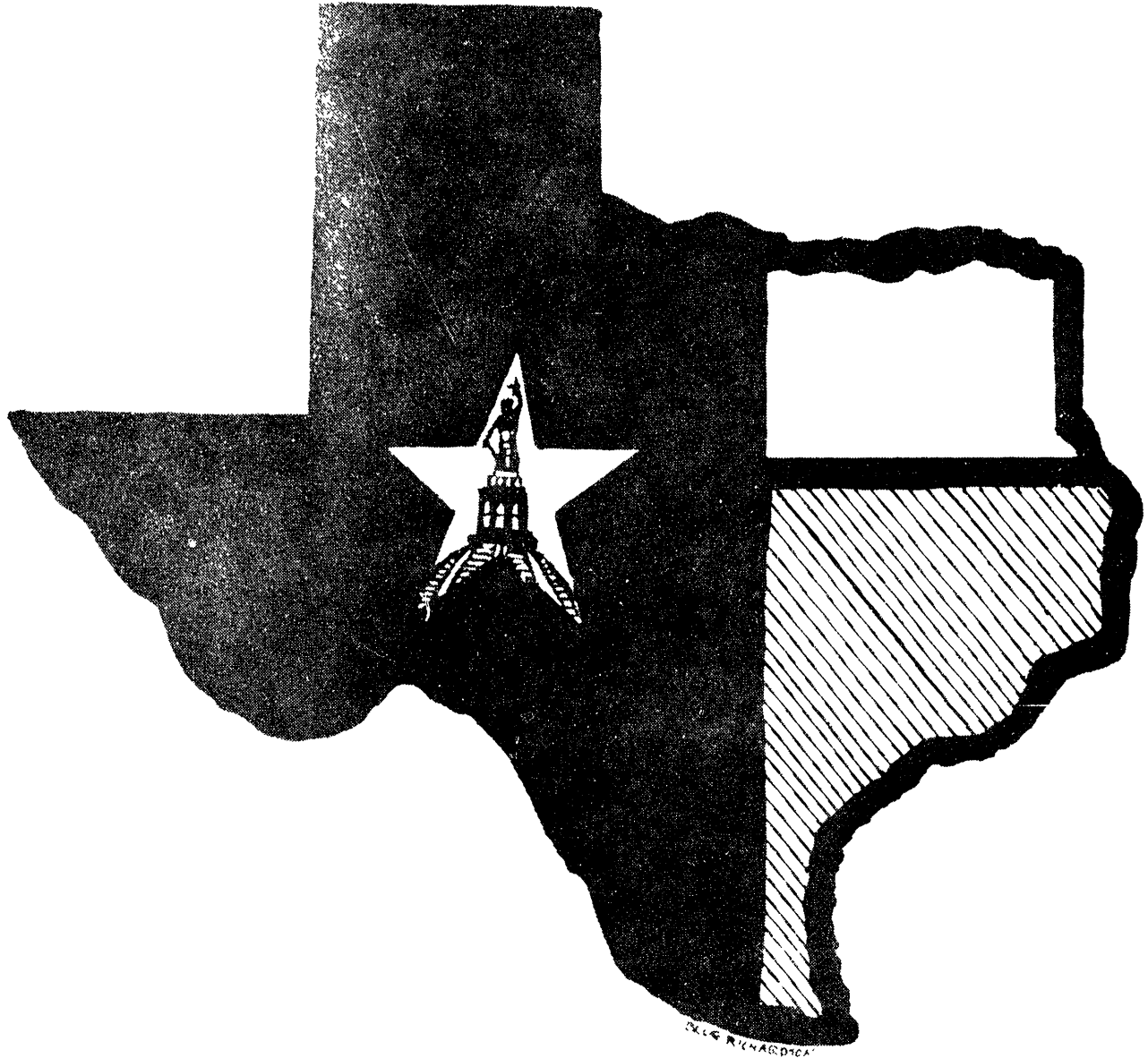


# Texas Register

Volume 12, Number 61, August 14, 1987

Pages 2653-2700



## Highlights

The **State Property Tax Board** adopts on an emergency basis a new section prescribing the form and wording of the notice of public hearing on tax increases. Effective date - August 31 **page 2668**

The **Texas Department of Agriculture** proposes an amendment concerning increasing inspection fees for all classes of nursery and floral cer-

titicates. Earliest possible date of adoption - September 14, 1987 **page 2669**

The **Texas Department of Community Affairs** adopts an amendment redesignating the economic development fund as the Texas capital fund. Effective date - August 21 **page 2679**

**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 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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**Information Available:** The 10 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
- 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.

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

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

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

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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Audit

Name: Jeremy La Point  
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La Porte High, La Porte



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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 August 6

To be a member of the **Finance Commission of Texas** for a term to expire February 1, 1993:

Leonard B. Rosenberg, 5639 Doliver, Houston, Texas 77056. Mr. Rosenberg will be replacing Cullen Looney of Edinburg, whose term expired.

To be a member of the **Finance Commission of Texas** for a term to expire February 1, 1993:

Lewis E. Bracy, Jr., 1100 North Fourth Street, Uvalde, Texas 78801. Mr. Bracy will be replacing Gerald Smith of Houston, whose term expired.

To be a member of the **Produce Recovery Fund Board** for a term to expire January 31, 1993:

R. C. Allen, 310 Cape Aron, Corpus Christi, Texas 78412. Mr. Allen will be replacing Ronald Osborn of Hereford, whose term expired.

