed in greater depth. The executive director will have the option to require additional information from an applicant concerning specified notices of violation (NOVs) which may have a bearing on the compliance history and, thus, the proposed continuance of the permitted facility. The TACB staff will examine this information and, on a case-by-case basis, determine whether a facility has been in substantial compliance with the provisions of the TCAA and the terms of the existing permit.

EPNG, Texaco, TMOGA, and others recommended removal of the word "applicant" and its replacement with the word "facility" in paragraph (2) of §116.12(b). This is a logical change since the compliance history of the facility is to be reviewed, as required in the Texas Clean Air Act, §3.28(g).

Subsection (c) of the proposed §116.12 contains the requirements for public notification and comment procedures. The Sierra Club supported this subsection while the Texas Hot Mix Asphalt Pavement Association and MidCon Corporation suggested that these provisions should apply only to facilities found to have a history of violations of the TACB rules. This suggestion cannot be considered since public notification and comment procedures are required for continuance review in the Texas Clean Air Act, §3.271. La Gloria and Temple-Eastex recommended that the wording of §116.12(c) be modified to specify that the requirements of §116.7 likewise apply, with appropriate word changes, to permit continuance even though they specify applicability to new or modified facilities. The intent of subsection (c) is to require the same public notification and comment procedures as are used for Special Permits. Appropriate wording has been added to subsection (c) to clarify this intent while simultaneously avoiding the lengthy repetition of details stated in §116.7(b)(2), (3), and (4).

Subsection (d) parallels the wording of the Texas Clean Air Act, §3.28(g), as it outlines the steps for the TACB to grant or deny continuance of a permit, plus the actions subsequent to each. Brandt Mannchen suggested that some terms in the last sentence of paragraph (1) be defined and the Sierra Club recommended deletion of

that sentence entirely. The Sierra Club pointed out that the TCAA does not provide for any extension of the compliance schedule prior to the conduct of a contested case proceeding. Presumably, a board order which results from a contested case proceeding could contain a finding that compliance schedule requirements were infeasible or unreasonable.

As a result, deletion of the last sentence of paragraph (1) appears to be a reasonable action

EPNG recommended provision be made in subsection (d) for requests by the permit holder for extensions to the compliance schedule. Compliance schedules are established with company input and are intended to reflect reasonable timeframes. Providing for such delays would impact the continuance review process unnecessarily and appears to be unwarranted.

TMOGA, Dow, LEC, and Brown Maroney recommended an interim stage of conditional approval for facilities which have been denied continuance under paragraph (2). The provisions of paragraph (1), in effect, amount to a conditional approval for all matters considered except compliance history. TMOGA recommended combining paragraphs (1) and (2), and LEC and Brown Maroney suggested adding provisions to paragraph (2) for a compliance schedule and contested case hearing for those facilities which have bad compliance histories. A compliance schedule and a contested case hearing do not appear to be necessary for a facility which has failed to maintain substantial compliance with the TCAA and terms of the permit. A facility either has or has not maintained a good record and no amount of scheduling will alter a consistently bad compliance history.

The two paragraphs of subsection (d) have been combined, but only to improve readability and clarity.

ARCO, GPA, and EPNG mentioned the apparent absence of any appeal process for continuance denial. The TACB Procedural Rules, §103.81, concerning appeal of permit action, provides for an appeal to the board by any person affected by any permitting action of the executive director.

The content of subsection (e) is precisely specified in the Texas Clean Air Act, §3.28 (g). There were no comments regarding this particular issue. However, La Gloria and others recommended that a contested case hearing be provided for a facility which is denied continuance due to bad compliance history under the proposed paragraph (d)(2). As discussed previously, an appeal process is provided in such cases under the TACB Procedural Rules, §103.81.

La Gloria and Champion recommended that another hearing be provided for in the new section to allow the permit holder to protest the contents of the executive director's report, including the schedule for

corrective action and the assigned deadlines. The commenters proposed that such a hearing should be made available after the permit holder receives the report and long before the deadlines specified therein. The terms of §116.12(e), including the time for hearing, were taken directly from the Texas Clean Air Act, §3.28(g), as amended by Senate Bill 725, 69th Legislature, 1985. Because the statute provides for a hearing at a particular time, provision for an earlier hearing is arguably invalid as a departure from the statutory scheme. However, the staff believes the statutory hearing is intended only as a final precondition to denial of continuance and was not intended to preclude a more timely resolution of issues should they develop. Accordingly, the staff believes that the agency's procedural rules pertaining to hearing requests and the calling of hearings apply to continuance proceedings, and that hearings may be requested and convened regarding continuance applications pursuant to the TACB procedural rules. Changes to §116.12(e) as proposed are not necessary to implement this view.

It should also be noted that the TACB staff intends to conduct the same administrative process regarding disagreements and misunderstandings with permit continuance requirements as it does in the processing of applications for permits to construct. On a regular basis, TACB staff members work with construction permit applicants to arrive at mutual understandings on specific details of permit requirements. However, this administrative process is not mentioned in the content of §116.3(a) and should not necessarily be specified in §116.12.

The content of subsection (f) is taken directly from the Texas Clean Air Act, §3.28 (g), and received only one comment. La Gloria suggested that a permit be allowed to remain effective during the course of a contested case hearing if the hearing proceeds beyond the end of the 15th year of the permit. Such a provision may be needed in the subsection. The proposed subsection (f) and the TCAA both specify that an existing permit shall remain effective until a date specified in a board order which results from a contested case hearing. The hearing would likely begin prior to the 15-year mark, but could proceed beyond that key date. To clarify that a permit will not automatically expire during the conduct of such a contested case hearing, an appropriate qualifying statement has been added to this subsection.

The Texas Clean Air Act, §3.29(a), requires the TACB to collect a fee for each permit continuance application. Proposed subsection (g) would have required payment of a \$1,750 fee by each applicant. This fee was based on the average estimated cost of conducting a permit continuance review. The Sierra Club supported the proposed amount and 11 other commenters opposed it. Most of those 11 commenters emphasized the inequity of a single fee amount

for all sizes and types of permitted operations and several of them suggested ideas for a graduated or tiered continuance fee system. The TACB agrees with the positive aspects of a tiered system and the inequities of a flat fee. However, a well-designed tiered system for continuance fees will require an appreciable amount of time to establish the most utilitarian base, collect supportive information, and develop tier levels which are equitable. In fiscal year 1987 (FY-87), nine potential applicants are scheduled for permit continuance. Because of the small number, these possible reviews pose no major burden to the TACB staff. Based on an evaluation of the characteristics of the nine permits, the staff believes that an interim flat fee of \$300 for each is reasonable. The majority of the nine permits involve very simple facilities with total emissions of less than 25 tons per year of pollutants, thereby requiring minimal staff review time. This interim method of fee collection will allow TACB to recover some or most of the costs of continuance review during FY-87 and adhere to a requirement of the TCAA. Meanwhile, the staff will develop the basis for an equitable tiered fee system. Fees in subsequent years are expected to be significantly higher, in many cases, as permits involving larger, more complex facilities with more significant emissions are reviewed.

Testimony presented by the City of Fort Worth department of public health indicated that fee revenues collected by the TACB should be shared with municipal air pollution control agencies. The disbursement of TACB fee revenues to local government agencies would require legislative authority.

The only changes to subsection (h) suggested by commenters were those which would parallel recommended changes in subsection (a). The first would add the term subsequent modification to indicate the beginning of a new 15-year term of a permit. This change can not be made since the word modification is not being added to subsection (a). The second change would delete the word completed from application for review and continuance. This deletion can not be made since it is not being made, likewise, in subsection (a). However, a clause has been added to allow some additional time to retrieve information omitted from the application if the executive director determines that the delay is justifiable. The third suggested change would increase the 60-day period to 90 days for the filing of an application. This change to subsection (h) must be made since the same change is being made in subsection (a).

The new section is adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the Texas Air Control Board with the authority to make rules consistent with the Texas Clean Air Act and to amend any rule the Texas Air Control Board makes.

§116.12. Review and Continuance of Operating Permits.

(a) Application for review and continuance of operating permit. The Texas Air Control Board (TACB) shall provide written notice to the holder of a permit that the permit is scheduled for review. Such notice will be provided by certified or registered United States mail no less than 180 days prior to the expiration of the 15th year following issuance or continuation of the operating permit. The notice shall specify the procedure for filing an application for review and the information to be included in the application. The application shall be completed by the holder of the permit and returned to the TACB within 90 days of receipt of the notice.

(b) Permit continuance requirements.

(1) In order to be granted a permit continuance, the owner or operator of the facility shall submit information in support of the application which demonstrates that:

(A) the emissions from the facility comply with all applicable specifications and requirements in the TACB rules and the Texas Clean Air Act (TCAA);

(B) the facility is being operated in accordance with all requirements and conditions of the existing permit, including representations in the application for permit to construct and subsequent amendments, and any previously granted continuance;

(C) the facility has appropriate means to measure the emission of significant air contaminants as determined to be necessary by the executive director;

(D) the facility uses that control technology determined by the executive director to be economically reasonable and technically practicable considering the age of the facility and the impact of its emissions on the surrounding area;

(E) the emissions from the facility meet at least the requirements of any applicable new source performance standards promulgated by the Environmental Protection Agency (EPA) pursuant to authority granted under the Federal Clean Air Act (FCAA), §111, as amended;

(F) the emissions from the facility meet at least the requirements of any applicable emission standard for hazardous air pollutants promulgated by the EPA pursuant to authority granted under the FCAA, §112, as amended.