To be a member of the **Texas Structural Pest Control Board** for a term to expire August 30, 1988:

Virgil C. Adams, Sr., 1405 Cambridge, Denton, Texas 76201. Mr. Adams will be replacing Tommy Brown of Fort Worth, who resigned.

To be a member of the **State Property Tax Board** for a term to expire March 1, 1993:

George F. Bobbitt, 5206 Imogene, Houston, Texas 77096. Mr. Bobbitt will be replacing William Burnette of San Antonio, whose term expired.

To be a member of the **Texas Board of Architectural Examiners** for a term to expire January 31, 1993:

Earl P. Broussard, Jr., 4210 South Industrial, #110, Austin, Texas 78750. Mr. Broussard will be replacing O. E. (Gene) Schrickel of Arlington, whose term expired.

To be a member of the **Texas Hospital Equipment Financing Council** for a term to expire July 17, 1993:

Nancy June Huggins, 7627 Marquette, Dallas, Texas 75225. Ms. Huggins is being reappointed.

To be a member of the **Texas Board of Private Investigators and Private Security**

**Agencies** for a term to expire January 31, 1993:

Jack Montague, 1825 Fortview Road, Suite 104, Austin, Texas 78704. Mr. Montague will be replacing Dale O. Simpson of Dallas, whose term expired.

To be a member of the **Dairy Advisory Board** for a term to expire December 31, 1988:

Harvey Lee Richards, Hygeia Dairy Company, 720 South F Street, Harlingen, Texas 78551. Mr. Richards will be replacing Wilbur E. Blythe of Fort Worth, whose term expired.

To be a member of the **Texas Public Building Authority** for a term to expire February 1, 1993:

Harry M. Whittington, 3201 Greenlee Drive, Austin, Texas 78703. Mr. Whittington will be replacing Mrs. Marilyn Jones of San Antonio, who resigned.

Issued in Austin, Texas, on August 6, 1987.

TRD-8706529

William P. Clements, Jr.  
Governor of Texas



## Executive Orders WPC 87-15

*AUTHORIZING THE TEXAS HOUSING AGENCY TO MAKE HOUSING CREDIT ALLOCATIONS ON BEHALF OF THE STATE OF TEXAS AND TO CARRY OUT THE PROVISIONS OF SECTION 42(h) OF THE INTERNAL REVENUE CODE OF 1986*

WHEREAS, Section 42 of the Internal Revenue Code of 1986 (the "Code") provides a tax credit to the owners of certain qualified low-income rental housing; and

WHEREAS, Section 42(h) of the Code establishes a limitation on the amount of the aggregate tax credit allowable with respect to projects located within any particular state and provides for the allocation of the tax credit by a state housing credit agency within each state; and

WHEREAS, Temporary Treasury Regulation Sec. 1.42-1(f)(1) provides that a "state housing credit agency" is any state agency specifically authorized by gubernatorial act state statute to make housing credit allocations on behalf of the state and to carry out the provisions of Section 42(h) of the Code;

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby order as follows:

(1) The Texas Housing Agency is hereby authorized to make housing credit allocations during each calendar year on behalf of the State of Texas pursuant to Section 42 of the Code and to carry out the provisions of section 42(h) of the Code.

(2) There is hereby apportioned to the Texas Housing Agency, for each calendar year, 100% of the housing credit ceiling for the State of Texas, as determined in accordance with Temporary Treasury Regulation Sec. 1.42-1(f)(1).

(3) The Executive Order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by the Governor.

Issued in Austin, Texas, on August 4, 1987.

Given under my hand this 4th day of August, 1987.

TRD-8706480

William P. Clements, Jr.  
Governor of Texas

## WPC 87-5

WHEREAS, the Texas Department of Corrections has notified the Attorney General in Writing that the inmate population of the Texas Department of Corrections has reached 95% of capacity, as defined by statute and as imposed by the agreed order in *Ruiz v. McCotter*; and

WHEREAS, the Attorney General has certified, in writing, that the inmate population has reached 95% of the capacity, as defined above, of the Texas Department of Corrections; and

WHEREAS, by Senate Bill 215, 70th Legislature, Regular Session, amending the Texas Prison Management Act, Article 6184o Texas Revised Civil Statutes, the legislature has required that under these circumstances the Governor shall certify that an emergency overcrowding situation exists and shall take certain steps to resolve the certified overcrowding condition.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, do hereby certify that an emergency overcrowding situation exists among the inmate population of the Texas Department of Corrections.

FURTHERMORE, under the authority vested in me, I do hereby order the Director of the Texas Department of Corrections to credit to all eligible inmates, as defined by Senate Bill 215, 30 total days of administrative good conduct time.

This executive order shall be effective immediately and shall be binding as authorized by law. This Executive Order may be modified or amended from time to time, as required to carry out the intent of the legislature, until the emergency overcrowding condition no longer exists.

Issued in Austin, Texas, on August 3, 1987.

TRD-8706479

*William P. Clements, Jr.*  
Governor of Texas

## Proclamation WPC 87-2192

Senate Bill 1, the General Appropriations Bill, has reached my desk for action, having been duly certified by the Comptroller of Public Accounts pursuant to Article III, Section 49a of the Texas Constitution. It authorizes an expenditure of \$38.3 billion in total funds and \$24.04 billion in general revenue funds for fiscal 1988-1989, after rider adjustments.