(2) The TACB shall review the compliance history of the facility in consideration of granting a permit continuance. Upon request of the executive director, the application shall include additional information which demonstrates the extent to which specified notices of violation (NOVs) relate to the facility. In order for the permit to be continued, the application shall include information demonstrating that, notwithstanding such NOVs, the facility is or has been in substantial compliance with the provisions of the TCAA and the terms of the existing permit. If the facility has a history which demonstrates failure to maintain substantial

compliance with the provisions of the TCAA or the terms of the existing permit, the continuance shall not be granted. If the facility has any unresolved nonclerical violations of the TACB rules, the continuance shall not be granted unless the facility is brought into compliance or is complying with the terms of an applicable board order or court order prior to the end of the 15-year term of the permit.

(c) Public notification and comment procedures. The executive director shall mail a written notification to the permit holder within 30 days of receipt of a completed application for permit review and continuance, as determined by the executive director of the TACB. The notification will acknowledge receipt of the application and require the applicant to provide public notice of the application for permit continuance according to §116.7(b)(2), (3), and (4) of this title (relating to Special Permits). All requirements pertaining to signs and public notification in §116.7(b)(2), (3), and (4) of this title (relating to Special Permits), and to public comments in §116.7(c) of this title (relating to Special Permits), which apply to proposed construction, proposed facilities, and permit applications shall apply likewise to proposed continuances, existing facilities, and continuance applications. The sign heading required under §116.7(b)(4)(B) shall read "proposed continuance of air quality permit." When newspaper notices are published in accordance with §116.7(b)(2) and (3), of this title (relating to Special Permits), the applicant for permit continuance shall furnish a copy of such notices and dates of publication to the TACB in Austin and all local air pollution control agencies with jurisdiction in the county in which the facility is located. Along with such notices furnished to the TACB, the applicant shall certify that the signs required by §116.7(b)(4) of this title (relating to Special Permits), have been posted in accordance with the provisions of that paragraph.

(d) Continuance of permit. Subsequent to review, the executive director shall continue a permit if he determines that the facility meets the requirements of subsections (b) and (c) of this section. The executive director shall notify the permit holder in writing of the decision regarding continuance. If the permit cannot be continued, the executive director shall forward with the notice a report which describes the basis for the determination. If denial is based on failure to meet the requirements of subsection (b)(1) of this section, the executive director's report shall establish a schedule for compliance with the continuance requirements. The report shall be forwarded to the permit holder no later than 180 days after the TACB receives a completed application. The permit shall be continued if the requirements are met according to the schedule specified in the report and the executive director shall notify the permit holder in writing of the permit continuance. However, if denial is based on failure to maintain substantial compliance with the

provisions of the TCAA or the terms of the existing permit pursuant to subsection (b)(2) of this section, the continuance denial shall be final and the executive director shall notify the permit holder in writing of the denial.

(e) Contested case hearing. In the event that the permit holder fails to satisfy the TACB requirements for corrective action by the deadline specified in the TACB report, the applicant shall be required to show cause in a contested case proceeding why the permit should not expire. The proceeding will be conducted pursuant to the requirements of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(f) Effective date of existing permit. An existing operating permit shall remain effective until it is continued, or until the deadline specified in the executive director's report to the permit holder, or until a date specified in any board order entered following a contested case hearing held pursuant to subsection (e) of this section. An existing permit shall remain effective during the course of a contested case hearing if the hearing proceeds beyond the end of the 15th year of the permit.

(g) Fee for review of operating permit. The holder of an operating permit to be reviewed for continuance by the TACB shall remit a fee, pursuant to the TCAA, §3.29(a), of \$300 with each continuance application. This fee shall be due and payable at the time application for review and continuance is filed with the TACB. All permit review fees shall be remitted in the form of a check or money order made payable to the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. Required fees must be received before the agency will consider an application to be completed.

(h) Failure to apply for review and continuance. An operating permit shall expire at the end of 15 years following the date of original issue or subsequent continuance if the permit holder fails to submit a completed application for review and continuance within 90 days after receiving notification from the TACB pursuant to subsection (a) of this section unless extended for good cause by the executive director of the TACB.

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

Issued in Austin, Texas, on September 11, 1986.

TRD-8608759 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date October 2, 1986
Proposal publication date. May 9, 1986
For further information, please call
(512) 451-5711, ext 354.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 3. Traffic Law Enforcement

Traffic Supervision

★37 TAC §3.53

The Texas Department of Public Safety adopts an amendment to §3.53, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3466).

The amendment is necessary because officers of the Texas Department of Public Safety have an obligation to drive safely to protect lives and property.

Subsection (b)(2) is amended by adding language stating that use of a siren or emergency lighting does not reduce the need for cautious defensive driving. Subsection (c) is added, which establishes guidelines for parking department vehicles in the median and stopping of traffic law violators in the median under extreme emergency conditions.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(4) and (6), which

authorize the Public Safety Commission to establish and make public proclamation of all rules and regulations for the conduct of the work of the department as may be deemed necessary. The director, subject to the approval of the commission and provisions of this Act, shall have the authority to make such rules and regulations as are deemed necessary for the control of the department.

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

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

TRD-8608744

James B. Adams
Director
Texas Department of
Public Safety

Effective date: October 2, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 465-2000.

Chapter 29. Practice and Procedure

★37 TAC §29.49

The Texas Department of Public Safety adopts an amendment to §29.49, without changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3486).

The amendment is necessary to inform the public of the precise scope of the sections in question and to eliminate misunderstanding.

The amendment adds language to clarify that these sections do not apply to internal personnel matters.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(4), which authorize the Public Safety Commission to establish and make public proclamation of all rules and regulations for the conduct of the work of the department as may be deemed necessary and as may not be inconsistent with the provisions of this Act or of the laws of the state.

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

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

TRD-8608743

James B. Adams
Director
Texas Department of
Public Safety

Effective date: October 2, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 465-2000.

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State Board of Insurance Exempt Filings

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

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

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

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

The State Board of Insurance has amended Board Order 43489, effective November 1, 1983, to adopt on a standard basis an extension to the table of insurance charges applicable to Texas retrospective rating plans. For each expected loss group, the expended table begins with entry ratio

3.01 and ends with entry ratio 8.00 or an insurance charge of .000, whichever occurs first.

The table of insurance charges is used in the development of retrospective rating values for workers compensation and employers liability, automobile liability, automobile physical damage, general liability, theft, and glass insurance.

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

This notification is made pursuant to the Insurance Code, Articles 5.96 and 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 9, 1986

TRD-8608739

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 5, 1986
For further information, please call
(512) 463-6327.

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The State Board of Insurance has amended Board Order 45878, effective January 1, 1985, to reinstate a filing requirement applicable to applications for approval of proposed retrospective rating values—

Rating Option V. The retrospective rating manual and/or plans rule which provides that these applications shall be filed for approval not later than 60 days after effective date of the plan was inadvertently omitted from the manual and/or plans as adopted by Board Order 45878. This action by the board inserts the 60-day requirement into the *Texas Retrospective Rating Manual for Worker's Compensation and Employers' Liability Insurance*, into the Texas Automobile Retrospective Rating Plan, and into the Texas Retrospective Rating Plan for General Liability, Theft, and Glass Insurance.

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

This notification is made pursuant to the Insurance Code, Articles 5.96 and 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 9, 1986.

TRD-8608740

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: October 5, 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 of Agriculture

Wednesday, September 24, 1986, 3 p.m. The Texas Department of Agriculture will meet in 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 the alleged violation of the Texas Agriculture Code, §103.001, by Manuel Cantu, doing business as Green Gold Produce, as petitioned by Raymond Euler.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: September 15, 1986, 1:59 p.m.
TRD-8608863

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Texas Air Control Board

Friday, September 19, 1986, 10 a.m. The Clean Air Study Committee of the Texas Air Control Board will meet in Room 104, John H. Reagan Building, Austin. Items on the agenda include consideration and action on the resolution regarding control of emissions from ships; discussion and consideration of subcommittee recommendations regarding the renewal of operating permits; discussion and consideration of recommendations regarding permitting of grandfather facilities; and new business.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: September 16, 1986, 9:45 a.m.
TRD-8608872

Friday, September 26, 1986, 9 a.m. The Fee Review Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will discuss revisions to inspection fee rule to be considered for adoption.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: September 16, 1986, 9:45 a.m.
TRD-8608870

Friday, September 26, 1986, 9:30 a.m. The Regulation Development Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. Items on the agenda include the discussion and consideration for adoption of revisions to Regulation VI (Permits) and the standard exemption list; discussion and consideration for adoption of revisions to §101.24 of the general rules, inspection fees; and discussion and consideration for adoption of revisions to Regulation IV (Motor Vehicles) regarding specifications for vehicle emission analyzers.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: September 16, 1986, 9:45 a.m.
TRD-8608871

Friday, September 26, 1986, 10:30 a.m. The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. Items on the agenda summary include the approval of minutes of the August 22, 1986, meeting; hearing of public testimony; reports; consideration and action on proposed regulations; consideration of the enforcement report, agreed enforcement orders, the hearing examiner's reports, the report on national acid rain legislation; and consideration of new business.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: September 16, 1986, 9:45 a.m.
TRD-8608873

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Texas Commission on Alcohol and Drug Abuse

Friday, September 19, 1986, 2 p.m. The Task Force on Alcohol and Drug Abuse of the Texas Commission on Alcohol and Drug Abuse will meet in emergency session in

Room 106, John H. Reagan Building, Austin. According to the agenda, the task force will review testimony previously received and develop draft recommendations for needed changes in alcohol and drug abuse laws. No testimony will be accepted at this meeting. Written comments will be accepted through September 15, 1986. Persons interested in submitting written testimony should send them to Randall Schmidt, Chair, Task Force on Alcohol and Drug Abuse, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701-1214. The emergency status is necessary due to a conflict in scheduling, therefore the meeting is rescheduled for September 19, 1986, at 2 p.m.

Contact: Becky Davis, 1705 Guadalupe Street, Austin, Texas 78701, (512) 463-5510.

Filed: September 12, 1986, 9:42 a.m.
TRD-8608771

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Automated Information and Telecommunications Council

Thursday, September 25, 1986, 9 a.m. The Automated Information and Telecommunications Council (AITC) will meet in Room 109, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include the approval of minutes; consideration of the Long-Range Telecommunications Plan status report, the management consultant status report, procurement proposals, AITC rules, and future business.

Contact: Tina J. Miles, Room 216, 510 South Congress Avenue, Austin, Texas 78711, (512) 463-5530.

Filed: September 16, 1986, 8:57 a.m.
TRD-8608868

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State Bar of Texas

Saturday, September 13, 1986, 9 a.m. The Board of Directors of the State Bar of Texas made an emergency addition to the agenda for a meeting held at the Mayan Dude Ranch, Bandera. The addition concerned financing and sending a poll to the members of the State Bar of Texas, regarding alternative methods of judicial selection. The emergency was necessary as the subject came up at a meeting held on Friday, September 12, 1986, at 4 p.m., and the board of directors next meeting is not until January 1987, so it was urgent that the board consider the item and make a decision at this meeting.

Contact: Steve Peterson, Myan Dude Ranch, Bandera, Texas, (512) 796-8846.

Filed: September 12, 1986, 4:22 p.m.
TRD-8608823

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Texas School for the Blind

Friday, September 26, 1986, 9 a.m. The Local Board of Trustees of the Texas School for the Blind will meet at the Texas School for the Blind, 1100 West 45th Street, Austin. Items on the agenda include the approval of minutes; the presentation of business requiring local board approval, including school policies, consultant contracts, the amended operating budget of fiscal year 1987, the legacy budget of fiscal 1987, appropriations transfers, the Nolan County farming contracts, and new contract personnel; business for informational purposes, including legislature progress, and the developmental center; a report of the Budget Committee and Personnel Committee; audiences with individuals or committees wishing to make a report or request; and a report or discussions from board members.

Contact: Ann Kennedy, 1100 West 45th Street, Austin, Texas 78736, (512) 454-8631.

Filed: September 15, 1986, 2 p.m.
TRD-8608851

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Texas Board of Chiropractic Examiners

Thursday, September 25, 1986, 10 a.m. The Texas Board of Chiropractic Examiners will meet in Suite 245, Building C, 1300 East Anderson Lane, Austin. Items on the agenda include the approval of minutes of the July 30-August 2, 1986, board meeting; board consideration of licensure by reciprocity for an applicant; board consideration to adopt a proposed rule amendment concerning advertising free services, examination, or treatments (§77.2(10)); board consideration to adopt a proposed rule amendment concerning advertising under an assumed name (§77.2(11)); board consideration to adopt a

proposed rule amendment concerning unprofessional conduct regarding the fraudulent use of chiropractic services (§75.1(10)); board discussion regarding proposal of a rule amendment concerning unprofessional conduct for a licensee to advertise little or no out-of-pocket expenses for the patient; consideration and discussion of the election of the replacement to the Executive Peer Committee; unfinished business; and new business. The board also will meet in executive session to obtain legal advice pertaining to the appellate process.

Contact: Bobbye Ferris, Suite 245, Building C, 1300 East Anderson Lane, Austin, Texas 78752, (512) 835-2006.

Filed: September 11, 1986, 1:39 p.m.
TRD-8608736

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Interagency Council on Early Childhood Intervention

Monday, September 15, 1986, 8:30 a.m. The Interagency Council on Early Childhood Intervention met in emergency session in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council discussed and acted on the request to fill vacancies by Brazoria County Center for the retarded, and the fiscal year 1987 contract status. The emergency status was necessary because the center staff had resigned and the council needed to meet promptly to resolve the problem.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: September 11, 1986, 2:18 p.m.
TRD-8608747

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Texas Economic Development Commission

Tuesday, September 23, 1986, 9:30 a.m. The Texas Small Business Industrial Development Corporation (TSBIDC) of the Texas Economic Development Commission will meet in emergency session in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. Items on the agenda include the approval of the minutes from the August 7, 1986, meeting; discussion and action on items on the TEXCAP Program, including consideration and action on the TSBIDC resolution regarding the letter of credit agreement and banks, the agreement to purchase bonds, pledge agreement, the first supplemental indenture of the trust, the reoffering circular, the creation of TEXCAP Financing Corporation and articles of incorporation and bylaws, the form of the TEXCAP application to be submitted to the TSBIDC by borrowers, the revised program guidelines,

guaranteed investment contract, fees to be charged to borrowers, and the request for proposals for program administrator; discussion and possible action on the allocation request to the governor's office for TSBIDC programs; discussion and possible action on the CAPITAL Program; discussion and possible action on the TSBIDC Private Placement Program; discussion and possible action on TSBIDC bank account and accounting system; and selection of the next meeting site, date, and time. The emergency status is necessary because the commission was not able to confirm the meeting at a later date due to conflicting schedules with the TSBIDC board members.

Contact: Wardaleen F. Belvin, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: September 16, 1986, 8:43 a.m.
TRD-8608869

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Texas Education Agency

Friday, September 12, 1986, 8:30 a.m. The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency made an emergency addition to the agenda for a meeting held in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. The addition concerned the request for authorization to use special state funds in the estimated amount of \$145,000 to repay amount due from the federal audit on Title I. The emergency status was necessary to ensure that the repayment to the federal government can be made within timelines required.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: September 11, 1986, 1:56 p.m.
TRD-8608741

Saturday, September 13, 1986, 8:30 a.m. The State Board of Education of the Texas Education Agency made an emergency addition to the agenda for a meeting held in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. The addition concerned the request for authorization to use special state funds in the estimated amount of \$145,000 to repay amount due from the federal audit on Title I. The emergency status was necessary to ensure that the repayment to the federal government can be made within timelines required.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: September 11, 1986, 1:56 p.m.
TRD-8608742

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Employees Retirement System of Texas

Monday, September 15, 1986, 11 a.m. The Board of Trustees of the Employees Retirement System of Texas (ERS) met in emergency session in the ERS Building, 18th and Brazos Streets, Austin. Items on the agenda included action, decision, and/or vote with respect to a proposed compromise and settlement of potential litigation against CTHP and any other matters; discussion, consideration, and action on proposed legislation affecting the ERS; and heard the executive director's report. The emergency status was necessary because CTHP has refused to provide prepaid health services after August 31, 1986, even though it previously agreed to do so. There was an urgent public necessity that the board of trustees meet to analyze and discuss with its attorney a proposed compromise and settlement of the claims of insurance program participants who were CTHP members and of the board of trustees. Also, legislation affecting ERS is moving quickly through the legislature and immediate consideration by the trustees is necessary to fulfill their fiduciary responsibilities.

Contact: James T. Herod, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431, ext. 178.

Filed: September 15, 1986, 8:40 a.m.
TRD-8608824

Tuesday, September 23, 1986, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet in the ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will review and approve board minutes; consider investment advisor recommendations and act on investment of systems funds; consider and act on additions to the approved broker/dealer list; consider the report and act on consulting of actuary retirement eligibility study; consider and act on the request for proposals to conduct the 1985-1986 audit of insurance carrier's operations; consider and act on the final adoption of amendment to the insurance rules; act on the appeal of Douglas B. Parker, (insurance); hear the status report on the state auditor management letter; hear the executive director's report; and set the date of the next trustee meeting. The board also will meet in executive session.

Contact: James T. Herod, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431, ext. 178.

Filed: September 15, 1986, 8:40 a.m.
TRD-8608825

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Texas Employment Commission

Wednesday, September 17, 1986, 8:30 a.m. The Texas Employment Commission (TEC) made an emergency addition to the agenda for a meeting held in Room 644, TEC Building, 101 East 15th Street, Austin. The addition concerned a tax case, Account Number 00-854511-1 and Benefit Cases 85 07488 R90 020686 and MR 86 09757 10 080786 to Docket 37. The emergency status was necessary because of federal time requirements.

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

Filed: September 11, 1986, 3:37 p.m.
TRD-8608760

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Office of the Governor

Thursday, September 18, 1986, 9 a.m. The Texas Science and Technology Council of the Office of the Governor met in emergency session at the Southwest Research Institute, 6220 Culebra Road, San Antonio. Items on the agenda summary included the report on special legislative sessions; the report on the Select Committee on Higher Education; the report on federal research opportunities; the report on water, material science, etc.; and a discussion of the Draft Strategic Plan. The emergency status was necessary because the meeting was confirmed too late to post in a timely manner.