The Texas Legislature this year worked through a regular session and two special sessions in an historic effort to control government spending and attempt to set priorities. There is no question that much blood, sweat and tears were shed in this effort, and I wish to commend Lieutenant Governor Hobby and Speaker Lewis on their willingness to work with me. I would also like to recognize the members of the Senate Finance Committee and the House Appropriations Committee for their hard work over the last seven months, and the members of the Conference Committee who drafted the final product now before me in the form of Senate Bill 1. But most important of all I believe all Texans owe a tremendous debt of gratitude to those courageous members of the House of Representatives who fought tirelessly on the House floor to hold state spending to a fiscally responsible level.

For two and a half weeks I have reviewed this budget. It is the critical product of the Legislature's seven-month effort. While I commend the Legislature and its leadership for their efforts, there are places that can stand additional scrutiny and additional economies. It is in that spirit that I exercise my constitutional prerogative of line item veto so that modest advances are made in pursuit of fiscal discipline and budgetary integrity.

My line item vetoes, totaling \$167.4 million, will include the elimination of individual aircraft operations in specific agencies. The intent is to both save Texas taxpayers significant sums of money, while at the same time encouraging agencies to utilize the Aircraft Pooling Board.

In another line item veto, I am removing a mischievous measure aptly entitled the "Doomsday Amendment." This measure is nothing but a crude attempt at legislative and political blackmail, unbecoming of our Texas legislative process. It is hoped that the thinking and the tactics that produced such an insidious measure will be exorcised prior to the 71st Legislative Session.

I have long believed that the systems offices throughout our college and university systems are not fully incorporated into their respective institutions. One veto reflects a recommendation originally made in the Policy Budget presented to the Texas Legislature in February. To directly quote from that report: "As an economy measure, I recommend individual institutions allocate funds from their budget as a substitute for direct revenue funding of the system offices. Beside saving money, I hope this system change will have the positive effect of making system offices more sensitive to the needs of their respective institutions."

Additional veto items include reductions in administrative and bureaucratic costs in the Department of Human Services, while other savings are found in higher education and the State Department of Highways and Public Transportation. While a sharp eye was focused on savings, a constant sensitivity to services was maintained throughout the budget review process.

Our state government is in a period of dramatic transition. As never before, each agency, board and commission must review every expense, must prioritize every program and must ensure to the people of Texas



that every dollar spent is done so with maximum efficiency and effectiveness. The efforts we have begun this year must continue at full speed into the next biennium and beyond.

Summary of Items Vetoed		
ARTICLE I-EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES	Fiscal Year 1988	Fiscal Year 1989
<b>Texas Aeronautics Commission-Page I-8</b> Item 1.b. Aircraft Operations	\$105,080 & U.B.	\$59,450
<b>Department of Agriculture-Page I-12</b> Item 1.d. Air Travel	\$140,000	\$140,000
<b>Office of the Attorney General-Page I-38</b> Item 1.d. Aircraft Operations Page I-46 (Rider) 22. In addition to the amounts herein appropriated in line items 3.a. and 3.b. during the biennium, there is appropriated all state-earned depreciation funds and related federal matching funds earned by these depreciation funds in an amount not to exceed \$1,000,000.	\$273,929	\$137,929
<b>Comptroller of Public Accounts-Page I-60</b> Item 4. Aircraft Operations	\$727,239	\$727,239
<b>Office of the Governor-Page I-119</b> (Rider) 20. Funds appropriated above may be expended to fund the operations of the Governor's Commission on Physical Fitness at the discretion of the Governor. In addition, any gifts, grants, or donations of private funds received for the benefit of the Governor's Commission on Physical Fitness are authorized and appropriated for the purposes specified by the donor.		
<b>State Department of Highways and Public Transportation-Page I-121</b> Item 6. Capital Construction Page I 125 (Rider) 17. Funds appropriated above in Item 4.a., Public Travel and Information Services, include amounts for the production and distribution of "Texas Highways", the official travel magazine of the state as intended by H.C.R. No. 26, Sixty-fourth Legislature, Regular Session, 1975. The State Highway and Public Transportation Commission is directed to set subscription rates and other charges at a level that will generate receipts approximately sufficient to cover the costs incurred in the production and distribution of the magazine. The department may sell advertising space in "Texas Highways", not to exceed 25% of the total space per issue. Revenues collected from subscription rates and advertising space sales may be used to increase the appropriation line item 4.a. to the extent of such collections.	\$33,973,696	U.B.
<b>General Land Office and Veterans' Land Board-Page I-150</b> Item 4.a. Aerial Photography and Operations Item 4.b. Retrofit	309,257	\$309,767 275,000
<b>Railroad Commission-Page I-219</b> Item 1.d. Aircraft Item 8. Texas Petroleum Research Committee	\$132,067 212,187	\$132,267 & U.B. 212,187
<b>Public Utility Commission of Texas-Page I-248</b> Item 3.c. Consumer Information and Response	\$200,000	\$200,000
<b>ARTICLE II-HEALTH, WELFARE AND REHABILITATION AGENCIES</b>		
<b>Texas Department of Health-Page II-16</b> Item 13.a. Cancer Registry	927,111	927,111

**Department of Human Services-Page II-30**

Item 7.g. Program Support	\$5,803,325	\$5,807,008
Item 8.g. Program Support	2,305,224	2,305,224
Item 12.b Quality Assurance and Consultation	704,129	704,129
Item 15.b. Client Services	1,000,000	1,000,000
Item 19. Implementation of Senate Bill 298, 70th Legislature, Regular Session, pursuit of liens.	321,000	U.B.