Contact: Meg Wilson, Room 412, Sam Houston Building, Austin, Texas 78701, (512) 463-1796.

Filed: September 15, 1986, 10:24 a.m.
TRD-8608832

Thursday and Friday, September 25 and 26, 1986, 7 p.m. and 8:30 a.m., respectively. The Task Force on Literacy of the State Job Training Coordinating Council of the Office of the Governor will meet at La Mansion Hotel, IH 35 at U.S. Highway 290, Austin. According to the agenda, the task force will review the report to the governor and review and implement the action plan.

Contact: Richard G. Mackay, 107 West 27th Street, Austin, Texas 78712, (512) 471-6010.

Filed: September 15, 1986, 3:14 p.m.
TRD-8608858

Friday, September 26, 1986, 9 a.m. The Task Force on Legislation of the Council on Disabilities of the Office of the Governor will meet at the Criss Cole Center, 4800 North Lamar Boulevard, Austin. Items on the agenda include the public testimony on legislative proposals; and public testimony on legislative proposals regarding disabilities.

Contact: Terry Reed Goodman, Room 207, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1897.

Filed: September 12, 1986, 9:49 a.m.
TRD-8608773

Friday, September 26, 1986, 2 p.m. The Council on Disabilities of the Office of the Governor will meet in the Criss Cole Center, 4800 North Lamar Boulevard, Austin. Items on the agenda include the chairman's report; the task force report; consider the chairperson of the Sesquicentennial Task Force; the task force report; consider the chairperson of the Legislative Task Force; and the previous minutes.

Contact: Terry Reed Goodman, Room 207C, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1897.

Filed: September 12, 1986, 9:48 a.m.
TRD-8608772

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Texas Department of Health

Friday, September 19, 1986. Committees of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Austin. Times, rooms, committees, and agendas follow.

10:15 a.m. In Room T-407, the Lay Midwifery Board will consider the minutes of the last meeting; old business, including the legislative update; the Lay Midwifery Manual concerning completion of the spanish version and the purchase of manuals; new business, including the course and exam concerning qualifications of petitioners who take the exam and issuance of a certificate to persons who have completed the course; hear complaints regarding the discussion and update, complaints concerning birth certificates, and concerns.

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

Filed: September 11, 1986, 2:20 p.m.
TRD-8608748

1:30 p.m. In Room G-107, the Strategic Planning Committee will consider a preliminary presentation of the six-year state plan, including recommended actions.

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

Filed: September 11, 1986, 2:20 p.m.
TRD-8608749

4 p.m. In Room T-507, the Nursing Homes Committee will consider the final adoption of the rule concerning certification and decertification of long-term care facilities which participate in the Title XIX Medical Assistance Program; and proposed rules concerning the revision of minimum licensing standards for nursing homes.

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

Filed: September 11, 1986, 2:18 p.m.
TRD-8608750

4:30 p.m. In Room T-604, the Environmental Health Committee will consider the proposed revisions to "Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems;" the final adoption of rules for the Texas Air Control Board/Texas Department of Health Joint Permitting Procedures of Solid Waste Facilities, Hazard Communication Act, Administrative Penalty Rule, and rules concerning bedding.

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

Filed: September 11, 1986, 2:19 p.m.
TRD-8608751

Friday, September 19, 1986, 5 p.m. The Emergency and Disaster Committee of the Texas Board of Health of the Texas Department of Health will meet in the Robertson Room, La Mansion Hotel, ¼ mile north of the junction at IH 35 and Highway 290 East, Austin. According to the agenda summary, the committee will discuss proposed legislation; proposed management study and the status of the request for proposal; consider the State Emergency Medical Service Plan and its purpose objectives; the proposed recommendation regarding traffic tickets and funding of emergency medical service activities; and conduct a briefing on the activities of the Texas Emergency Medical Services Advisory Council and Texas Emergency and Aero Medical Services Committee.

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

Filed: September 11, 1986, 2:19 p.m.
TRD-8608752

Saturday, September 20, 1986, 8 a.m. The Alternate Care Committee of the Texas Board of Health of the Texas Department of Health will meet in Room T-507, 1100 West 49th Street, Austin. According to the agenda, the committee will consider the final adoption of rules concerning licensing of ambulatory surgical centers; the final adoption of rules concerning licensing of home health agencies; and final adoption of rules concerning licensing of birthing centers.

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

Filed: September 11, 1986, 2:19 p.m.
TRD-8608753

Saturday, September 20, 1986, 8:30 a.m. The Legislative Committee of the Texas Board of Health of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda, the committee will approve minutes of the August 16, 1986, meeting; approve draft legislation relating to Emergency Medical Services (EMS); consider fees authorized under the EMS Act; consider the licensing of EMS providers; discuss staffing standards for EMS vehicles, authorization for inspectors and complaint investigations, and exten-

sion of certification for members of the Armed Forces; discuss funding for the EMS, concerning establishing a dedicated fund and funding from general revenue; and consider certification of trauma centers.

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

Filed: September 11, 1986, 2:19 p.m.
TRD-8608754

Saturday, September 20, 1986, 8:45 p.m. The Personnel Committee of the Texas Board of Health of the Texas Department of Health will meet in Room T-604, 1100 West 49th Street, Austin. According to the agenda, the committee will consider appointments to the Sanitarian Advisory Committee, Advisory Committee on Nursing Home Affairs, and State Primary Care Advisory Committee.

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

Filed: September 11, 1986, 2:19 p.m.
TRD-8608755

Saturday, September 20, 1986, 9:30 a.m. The Texas Board of Health of the Texas Department of Health will meet in Room T-610, 1100 West 49th Street, Austin. According to the agenda, the board will approve minutes of the August board meeting; hear the commissioner's report; consider adoption of rules concerning rulemaking petitions, clinical health services, ambulatory surgical centers, home health agencies, birthing centers, long-term care facilities, solid waste management, hazard communication, bedding, and milk and dairy; consider proposed rules concerning nursing homes, and public water systems; hear the Budget Committee report requesting a transfer of funds from the Hemophilia Assistance to the Neonatal Transportation Program; and hear committee reports from personnel, crippled children's services, emergency and disaster, hospitals, legislative, public relations, and strategic planning. The board also will meet in executive session to hear announcements and comments (no Board of Health action required), and set a meeting date for October, 1986.

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

Filed: September 11, 1986, 2:18 p.m.
TRD-8608756

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Texas Department of Human Services

Friday, September 19, 1986, 9:30 a.m. The Texas Council of Child Welfare Boards of the Texas Department of Human Services will meet in Classroom 1, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the council will consider the treasurer's report; discuss the 1986-1987 budget and by-laws amendment; hear the re-

port from the state office; the Legislative Information Committee report; the Issues Committee report; the Telephone Committee report; and conduct committee meetings on reports on education and public information. The council also will meet in executive session at 8:30 a.m.

Contact: Susan Watkins, P.O. Box 2960, Austin, Texas 78751, (512) 450-3306.

Filed: September 11, 1986, 3:53 p.m.
TRD-8608761

Wednesday, September 24, 1986, 9 a.m. The Services to Aged and Disabled Advisory Committee (ADAC) of the Texas Department of Human Services will meet in Room 4-W, Fourth Floor, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the committee will consider the report on the special sessions; Sunset Commission recommendations; deputy commissioner's report; discuss issues related to the disabled; consider amendments to sanction and moratorium rules; the provision of PHC services in a residential care facility; consider the proposed reimbursement methodology rules; PHC and family care rules for auditing; hear an update on family violence grants project; consider the prosecution of death by neglect cases; income and eligibility verification system; the election of ADAC officers; hear the report of the nominating committee vote; information sharing; and make plans for the next meeting.

Contact: Mary Ann Harvey, P.O. Box 2960, Austin, Texas 78769, (512) 450-3194.

Filed: September 15, 1986, 8:37 a.m.
TRD-8608826

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State Board of Insurance

Wednesday, September 17, 1986, 10 a.m. The State Board of Insurance made an emergency revision to the agenda for a meeting held in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. The revision concerned matters from the commissioner, including consideration of nominees to fill two vacancies on the board of directors of the Texas Property and Casualty Insurance Guaranty Association. The emergency status was necessary to meet the mailing deadline for proxies that will be voted at the next quarterly meeting of the association's board of directors scheduled October 9, 1986.

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

Filed: September 15, 1986, 3:10 p.m.
TRD-8608855

Tuesday, September 23, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider

Docket 9332—application of John Blaine, Austin, for a Group II life, health, and accident insurance agent's license.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6598.

Filed: September 15, 1986, 1 p.m.
TRD-8608834

Tuesday, September 23, 1986, 9 a.m. The Fire Marshal's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket FM-049—whether disciplinary action should be taken against Sound & Signalling, 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: September 15, 1986, 1 p.m.
TRD-8608835

Tuesday, September 23, 1986, 10 a.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider amendments to the State Board of Insurance Supplemental Sprinkler Rules used in conjunction with the National Fire Protection Association's Pamphlet 13; the filing by the Insurance Services Office for a simplified commercial inland marine policy including rules, rates, and forms; the mid-term cancellation of a special policy covering certain public housing facilities; the Texas Insurance Code, Article 5.43-4, §15; board orders on several different matters; the commissioner's report on personnel matters; and pending and contemplated litigation.