**Department of Mental Health and Mental Retardation-Page II-48**

Item 22d. Aircraft Operations (non-transferable)	\$201,488	201,488 & U.B.
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Page II-52 (Rider)

11. Contingent upon the sale of the land property of the Texas Research Institute of Mental Sciences, or the Leander Rehabilitation Facility, or the Austin State School Annex, the Texas Department of Mental Health and Mental Retardation is hereby appropriated \$3,058,200 from the proceeds of the sale for life safety construction improvements or other high priorities of the department. Any remaining proceeds shall be deposited in the General Revenue Fund.

**ARTICLE III-AGENCIES OF PUBLIC EDUCATION**

**Texas Central Education Agency-Programs-Page III-1**

Item 1.i. (2) Loss to §16.252(e)	\$52,000,000	U.B.
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**Coordinating Board, Texas College and University System-Page III-23**

Item 21. Utility Contingency Fund	\$2,500,000	U.B.
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Page III-26 (Rider)

12. Authorization for the expenditure of funds appropriated above for utilities is contingent upon certification by the Comptroller of Public Accounts that a general academic institution, medical college, health science center, or technical institute has expended all funds appropriated for utilities in that fiscal year. No institution of higher education which has transferred funds from the line item for utilities may request or receive funds during the same fiscal year from the Utility Contingency Fund. In addition, no institution of higher education may receive funds from the Utility Contingency Fund unless it has adopted and submitted an energy conservation program pursuant to Article V, Section 90 of this Act. Any institution receiving funds from the Utility Contingency Fund shall expend said funds only for utilities and any unexpended balances shall revert to the Utility Contingency Fund. Such funds shall not be used to support auxiliary enterprises. The funds appropriated for the Utility Contingency Fund shall be administered and dispensed pursuant to the above qualifications and in the amounts indicated by the Coordinating Board, Texas College and University System. An unexpended balance contained in the Contingency Fund as of August 31, 1988, is hereby reappropriated for the same purposes for the fiscal year beginning September 1, 1988.

Page III-27 (Rider)

20. The Comptroller will transfer \$750,000 to the General Revenue Fund from any unexpended balances remaining from the appropriations for Reductions in Estimated Other Educational and General Funds made to the Coordinating Board in either Senate Bill Number 1, page III-23 or House Bill Number 5, Acts of the Sixty-ninth Legislature, Third Called Session. The remainder of the balances are hereby reappropriated to reduce 1987 income shortfalls at eligible institutions.

Page III-28 (Rider)

22. In addition to the amount provided above to the Coordinating Board, \$50,000 from the General Revenue Fund is hereby appropriated which will be matched by local funds of the University System of South Texas for the purpose of conducting a study of the status, needs, and impact of higher education in South Texas as they relate to the needs and existing facilities of the State as a whole serviced by public institutions of higher education.

**Public Junior/Community Colleges-Page III-35**

Item 50. Staff Group Insurance Premiums	\$21,093,960	\$24,258,054
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Page III-39 (Rider)

21. In addition to the funds appropriated above to Alamo Community

College and Northeast Texas Community College, 50% of any remaining or unexpended balances from appropriations for fiscal year 1987 made to those institutions in item 48(b) and 48(c) of Senate Bill Number 1, 69th Legislature, Third Called Session, page III-34, are hereby reappropriated to those respective institutions for the biennium beginning September 1, 1987, to fund contact hours earned in excess of those used in the base period for making the 1988-1989 appropriations. The State Auditor shall determine the actual number of contact hours generated in excess of the 1988-1989 base period. In no instance shall disbursements be greater than those actually earned. The unexpended balances may be used only in support of those elements of cost eligible for state funding.

**The University of Texas System**

System Administration-Page III-39

Item 1. Administration

\$710,326      \$710,326

**Texas A&M University System-Page III-52**

Item 1. Administration

\$345,185      \$345,185

**Prairie View A&M University-Page III-55**

Page III-55 (Rider)

2. In addition to the amounts specified above, there is also hereby appropriated to Prairie View A&M University \$382,276 for contract cleaning and repairs and replacement of equipment resulting from a fire in Hilliard Hall on the campus of Prairie View A&M University.

**Texas Transportation Institute-Page III-59**

(Rider)

2. In addition to the amounts specified above, there is also hereby appropriated to the Texas Transportation Institute, \$929,385 from the General Revenue Fund for the fiscal year beginning September 1, 1987, for replacement of a research laboratory building and equipment located at the Bryan Research and Extension Center, Bryan, Texas, totally destroyed by fire. Any balances remaining as of August 31, 1988, from this appropriation are hereby reappropriated for fiscal year 1989.