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

Filed: September 15, 1986, 3:11 p.m.
TRD-8608856

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 23, 1986, 1:30 p.m. In Room 353, the Fire Marshal's Hearing Section will consider Docket JM-050—whether disciplinary action should be taken against Chimex-Systems, 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: September 15, 1986, 1:01 p.m.
TRD-8608836

Wednesday, September 24, 1986, 9 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9330—application for amendment to articles of incorporation of Association Casualty Insurance Company, Austin, increasing the authorized capital.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: September 15, 1986, 1:01 p.m.
TRD-8608837

Thursday, September 25, 1986, 9 a.m. In Room 353, the Fire Marshal's Hearing Section will consider Docket FM-051—whether disciplinary action should be taken against E & M Sales, 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: September 15, 1986, 1:01 p.m.
TRD-8608839

Thursday, September 25, 1986, 1:30 p.m. In Room 353, the Fire Marshal's Hearing Section will consider Docket FM-051—whether disciplinary action should be taken against the Howard E. Foley Company, 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: September 15, 1986, 1:01 p.m.
TRD-8608840

Friday, September 26, 1986, 9 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9339—application for original charter of Emshare Insurance Exchange, Austin.

Contact: O. A. Cassity, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: September 15, 1986, 1:01 p.m.
TRD-8608841

Monday, September 29, 1986, 1:30 p.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9344—approval of the articles of agreement of American Fidelity Lloyd's Insurance Company, Austin.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: September 15, 1986, 1:02 p.m.
TRD-8608842

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Texas Commission on Jail Standards

Wednesday, September 24, 1986, 10 a.m. The Texas Commission on Jail Standards will meet in Room 100, Employees Retirement Building, 18th and Brazos Streets, Austin. According to the agenda summary, the commission will consider the reading and approval of the minutes of the July 23, 1986, meeting; hear the directors report; consider old business; Bastrop, Caldwell, Denton, Guadalupe, Johnson, Randall, Rockwall, Smith, Travis, and Willacy Counties change to standards; new business; Jones, Rusk, Tarrant, Waller, Williamson Counties; the applications for variance; and El Paso, Gray, Lubbock, and Robertson Counties. The commission also will meet in executive session.

Contact: Robert O. Viterna, Suite 200, 611 South Congress Avenue, Austin, Texas 78711, (512) 463-5505.

Filed: September 15, 1986, 2:01 p.m.
TRD-8608852

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Judicial Districts Board

Tuesday, September 23, 1986, 9 a.m. The Judicial Districts Board will meet at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the board will review the caseloads of current judicial districts; discuss the rules, criteria, and standards for the board to evaluate judicial districts; and discuss possible changes in judicial district boundaries.

Contact: C. Raymond Judice, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1625.

Filed: September 15, 1986, 2 p.m.
TRD-8608845

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Texas Department of Labor and Standards

Monday, September 22, 1986, 10:30 a.m. The Advisory Council Committee on Vehicle Storage of the Texas Department of Labor and Standards will meet in Room 103, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the committee will consider the resource; a discussion on way making a grievance committee; a discussion of various topics that will be talked about at the regional meetings with the law enforcement agencies; inform the Advisory Council on when and where the meetings will be held; hold an open discussion; and consider public comments.

Contact: Booker T. Morris, III, 920 Colorado Street, Austin, Texas 78711, (512) 463-4630.

Filed: September 12, 1986, 3:22 p.m.
TRD-8608807

Thursday, October 2, 1986, 10 a.m. The Texas Industrialized Building Code Council of the Texas Department of Labor and Standards will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the council will review minutes of the last meeting; consider old business regarding comments on rule changes; discuss new business, including department changes, adoption of the 1986 SBC revision/UBC supplement, review DRA certifications and third party inspectors certifications, consider DRA application, and hear public comment.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7352.

Filed: September 12, 1986, 3:22 p.m.
TRD-8608808

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Texas State Library and Archives Commission

Thursday, September 25, 1986, 2 p.m. The Records Management and Preservation Advisory Committee of the Texas State Library and Archives Commission will meet in Room 314, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. Items on the agenda include the report of the subcommittee on the revision of recommended retention schedule; the presentation of the proposed legislative revisions regarding standards and guidelines for record storage and destruction; new projects for the committee to consider; and consider other business.

Contact: Susan Tennison, P.O. Box 2960, Austin, Texas 78769, (512) 463-5460.

Filed: September 15, 1986, 2 p.m.
TRD-8608853

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Texas State Board of Medical Examiners

Thursday, September 18, 1986, 8 a.m. The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners met in emergency session at 1101 Camino La Costa, Austin. According to the agenda, the committee reviewed individual investigation files and discussed committee recommendations. The committee also met in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion H-484, 1974. The emergency status was necessary because more information had become available and needed review. The matters will be referred to in a later open meeting of the entire board.

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

Filed: September 15, 1986, 4:52 p.m.
TRD-8608867

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Board of Pardons and Paroles

Monday-Friday, September 22-26, 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, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: September 12, 1986, 10:34 a.m.
TRD-8608776

Tuesday, September 23, 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 meet to consider executive clemency recommendations and related actions (other than out of country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

Filed: September 12, 1986, 10:34 a.m.
TRD-8698775

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Public Utility Commission of Texas

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

Tuesday, September 23, 1986, 9 a.m. The division will consider Dockets 6200, 6830, 5954, 6740, 6889, 6911, 6974, 6919, 6941, 6950, 6959, and consider the petition of general counsel for rulemaking in regard to rules regarding Dominant Interexchange Carriers. The division also will meet in executive session to consider pending litigation and personnel matters.

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

Filed: September 15, 1986, 3:25 p.m.
TRD-8608864

Tuesday, September 23, 1986, 10 a.m. A prehearing conference via conference call in

Docket 6925—application of Contel Corporation to purchase stock from Colmesneil Telephone Company, Inc.

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

Filed: September 15, 1986, 3:25 p.m.
TRD-8608865

Thursday, September 25, 1986, 10 a.m. A hearing on the merits 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: September 11, 1986, 2:44 p.m.
TRD-8608757

Monday, October 27, 1986, 10 a.m. The division will conduct a hearing on the merits 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: September 11, 1986, 2:43 p.m.
TRD-8608758

Monday, January 19, 1987, 9 a.m. A hearing on the merits in Docket 6992—application of Texas-New Mexico Power Company for certificate of a lignite fired electrical generation station in Robertson County.

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

Filed: September 15, 1986, 3:25 p.m.
TRD-8608866

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Railroad Commission of Texas

Monday, September 15, 1986, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned Docket 5878—statement of intent filed by East Texas Industrial Gas Company to change rates to ENTEX, Inc., and Docket 6100—inquiry into the existing rates of HGI Corporation. The emergency status was necessary because these items were properly noticed for the conference held on September 8, 1986, were passed and are now being considered on less than seven days' notice as a matter of urgent public necessity.

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

Filed: September 12, 1986, 10:43 a.m.
TRD-8608778

Monday, September 15, 1986, 9 a.m. The Gas Utilities Division of the Railroad Com-

mission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned Docket 6367—commission's own motion to revision special procedural rules of Gas Utilities Division regarding 16 TAC §§7.1-7.13; Docket 6041—commission's own motion for consideration of minimum requirements of the tariff filings; and Docket 6368—commission's own motion to revise special substantive rules of Gas Utilities Division regarding 16 TAC §§7.21-7.68. The emergency status was necessary because these dockets were properly noticed for the conference held on September 8, 1986, were passed and are not being considered on less than seven days' notice as a matter of urgent public necessity.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7005.

Filed: September 12, 1986, 10:44 a.m.
TRD-8608779

Monday, September 22, 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.

File: September 12, 1986, 10:45 a.m.
TRD-8608780

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: September 12, 1986, 10:45 a.m.
TRD-8608781

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: September 12, 1986, 10:45 a.m.
TRD-8608783

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: September 12, 1986, 10:45 a.m.
TRD-8608782

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: September 12, 1986, 10:45 a.m.
TRD-8608784

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

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

Filed: September 12, 1986, 10:45 a.m.
TRD-8608785

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: September 12, 1986, 10:46 a.m.
TRD-8608786

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1973, §§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: September 12, 1986, 10:47 a.m.
TRD-8608787

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: September 12, 1986, 10:47 a.m.
TRD-8608788

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: September 12, 1986, 10:47 a.m.
TRD-8608789

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: September 12, 1986, 10:47 a.m.
TRD-8608790

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

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

Filed: September 12, 1986, 10:48 a.m.
TRD-8608791

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: September 12, 1986, 10:48 a.m.
TRD-8608792

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Texas Rehabilitation Commission

Thursday and Friday, September 25 and 26, 1986, 8:30 a.m. and 9:30 a.m., respectively. The Board of the Texas Rehabilitation Commission (TRC) will meet at the Austin South Plaza Hotel, 3401 IH 35 and 118 East Riverside Drive, Austin. According to the agenda summary, the board will consider communications; approve the minutes of the Board meetings of May 15 and 16, and August 15, 1986; conduct a working session regarding the Vocational Rehabilitation Commission. The board will reconvene at 118 East Riverside Drive to consider a presentation of the TRC employees-of-the-year awards and the representations; the status report on the TRC building; hear the report on Burroughs Recovery Activity Test; and consider the revision of Board Policy C-1(19). The board also will meet in executive session.

Contact: Vernon H. Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126.

Filed: September 11, 1986, 1:38 p.m.
TRD-8608737

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Texas Savings and Loan Department

The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Austin. Days, times, and agendas follow.

Monday, September 22, 1986, 9 a.m. According to the agenda, the department will accumulate a record of evidence in regard to the application of Great West Savings Banc, Lockhart, Caldwell County, to relocate a loan office from 3510 Congress Avenue, Austin, Travis County, to 1111 West Sixth Street, Suite F-100, Austin, Travis County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: September 11, 1986, 4:18 p.m.
TRD-8608762

Tuesday, September 23, 1986, 9 a.m. The Texas Savings and Loan Department will conduct a hearing to accumulate a record of evidence in regard to the applications of Com-

monwealth Savings Association, Houston, Harris County, for branch offices at Kirkwood and West Belfort, Houston, Harris County, and Champion Forest and Louetta Spring, Harris County, from which record the commissioner will determine whether to grant or deny the applications.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: September 11, 1986, 4:19 p.m.
TRD-8608763

Wednesday, September 24, 1986, 9 a.m. The Texas Savings and Loan Department will meet to accumulate a record of evidence in regard to applications of Bright Banc Savings Association, Dallas, Dallas County, for branch office relocations from 1217 Main Street, Dallas, to 70 FM Road 1960 West, Houston, and from 5700 Abrams Road, Dallas, to 23824 Highway 59 North, Kingwood, Harris County, from which record the commissioner will determine whether to grant or deny the applications.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: September 11, 1986, 4:17 p.m.
TRD-8608764

Thursday, September 25, 1986, 9 a.m. The Texas Savings and Loan Department will hold a hearing to accumulate a record of evidence in regard to the application of Continental Savings Association, Bellaire, Harris County, for a branch office relocation from 16800 North Dallas Parkway, to 17290 Preston Road, Dallas, Dallas County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: September 11, 1986, 4:19 p.m.
TRD-8608765

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Office of the Secretary of State

Thursday, September 18, 1986, 3:45 p.m. The State Board of Canvassers of the Office of the Secretary of State met in emergency session in the Governor's Reception Room, Second Floor, State Capitol, Austin. According to the agenda, the board considered the canvass results of the second special election held on September 13, 1986, in the State Senate District 1. The emergency status was necessary because of scheduling.

Contact: Donnette Smith, 908 Sam Houston Building, Austin, Texas 78711, (512) 463-5650.

Filed: September 15, 1986, 1:54 p.m.
TRD-8608843

State Securities Board

Friday, September 19, 1986, 9:30 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. Items on the agenda include minutes of the July 17, 1986, meeting; consideration of a published proposal to create new §111.4, regarding §6.H of the Act; discuss new business items for subsequent board meetings; discuss possible legislative proposals; and update agency operations with reports from division directors and the securities commissioner. The board also will meet in executive session to discuss personnel matters pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

Contact: Richard D. Latham, 1800 San Jacinto Street, Austin, Texas 78705, (512) 474-2233.

Filed: September 11, 1986, 11:04 a.m.
TRD-8608735

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Texas Sesquicentennial Commission

Tuesday, September 16, 1986, 9 a.m. The Medallion Subcommittee of the Texas Sesquicentennial Commission met in emergency session in Suite 116, 510 South Congress Avenue, Austin. Items on the agenda included a discussion of the percentage of royalty charged to vendors, and other related business. The emergency status was necessary to affirm the percentage of royalty charged to vendors.

Contact: Patrick Terry, P.O. Box 1986, Austin, Texas 78767, (512) 463-1986.

Filed: September 15, 1986, 2:43 p.m.
TRD-8608846

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Sunset Advisory Commission

Friday and Saturday, September 26 and 27, 1986, 10 a.m. and 9 a.m., respectively. The Sunset Advisory Commission will meet in the Senate Chamber, Capitol Building, Austin. According to the agenda, the commission will approve minutes and hear a presentation of staff reports and public testimony on the Texas Department of Corrections and the Texas Department of Mental Health and Mental Retardation, on Friday; and hear staff reports and public testimony on the Texas Department of Human Services, consider other business, and set the next meeting date for October 17 and 18, 1986, on Saturday.

Contact: Jeri Kramer, John H. Reagan Building, 105 West 15th Street, Austin, Texas 78701, (512) 463-1300.

Filed: September 12, 1986, 11 a.m.
TRD-8608793

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Texas Water Commission

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

Tuesday, September 23, 1986, 10 a.m. The commission will consider the applications for district bond issues; the release of escrow; the use of surplus funds; the change of plans, water rate matters for increase in retail water rates; amendment to certificate of convenience and necessity; the examiner's proposal for decision on the noncompliance report and petition for the order assessing administrative penalties; water quality permit renewals, applications, and amendments; a water right permit application for final decision; the extension of time for a temporary permit and for modifications of a dam and spillway; renewal of the weather modification license; and contract matters.

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

Filed: September 11, 1986, 4:15 p.m.
TRD-8608767

Tuesday, September 23, 1986, 2 p.m. The commission will consider the final adoption of Subchapter E, Watershed Protection, 31 TAC §§311.41-311.44, Colorado River Watershed.

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

Filed: September 12, 1986, 4:05 p.m.
TRD-8608813

Wednesday, September 24, 1986, 2 p.m. The commission will consider whether the emergency order issued September 10, 1986, by the Texas Water Commission to Tri-County Utilities should be affirmed, modified, or set aside by the commission.

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

Filed: September 12, 1986, 4:06 p.m.
TRD-8608814

Thursday, October 9, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Woodland Park Community Center, 443 Danover Road, Katy. According to the agenda summary, the office will consider the application of 1300 Main N.V., 5433 Westheimer, Suite 925, Houston, Texas 77056, for a Proposed Permit 13218-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 850,000 gallons per day from a proposed wastewater treatment plant which is to service the proposed Harris-Fort Bend Municipal Utility District No. 4. 1300 Main N.V. is the successor to Marland Company N.V., which was the original applicant. A hearing was held on May 22, 1986, for this application under the name Marland Company, N.V. The meeting was rescheduled from May 22, 1986.

Contact: Duncan Norton, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 11, 1986, 4:16 p.m.
TRD-8608768

The Office of Hearings Examiner of the Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Tuesday, October 21, 1986, 9 a.m. The office will consider the application of Lee and Carl Marsalise, Walnut Creek Apartments, Office, Marsalise Drive, DaRidder, Louisiana 70634 for a Proposed Permit 13308-01 to authorize the disposal of treated domestic wastewater effluent from a mobile home park and light commercial or retail development by irrigation. The applicant proposed to construct a wastewater treatment system capable of treating an average volume of 92,500 gallons of effluent per day. The system consists of a surge tank, primary clarifier, rotating biological contractors, final clarifier, aerobic digester, chlorine contact chamber, and a 37 acre-foot holding pond. The effluent from the pond will be used to irrigate 37 acres of perennial pasture adjacent to the plant site.

Contact: Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 12, 1986, 4:05 p.m.
TRD-8608815

Wednesday, October 22, 1986, 9 a.m. The office will consider the application of Rivercourse Development, Inc., Route 1, Box 20A, Spicewood, Texas 78669, for a Proposed Permit 13257-01 to authorize the disposal of treated domestic wastewater effluent by irrigation at a volume not to exceed an average of 280,000 gallons per day. The applicant proposes to build the treatment plant in two identical phases which will be operated in parallel at final capacity to serve a proposed 801-acre development with 405 single family lots and 900 multi-family units. Each of the phases will consist of an oxidation ditch followed by clarification and chlorination. The effluent will be stored in one of several holding ponds located within the irrigated area for subsequent application on a 117-acre golf course located within the proposed development.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 12, 1986, 4:04 p.m.
TRD-8608816

Thursday, October 23, 1986, 9 a.m. The office will consider the application of Pecan Branch Utility Corporation, Inc., P.O. Box 858, Georgetown, Texas 78627, for a Proposed Permit 13297-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the proposed Pecan Branch Utility Corporation

wastewater treatment facilities which are to serve the Creek Place Subdivision.

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

Filed: September 12, 1986, 4:05 p.m.
TRD-8608817

Tuesday, November 4, 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 T.C. & E Realty, a Texas Corporation No. 5088 who seeks a permit to divert water from South Nolan Creek, tributary of Nolan Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River, Brazos River Basin, to irrigate land in Bell County.

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

Filed: September 11, 1986, 4:16 p.m.
TRD-8608769

Tuesday, November 4, 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 Connell Rent A Car, a division of Connell Chevrolet, Inc., No 5089 who seeks a permit to divert water from South Nolan Creek, tributary of Nolan Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River, Brazos River Basin, to irrigate land in Bell County.

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

Filed: September 11, 1986, 4:15 p.m.
TRD-8608770

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Regional Agencies Meetings Filed September 11

The Hale County Appraisal District, Board of Directors, will meet at 302 West Eighth Street, Plainview, on September 22, 1986, at 8 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226.

The Limestone County Appraisal District, Board of Directors, met at the Appraisal District Office, Courthouse, Limestone County, Groesbeck, on September 17, 1986, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642.