**The University of Houston System System Administration-Page III-66**

Item 1. Administration

\$2,140,417

**Lamar University System System Office-Page III-69**

Item 1. Administration

\$294,935      \$296,105

**Texas Tech University Museum-Page III-79**

Item 1. Main Museum

\$418,549

Item 2. Ranching Heritage Center

40,497

**Panhandle-Plains Historical Museum-Page III-81**

Item 1. Museum Operations

\$458,740

**Sam Houston Memorial Museum-Page III-84**

Item 1. Museum Operations

\$308,680

**ARTICLE VII-Page VII-12**

Section 2. In the event House Bill Number 61, Acts of the 70th Legislature, 2nd Called Session, 1987, becomes law but no part of which takes effect before the 91st day after the adjournment of that session of the Legislature, the following institutions shall be reduced from the level contained in Article III of this Act by the listed percentage multiplied by the difference between the level of funding contained in Article III of this Act and the 1987 operating level or the 1987 adjusted base, whichever produces the smaller result. The comptroller of public accounts is authorized and directed to calculate and execute the provisions of this Section.

The University of Texas at Arlington

50%

The University of Texas at Austin

10%

The University of Texas at Dallas

100%

The University of Texas at El Paso

20%

The University of Texas at San Antonio	40%
Prairie View A&M University	33%
Corpus Christi State University	33%
Houston Community College (of total, taken from West Houston Campus only)	40%
University of Houston-Clear Lake	100%
University of Houston-Victoria	100%
North Texas State University	100%
Texas Tech University	50%
Texas Woman's University (Denton Campus only)	20%
West Texas State University	100%
Southwest Texas State University	100%
Alamo Community College	40%
Alvin Junior College	100%
Amarillo College	100%
Blinn College	100%
Brazosport College	100%
Clarendon College	100%
Collin County Community College	100%
Cooke County Junior College	100%
Dallas County Community College	40%
Del Mar Junior College	33%
El Paso Community College	20%
Frank Phillips Junior College	100%
Henderson County Junior College	100%
Kilgore College	50%
Lee College	50%
McLennan County Junior College	100%
Midland College	100%
Navarro Junior College	100%
North Harris County College	100%
Paris Junior College	100%
San Jacinto College	50%
Southwest Texas Community College	100%
Farrant County Community College	40%
Temple Junior College	100%
Vernon Regional Junior College	100%
Weatherford Junior College	100%
Texas State Technical Institute-Waco	100%
Texas State Technical Institute-Amarillo	100%
Tuition Equalization Grants	80%
Texas A&M University Agricultural Extension Service	50%
Texas A&M University Engineering Extension Service	50%
Texas Forest Service	50%
Sul Ross State University (taken entirely from Uvalde center)	33% of total
Texas Tech University Health Sciences Center Amarillo Regional Academic Health Center	100%

**Statement of Objections and Reasons for Veto**

**Aircraft Operations:**

**Texas Aeronautics Commission**

Item 1.b.

**Texas Department of Agriculture**

Item 1.d.

**Office of the Attorney General**

Item 1.d.

**Comptroller of Public Accounts**

Item 4.

**General Land Office and Veteran's Land Board**

Item 4.a. and b.

**Railroad Commission**

Item 1.d.

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

Item 22.d.

The time has passed when state employees can enjoy the privilege of flying in almost empty agency-owned aircraft. However, some agencies still abuse this privilege by flying in state planes to cities served by commercial airlines and by flying at passenger levels far below plane capacity. In enacting stronger restrictions in Section 19, Article V of Senate Bill 1, the Legislature showed that it recognized the existing problems. However, the language is not strong enough to correct those problems.

Each agency affected by this veto is being requested to transfer its aircraft to the State Aircraft Pooling Board as soon as possible. In addition, agencies with aircraft authorization which do not have line item appropriations for aircraft use will be requested to take similar action. The Department of Public Safety, the Parks and Wildlife Department and the Department of Corrections, because of the unique needs of their law enforcement activities, continuation of funding for aircraft is necessary.

**ARTICLE I-EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES.**

**Office of the Attorney General**

Rider 22.

The Child Support Enforcement program received direct appropriations of \$44,035,928. This appropriated amount is adequate for enforcement, additional appropriation to this program is unnecessary.

**Office of the Governor**

Rider 20.

The 69th Legislature, 3rd Called Session, eliminated the direct appropriation to the Governor's Commission on Physical Fitness and directed the Governor to provide adequate funding to phase out operations of the agency from Deficiency and Emergency Grants. Since the 70th Legislature made no direct appropriation to the Governor's Commission on Physical Fitness this rider is unnecessary.

**State Department of Highways and Public Transportation**

Item 6.

Construction of a new administrative office building is unnecessary at this time. The Greer Office Building which currently houses the central office staff has recently undergone major repair and rehabilitation and is adequate in these times of fiscal restraint.

**Railroad Commission**

Item 8.

The primary purpose of the Texas Petroleum Research Committee is to promote the development, utilization, and conservation of energy natural resources through research publications and presentations conducted by the University of Texas and Texas A&M University. These research funds duplicate other resources available through the Higher Education Coordinating Board and direct appropriations to the two institutions. Additional funds may also be available through grants awarded under the Oil Overcharge Restitutionary Act.

**Public Utility Commission**

Item 3.b.

The Consumer Information and Response activities include investigation, resolution, and reporting of consumer complaints and utility tariff compliance. Other functions include the distribution of consumer information and responses to telephone and written requests. The 68th Legislature established a separate Office of Public Utility Counsel to represent the residential and small commercial consumer. The activities of the Consumer Information and Response section duplicate functions which are performed by the Office of the Public Utility Counsel, and veto of this item eliminates unnecessary duplication in state services.