The Nolan County Central Appraisal District, Board of Directors, met at the Holiday Inn Restaurant, Sweetwater, on September 16, 1986, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at the Life Skills Center, 102 Charles Street, Granbury, on September 17, 1986, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Wood County Appraisal District, Board of Directors, met in the conference room, 217 North Main, Quitman, on September 18, 1986, at 1:30 p.m. Information may be obtained from W. Carson Wages or Teresa Poston, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-8608738

Meetings Filed September 12

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, met at 3232 Briarcrest Drive, Bryan, on September 18, 1986, at 1:30 p.m. Information may be obtained from Dr. Ann Pye-Shively, 707 Texas Avenue, Suite 225C, College Station, Texas 77840.

The Colorado River Municipal Water District, Board of Directors, met at 400 East 24th Street, Big Spring, on September 18, 1986, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341

The Dallas Area Rapid Transit, Audit Committee, Mobility Impaired Task Force, and the Board of Directors, met at 601 Pacific Avenue, Dallas, on September 16, 1986, at 8:30 a.m., 2:30 p.m., and 4 p.m., respectively. Information may be obtained from Sue Bauman, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6216.

The Jack County Appraisal District, Board of Directors, will meet at the Los Creek Office Building, 216-D South Main, Jacksboro, on September 23, 1986, at 7 p.m. Information may be obtained from Doris G. Ray or Linda Williams, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on September 18, 1986, at 12:45 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

TRD-8608796

Meetings Filed September 15

The Alamo Area Council of Governments, Executive Committee, will meet in Room 420, Ailee B. Ayres Building, San Antonio, on September 23, 1986, at 12:30 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, will meet in the boardroom, 1430 Collier Street, Austin, on September 19, 1986, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Coastal Bend Council of Governments, Executive Board, and Membership Committee, will meet in the Marina North Room, top floor, Sheraton Marina Hotel, 300 North Shoreline, Corpus Christi, on September 19, 1986, at noon and 2 p.m., respectively. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Dallas Central Appraisal District, Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on September 19, 1986, at 10 a.m. Information may be obtained from Rick L. Kuchler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75248, (214) 631-0520.

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room, Administrative Facility, 4101 South Medford Drive, Lufkin, on September 23, 1986, at 5:30 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Denton Central Appraisal District, Board of Directors, met at 3911 Morse, Denton, on September 18, 1986, at noon. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

The East Texas Council of Governments, Private Industry Council, and Board of Directors, met at 3800 Stone Road, Kilgore, on September 18, 1986, at 9:30 a.m. and 7:30 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Gillespie County Appraisal District, Board of Directors, will meet in the Assembly Room, City Hall, Fredericksburg, on September 23, 1986, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9809.

The Houston-Galveston Area Council, Natural Resources Advisory Committee, met on the fourth floor, 3555 Timmons, Houston, on September 18, 1986, at 3 p.m. Information may be obtained from Jack Steele, 3555 Timmons, fourth floor, Houston, Texas 77227.

The Jasper County Appraisal District, Appraisal Review Board, will meet at 102 North Austin, Jasper, on September 25, 1986, at

9 a.m. Information may be obtained from David W. Luther, 121 North Austin, County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Central Appraisal District of Johnson County, Board of Directors, met at 109 North Main, Cleburne, on September 18, 1986, at 4:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Lee County Appraisal District, Appraisal Review Board, met in emergency session at 218 East Richmond Street, Giddings, on September 18, 1986, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Liberty County Central Appraisal District, Board of Directors, will meet at 1820 Sam Houston, Liberty, on September 24, 1986, at 9:30 a.m. The Appraisal Review Board will meet at the same location, on September 26, 1986, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77555, (409) 336-6771.

The Lower Neches Valley Authority, Board of Directors, met for an emergency revised agenda at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, on September 16, 1986, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at 3800 Avenue H, Lubbock, on September 22, 1986, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The Northeast Texas Municipal Water District, Board of Directors, will meet at Highway 250 South, Hughes Springs, on September 22, 1986, at 2 p.m. Information may be obtained from Homer Tanner, P.O. Box 955, Hughes Springs, Texas 75656, (214) 639-7538.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on September 25, 1986, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas, (214) 442-5405.

The Sabine River Authority of Texas, Board of Directors, will meet in the Conference Room, Authority General Office, Orange, on September 23, 1986, at 10:30 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-2192.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at Central Administration, Highway 80 West at Sun Camp Road, Longview, on September 23, 1986, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The San Jacinto River Authority, Board of Directors, will meet at the Sabine River Authority Offices, eight miles north of IH-10 on Highway 87, Orange, on September 23, 1986, at 11 a.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111.

The Texas Regional Planning Commission's Employee Benefit Plan Agency, Board of Trustees, will meet at Hotel Galvez, Galveston, on September 25, 1986, at 3:30 p.m. Information may be obtained from Pam K. Weatherby, P.O. Box 6391, Midland, Texas 79711, (915) 563-1061.

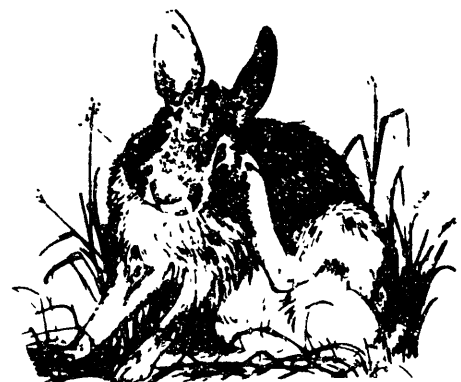
The Tyler County Tax Appraisal District, Appraisal Review Board, will meet at 103 Pecan, Woodville, on September 24, 1986, at 3 p.m. The Board of Directors will meet at the same location, on September 25, 1986, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upper Leon River Municipal Water District, Board of Directors, met at the general office of the Filter Plant, Comanche, on September 18, 1986, at 6:30 p.m. Information may be obtained from Zollie Skaggs, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

The Wood County Appraisal District, Appraisal Review Board, met in the conference room, 217 North Main, Quitman, on September 19, 1986, at 10 a.m. Information may be obtained from W. Carson Wages or Teresa Poston, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-8608827

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In **Addition**

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

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

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of August 18-29, 1986.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Sterling Chemicals, Texas City; synthesis gas reformer; Bay Street North; 17533; new source

IMC Industry Group, Inc., Texas City; dry bulk materials handling; Galveston County; 9349A; modification

IMC Industry Group, Inc., Texas City; dry bulk materials handling; Galveston County; 9350A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8222A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8223A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8224A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8225A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8226A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8227A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8228A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8229A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8231A; modification

Hi-Tek Polymers, Vernon; guar bean processing; Wilbarger County; 8232A; modification

Issued in Austin, Texas, on September 5, 1986.

TRD-8608723 Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed: September 10, 1986
For further information, please call (512) 451-5711.

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Notice of Contested Case Hearing

Pursuant to the authority provided in the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §§3.15-3.17, (the Act), and the Procedural Rules of the Texas Air Control Board (TACB), §§103.11(3), 103.31, and 103.41, an examiner for the TACB will conduct a contested case hearing to consider whether a special permit should be issued to Lehigh Press Publishing (hereinafter referred to as the company) to construct an offset printing press at 1515 Round Table Drive in Dallas, Dallas County.

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

The record of this hearing will be used by the TACB in determining whether to issue a special permit for construction of an offset printing press.

Information regarding the application for the special permit and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; the regional office of the TACB, 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116; and Dallas City Hall, 1500 Marilla, Dallas, Texas 75201.

The examiner has set the hearing to begin at 1 p.m., October 21, 1986, at the central office of this agency located at 6330 Highway 290 East, Room 332, Austin, Texas 78723. Prospective parties to the hearing will be the TACB staff and the company. Any other person desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner John Worley, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless

the request is actually received at the above address by 5 p.m., September 22, 1986. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the date set out in this notice. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing but who does not desire to be a party, may call the Legal Division of the TACB at (512) 451-5711, ext. 350, to determine the names and addresses of all admitted parties. The parties may then be contacted about the possibility of presenting testimony.

Pursuant to the Procedural Rules of the TACB, §103.46, the examiner has scheduled a prehearing conference on October 7, 1986, at 2 p.m. at the central office of this agency located at 6330 Highway 290 East, Room 332, Austin, Texas 78723. All persons wishing to be admitted as parties must attend the conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. Motions for continuance will only be granted upon proof of good cause. At this conference a specific date prior to the hearing on the merits will be established for the exchange of written testimony and copies of written and documentary evidence pursuant to §103.46(2). Prehearing orders setting out discovery periods and other requirements may also be issued following this conference.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin at (512) 451-5711, ext. 350, a day or two prior to the hearing date to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on September 10, 1986.

TRD-8008797 Allen Eli Bell
Executive Director
Texas Air Control Board

Filed: September 12, 1986
For further information, please call (512) 451-5711, ext. 353.

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State Banking Board Notice of Hearing Cancellation

As no opposition has been noted in the application for change of domicile by the Bank of Van Zandt, Canton, the hearing previously scheduled for September 15, 1986, has been canceled.

Issued in Austin, Texas, on September 10, 1986.

TRD-8008798 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: September 12, 1986
For further information, please call (512) 479-1200.

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Texas Department of Community Affairs

Notice of Request for Proposals

The Texas Department of Community Affairs (TDCA), the state agency administering the dependent care planning and development state grant, announces a request for proposals (RFP) to solicit proposed planning and development services for activities related to dependent care resources and referral systems and activities related to school-age child care services.

Selected offerors will be expected to deliver services in accordance with Public Law 98-558, Subchapter D, the Human Services Reauthorization Act of 1984 (98 Statute 2880). Services in response to this solicitation shall be as follows: planning, development, establishment, or improvement of information resources and referral systems to provide information concerning the availability, types, costs, and locations of dependent care services; and planning, development, establishment, expansion, or improvement of programs to furnish school-age child care services before and/or after school in public or private school facilities or in community centers in communities where school facilities are not available.

Each proposal considered for funding must include a component on information resource and referral systems as well as a component on before and/or after school-age child care services. The proposal's budget shall be appropriated as follows: 40% of each proposal's budget shall be for the information resource and referral systems component; and 60% shall be for the school-age child care services.

Federal funding through the state will not exceed 75% of each project, thus requiring a minimum of 25% in matching funds for each proposal. TDCA plans to fund approximately eight local enhancement proposals and one state enhancement proposal. Federal funds for each of the local enhancement projects will be limited to \$25,000; approximately \$50,000 will be reserved for the state enhancement project.

There will be two different request for proposals (RFP) packets—one for local project operations and one for state project operations. Interested parties shall specify which RFP packet is desired when contacting TDCA-EOD.

TDCA intends to fund proposals which demonstrate good prospects for implementation of related service activity. TDCA also intends to fund proposals that serve as models for metropolitan, urban, and/or rural areas.

The contracts for selected officers will begin on or about November 1, 1986, and are to terminate on or about August 31, 1987, or at the option of TDCA.

Qualifications. Offerors eligible to respond to this request may include local governments, regional councils, public or nonprofit private educational institutions, institutions directly involved in dependent care, community action agencies, and private nonprofit organizations. Offerors must be able to document their capability to accomplish the proposed services. Preference is to be given to those organizations with demonstrated experience and ability to develop partnerships between the public and private sectors; provide good program management operations; and operate effective information and referral systems and dependent care programs serving children, elderly, or handicapped.

Furthermore, offerors will be required to include documentation of their legal authority and eligibility to contract with TDCA.

Deadlines. The request for proposals period will close at 5 p.m. on October 17, 1986, except for proposals received officially postmarked on or before October 14, 1986.

Complete proposals may be mailed to Ms. Barbara Cigainero, Director, Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711-3166.

Hand-carried proposals or those mailed by special delivery may be delivered to Texas Department of Community Affairs, Economic Opportunity Division, 8317 Cross Park Drive, Third Floor, Austin, Texas 78754.

General information. The TDCA reserves the right to accept or reject any or all proposals submitted. The TDCA is under no legal requirement to execute a contract on the basis of this request and intends this material only as a means of identifying the various contractor alternatives. The TDCA intends to use responses as a basis for further negotiation of specific program details with potential contractors.

If the TDCA selects a contractor(s) to provide the delivery of services, the TDCA will base its choice(s) upon criteria including, but not limited to the following: proposal order and content according to RFP packet instructions; description of offeror's background and experience; analysis of needs and priorities; description of service area; proper selection of allowable activities/services; adequacy of measurable activities/units in program narrative work program; interagency coordination; budgeting and cost-effectiveness; description of program operations and staffing responsibilities; description of offeror's reporting capabilities; coordination with public and private entities; and description of evaluation method to determine planned program and client service effectiveness.

This request does not commit the TDCA to pay for any cost incurred prior to the execution of contracts, and is subject to the availability of federal fiscal year 1986 funds from the United States Department of Health and Human Services. The TDCA specifically reserves the right to vary all provisions at any time prior to the execution of a contract(s) if the TDCA deems such variances to be in the best interest of the state, and to otherwise act as it determines at its sole discretion.

For a request for proposal packet(s) or additional information regarding this notice, please contact Ms. Barbara Cigainero, Texas Department of Community Affairs, Economic Opportunity Division, P.O. Box 13166, Austin, Texas 78711-3166, (512) 834-6224.

To help ensure proper coordination, phone calls requesting RFP packet(s) are to be immediately followed-up with correspondence to TDCA-EOD.

Issued in Austin, Texas, on September 15, 1986.

TRD-8008831 Douglas C. Brown
General Counsel
Texas Department of Community Affairs

Filed: September 15, 1986
For further information, please call (512) 834-6080.

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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 ⁽³⁾ /Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly)		
Rate—Article 1.04(a)(1) 09/15/86-09/21/86	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 ⁽³⁾ 10/01/86-12/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 10/01/86-12/31/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/86-12/31/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/86-12/31/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 09/01/86-09/30/86	10.00%	10.00%

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

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

TRD-8008799 Al Endsley
Consumer Credit Commissioner

Filed: September 12, 1986
For further information, please call (512) 479-1280.

Texas Department of Mental Health and Mental Retardation

Correction of Error

A consultant contract award submitted by the Texas Department of Mental Health and Mental Retardation contained an error as published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3662).

The contract will be in effect until December 31, 1987.

Railroad Commission of Texas Notice of Hearing

The Railroad Commission of Texas will conduct a public hearing on the application of Trailways Lines, Inc., Docket 00007BD7SC, to discontinue motor bus service to Stratford and Dumas.

The public hearing will commence at 9 a.m. on October 2, 1986, unless a protest has been received by September 26, 1986. The hearing will be held in Room 7-127 of the Railroad Commission of Texas, William B. Travis Building, at 1701 North Congress Avenue, Austin.

This hearing will be conducted in compliance with the *General and Special Rules of Practice and Procedure Before the Transportation Division*.

For further information, please contact Ronald D. Stutes, Hearings Examiner, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7094.

Issued in Austin, Texas, on September 11, 1986.

TRD-8608794 Michael A. James
Acting Director
Railroad Commission of Texas

Filed: September 12, 1986
For further information, please call (512) 463-7094.

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Request for Proposal

The Transportation Division, Railroad Commission of Texas, is seeking the services of a railroad engineering firm having professional registration in Texas to provide technical support for a railroad rehabilitation project in the state's Rio Grande Valley area. This request is exempted from the advertising and reporting requirements of Texas Civil Statutes, Article 6252-11c, which does not apply to the employment of registered professional engineers.

This project consists of the rehabilitation of or the replacement of up to 15 timber bridges on the Border Pacific Railroad (formerly a branch of the Missouri Pacific Railroad) located between Mission and Rio Grande City in Hidalgo and Starr Counties. The project also calls for rebuilding the track approaches to each of the 15 bridges for a distance of 100 feet in each direction.

The engineer selected for this project shall develop the technical specifications with which the contractor, who will be selected at a later date, will comply during the construction phase of the project. The engineer shall also monitor the construction work's progress on a daily basis to insure that the specifications are followed. At the close of the project, the engineer shall submit to the Railroad Commission of Texas a final report on the project which shall contain a specific recommendation whether the commission should accept the project as completed.

The commission requires that the personnel directly involved in the project have railroad engineering experience, especially in the area of timber bridges, and that the project engineer be registered as a professional engineer in the state of Texas. The staff further recommends that the engineer visit the project site prior to submitting a proposal to gain a proper understanding of the total environment of the project area.

For further information, call Robert Farnsworth at (512) 463-7116.

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

TRD-8608795 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed: September 12, 1986
For further information, please call (512) 463-7148.

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Texas Savings and Loan Department Application for Change of Control of an Association

Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On September 8, 1986, the savings and loan commissioner received an application for approval of the acquisition of control of Certified Savings Association, Georgetown, by Cappy R. McGarr, Dallas and Michael J. Marz, Dallas.

Any inquiries may be directed to the Texas Savings and Loan Department, 2601 North Larnar, Suite 201, Austin, Texas 78701, (512) 479-1250.

Issued in Austin, Texas, on September 20, 1986.

TRD-8608788 Russell R. Oliver
General Counsel
Texas Savings and Loan Department

Filed: September 11, 1986
For further information, please call (512) 479-1250.

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Texas Water Commission Enforcement Orders

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 Memorial Village Water Authority on September 10, assessing \$275,578 in administrative penalties.

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

Issued in Austin, Texas, on September 12, 1986.

TRD-8608818 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: September 12, 1986
For further information, please call (512) 463-7886.

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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 Monier Resources, Inc. on September 10, assessing \$5,500 in administrative penalties.

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

Issued in Austin, Texas, on September 12, 1986.

TRD-8608819 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: September 12, 1986
For further information, please call (512) 463-7888.

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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 Dixie Metals Company on September 9, assessing \$1,760 in administrative penalties.

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

Issued in Austin, Texas, on September 12, 1986.

TRD-8608820 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: September 12, 1986
For further information, please call (512) 463-7888.

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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 Trinity River Authority on September 11, assessing \$75,000 in administrative penalties.

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

Issued in Austin, Texas, on September 12, 1986.

TRD-8608821 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: September 12, 1986
For further information, please call (512) 463-7888.

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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 City of Anna on September 11, assessing \$2,000 in administrative penalties.

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

Issued in Austin, Texas, on September 12, 1986.

TRD-8608822 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: September 12, 1986
For further information, please call (512) 463-7888.

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