**ARTICLE II-HEALTH, WELFARE AND REHABILITATION AGENCIES**

**Texas Department of Health**

Item 13c.

In 1985, the Legislature established the Cancer Council as part of the effort to provide for cancer research, cancer prevention, and medical care for cancer victims. The Cancer Registry was established in the Health Department to maintain a central data bank of accurate, precise and current information regarding cancer in Texas. The Cancer Registry function should be transferred to the Texas Cancer Council.

**Department of Human Services**

Item 7.g. and Item 8.g.

I support these two programs wholeheartedly. The appropriation bill pattern adopted for this agency consolidated central administrative functions into one line item, making it impossible to veto selected administrative functions. However, there remains in the Department of Human Services budget sufficient funds to administer these programs, but attention must be given to an allocation of resources making administrative functions

a lesser priority than the delivery of human services. For example, funding for these crucial programs can come from any of the following areas: computer acquisitions and computer maintenance, field management support administration, aircraft operations, or renovations and capital outlay.

Item 12.b.

This activity in the Vendor Drug program should be restructured and conducted more efficiently. Of the ten largest medicaid prescription drug programs in the United States, only California and New Jersey have pharmacists in the field in numbers close to that in Texas. Texas has one of the lowest average prescription drug expenditures per medicaid drug utilizer; a more centralized quality assurance and consultation function will continue that effort.

Item 15.b.

This item creates a separate appropriation for an already existing function in the Adult Protective Services program. There is sufficient funding available in line item 15.a. and a separate appropriation under this program is not required. This, in conjunction with the necessary policy of holding the expansion of programs to a minimum, is the reason for veto.

Item 19.

This line item appropriates additional funds to implement the department's sunset legislation. This appropriation is not necessary because the budget increased over 1986-1987 levels and can absorb this function.

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

Page II-52, Rider Provision (11)

This rider appropriates \$3,058,000 to the Department of Mental Health and Mental Retardation for life safety construction improvements and other items from the sale of land and property. The Department has been authorized to issue bonds totaling \$47,142,300 and received a general revenue appropriation of \$8,671,802 for Capital Outlay and Construction. These two items include life safety code construction and repairs. Therefore, funds available are adequate to provide for the necessary construction and repairs to meet program needs for the 1988-1989 biennium.

#### **Texas Central Education Agency Programs-Page III-1**

Item 11.(2) Loss to Section 16.252(e)

Under a funding provision in House Bill 72, the state subsidizes school districts experiencing a loss in property values greater than eight percent from the prior year. The statute allows the Commissioner to adjust for such losses in value. The majority of these property value losses have occurred in districts with greater than state average wealth. Conversely, there are no provisions whereby the state benefits when districts enjoy large property value increases. Eliminating this item will mean that all districts' local fund assignments will be based on their prior year property value, and the Commissioner will still be able to make adjustments for economic or natural disasters.

#### **Texas Higher Education Coordinating Board-Page III-23**

Item 21

The second largest item of expenditure for institutions of higher education is utilities. Recent studies verify potential savings in utility costs but note lack of effort and incentive by the institutions. One new incentive added by the 70th Legislature is a rider encouraging an outside professional energy management audit. This appropriation represents only a small percent of 1986 utility expenses, budgeted for utility cost overruns. It is inappropriate to budget for excessive expenditures where savings are possible; such a practice serves as a disincentive for real savings. The lump sum appropriations for higher education allows complete management flexibility on individual campuses, and allows each institution to set spending priorities. Given this new flexibility in addition to appropriation increases, institutions can adjust funding where needed and should not require additional general revenue to pay for inefficiency.

#### **Texas Higher Education Coordinating Board-Page III-20**

Rider 20.

This rider enables institutions of higher education to carry forward unexpended balances from funds appropriated for shortfalls in 1986 educational and general income estimates. However, a report by the state auditor indicates that sufficient money was allocated in 1987 to institutions of higher education. In addition, these institutions were given the ability to carry forward 1986 unexpended balances for use in 1987. Furthermore, the 70th legislature made significant changes in financing of institutions of higher education. These changes include lump sum appropriations with component transferability and complete removal of educational and general estimates from the method of finance. Certain border schools may now allow foreign nationals to pay resident tuition. All of these changes allow institutions additional flexibility, designed to ensure sufficient financial resources during the 1988-1989 biennium.

Rider 22.

The Select Committee on Higher Education recently finished a complete study of higher education in Texas. The committee heard many hours of testimony and is well aware of the special needs in South Texas. Should

the Coordinating Board decide further study is needed, it may be financed with funds appropriated to the Coordinating Board and local funds.

**Public/Junior Community Colleges-Page III-35**

Item 50.

Public Junior Community Colleges in Texas currently receive more per capita funding than any other state in the nation. Additional increases in appropriations made to these schools exceed what is reasonable for good public policy in these difficult times. The intent of this veto is not to eliminate group insurance premiums for staff. Staff group insurance premiums for these colleges should be paid through funds allocated to each individual school.

**Public/Junior Community Colleges-Page III-39**

Rider 21. All public/junior community colleges are funded by formula; funds are distributed in a lump sum grant to each institution, and colleges are not allowed to bring forward unexpended balances from year to year. Any exception to this policy would be imprudent.

**University of Texas System Administration-Page III-39**

**Texas A&M University System Administrative and General Offices-Page III-52**

**Lamar University System Office-Page III-66**

**University of Houston System Administration-Page III-66**

Administrative offices are not a separate branch of a university's system, but an integral part of each institution's structure, supporting individual institutions and being supported by them in turn. It is necessary for administrations to be responsive to the needs of individual institutions, and separate funding for these offices is contrary to that policy. The University of Houston System Office receives the largest general revenue appropriation in this category; a veto of the second year only will allow time to implement this needed change.

**Prairie View A&M University-Page III-55**

**Texas Transportation Institute-Page III-59**

Rider 2. Article 7, Section 18 of the Texas Constitution provides that institutions within the Texas A&M University System may receive funding for repair and rehabilitation of buildings from bonds issued using the Texas A&M University share of the Permanent University Fund. The use of general revenue funds for this purpose is unnecessary.

**Texas Tech University Museum-Page III-79**

**Panhandle-Plains Historical Museum-Page III-81**

**Sam Houston Memorial Museum-Page III-84**

Elimination of funding of these three museums in the second year will allow their institutions of higher education to establish priorities for their funding and to involve the communities in which they are located to share in the responsibilities for their existence. A more efficient method of funding these items is user fees, contributions, and grants.

**ARTICLE VII-Page VII-12**

Rarely has any action more justly deserved condemnation than the type of rank intimidation attempted in this insidious provision. The reasons for the veto of this particular item are more fully stated in the introduction.

Senate Bill 1 was received by the Governor's Office less than ten days prior to adjournment of the Second Called Session of the Seventieth Legislature. I have signed Senate Bill 1, which shall be filed with the Secretary of State, together with this Proclamation stating my objections to individual items of appropriation therein. In accordance with Article IV, Section 14 of the Texas Constitution, individual items of appropriation objected to shall be of no force or effect. The remaining portion of the bill shall be effective according to its terms.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 6th day of August, 1987.

Issued in Austin, Texas, on August 6, 1987.

TRD 8706530

*William P. Clements, Jr*  
*Governor of Texas*

# Emergency

## Rules

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

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

### TITLE 34. PUBLIC FINANCE

#### Part VII. State Property Tax Board

##### Chapter 153. Truth in Taxation Requirements

###### ★34 TAC §153.1

The State Property Tax Board adopts on an emergency basis new §153.1, concerning the notice of public hearing on tax increases required by the Tax Code, §26.06. The new section prescribes the form and wording of the notice. The new section is adopted on an emergency basis because under House Bill 328, 70th Legislature, 1987, taxing units will be required to publish notices in the form and wording specified by the board beginning August 31, 1987. The board is proceeding on an

emergency basis in order to publicize the new required format as early as possible.

The new section is adopted on an emergency basis under the Texas Tax Code, §26.06, as amended by House Bill 328, 70th Legislature, 1987, which requires the State Property Tax Board to prescribe the form and wording of a notice of public hearing on a tax increase required by that section.

###### §153.1. *Notice of Public Hearing on Tax Increase.*

(a) Except as provided by subsection (b) of this section, a taxing unit that is required by the Tax Code, §26.06, to publish a notice of public hearing on a proposed tax increase shall employ the form and wording of model Form 26.06a in publishing the notice.

(b) If a taxing unit's proposal to increase taxes includes an increase in property taxes to pay for services required by the

Indigent Health Care and Treatment Act (Texas Civil Statutes, Article 4438(f)) and the unit is required by the Tax Code, §26.06, to publish a notice of public hearing on a proposed tax increase, the unit shall employ the form and wording of model Form 26.06b in publishing the notice.

(c) Model Forms 26.06a and 26.06b are adopted by reference. Copies may be obtained from the State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

Issued in Austin, Texas, on August 7, 1987.

TRD-8706534

Ron Patterson  
Executive Director  
State Property Tax Board

Effective date: August 31, 1987  
Expiration date: December 29, 1987  
For further information, please call  
(512) 834-4800.





# Proposed Rules

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

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

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 9. Agricultural and Environmental Sciences Division

#### Nursery and Floral Products

##### ★4 TAC §9.6

The Texas Department of Agriculture proposes an amendment to §9.6, concerning nursery and floral inspection fees. The amendment increases inspection fees for all classes of nursery and floral certificates issued by the department. Inspection fees are increased to amounts within the range of not less than \$25, nor more than \$150, in accordance with the intent of the 70th Legislature, 1987.

Alvin Ashorn, assistant director of pest management, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated increase in revenue of \$330,000 each year from 1988-1992. There will be no effect on local government for the first five-year period the section will be in effect. The cost of compliance with the section for small businesses will be an additional \$15 per year for Class 1 businesses; an additional \$35 per year for Class 2 businesses; an additional \$55 per year for Class 3 businesses; an additional \$75 per year for Class 4 businesses; and an additional \$5 per year for Class 5 businesses. The cost to large business will be the same depending upon the class of the business.

Mr. Ashorn 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 an increase in general revenues and a bringing of the cost of certification of nursery floral stock closer to the cost to the state for administering the nursery floral stock certification, in accordance with the intent of the 70th Legislature, 1987. 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 Alvin Ashorn, Assistant Director of Pest Management, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, §71.056, which provides the Texas Department of Agriculture with the authority to set by rule and collect nursery floral stock inspection fees and the Appropriations Act, Senate Bill 1, 70th Legislature, 1987, which directs the department to set and collect fees for nursery and floral inspection in an amount from \$25 to \$150.

##### §9.6. Nursery/Floral Inspection Fees.

(a) Class 1—**\$60.** [§45] Includes permanently located businesses that do not grow nursery or floral stock, such as garden centers, stores, landscape contractors, floral shops, interior decorators, truckers, etc.

(b) Class 2—**\$90.** [§55] Includes permanently located businesses who sell nursery and floral stock and have a growing area of 10 acres or less.

(c) Class 3—**\$120.** [§65] Includes permanently located businesses who sell nursery and floral stock and have a growing area of 11-20 acres.

(d) Class 4—**\$150.** [§75] Includes permanently located businesses who sell nursery and floral stock and have a growing area of more than 20 acres.

(e) Class 5—**\$25.** [§20] Includes individuals or businesses who sell nursery or floral stock from temporary locations. Temporary locations, as referred to in these sections, means selling from one location for no more than three consecutive calendar days or for no more than 12 days in a single calendar month. Each location from which such sales are made must have a certificate. Such certificate must be present at each sales outlet, such as plant or flower shows, flea markets, street vendors, etc.

(f) (No change.)

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

Issued in Austin, Texas, on August 10, 1987.

TRD-8706548

Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Earliest possible date of adoption:  
September 14, 1987  
For further information, please call  
(512) 463-7583.



## Chapter 21. Seed Certification Standards

### Acreage Inspection Fees For Certification

#### ★4 TAC §21.31

The Texas Department of Agriculture proposes an amendment to §21.31, concerning acreage inspection fees for seed certification. The amendment increases inspection fees for each production field and per acre. The amendment increases general revenues, in accordance with the intent of the 70th Legislature, 1987.

Kenneth Boatwright, director, Seed and Grain Warehouse Program, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated increase of \$24,000 each year from 1989-1992. There will be no effect on local government of the first five-year period the section will be in effect. The cost of compliance with the section for small businesses will be dependent upon the commodity produced and the number of acres to be inspected, an additional \$.06 to \$3.00 per number of acres inspected for certification. There will be an additional \$10 for each production field applied on for certification. The cost of compliance for large businesses will be the same as for small businesses, depending upon the commodity produced and the number of acres to be inspected.

Mr. Boatwright 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 an increase in the general revenue funds, in accordance with the intent of the 70th Legislature, 1987; and bringing the amount collected closer to actual costs to the state to inspect fields for purposes of certification. The anticipated economic

cost to individuals who are required to comply with the section as proposed will be a total increase of cost per acre of \$24,000 each year from 1988-1992 for the inspection fee

Comments may be submitted to Kenneth Boatwright, Director, Seed & Grain Warehouse Program, P.O. Box 12847, Austin, Texas 78711, (512) 463-7614

The amendment is proposed under the Agriculture Code, §12.001 and §12.016,

which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code; §62.008, which authorizes the department, for purposes of seed certification, to fix and collect a fee in an amount necessary to cover costs of inspection and labels; and the Appropriations Act, Senate Bill 1, 70th Legislature, 1987, which directs the department to set and collect a fee for seed certification in

an amount of \$20 per field and \$.24-\$42 per acre inspected

§21.31. *Inspection Fees for Certification.* The following inspection fees for certification chart, as amended, designates fees per acre for various crop kinds as required for seed certification for genetic identity only. Copies may be obtained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, or by telephoning (512) 463-7614.

Acreage Inspection Fees for Certification  
Table 1

	All Classes	
Agroticum	5.52	[ .40]
Alfalfa	1.04	[ .80]
Buckwheat	.52	[ .40]
Cantaloupe	5.20	[ 4.00]
Clover (all kinds)	1.04	[ .80]
Corn	3.25	[ 2.50]
Cotton	.24	[ .18]
Cowpea, field bean, & flat pea	1.04	[ .80]
Flax	1.30	[ 1.00]
Forest tree seed	5.20	[ 4.00]
Forest tree seedlings	42.00	
Grass (seeded)	4.16	[ 3.20]
Grass (vegetatively propagated)	13.00	[10.00]
Guar	3.25	[ 2.50]
Illinois Bundleflower	3.25	[ 2.50]
Millet (foxtail & pearl)	1.04	[ .80]
Millet (gahi & hybrids)	2.73	[ 2.10]
Okra	3.25	[ 2.50]
Peanut	.78	[ .60]
Small grain	.52	[ .40]
Rice	3.25	[ 2.50]
Sorghum (open-pollinated)	.91	[ .70]
Sorghum (commercial hybrids)	2.73	[ 2.10]
Sorghum (A, B, & R Lines)	7.80	[ 6.00]
Soybean	.60	[ .45]
Sugar Cane	5.20	[ 4.00]
Sunflower (commercial hybrids)	2.60	[ 2.00]
Sunflower (A & R Lines)	7.80	[ 6.00]
Watermelon	5.72	[ 4.40]

\$20 [\$10] fee for each production field applied on for certification.

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

Issued in Austin, Texas, on August 7, 1987

TRD-8706546 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Earliest possible date of adoption  
\_September 14, 1987  
For further information, please call  
(512) 463-7583



## TITLE 22. EXAMINING BOARDS

### Part XV. Texas State Board of Pharmacy

#### Chapter 291. Pharmacies Institutional (Class C) Pharmacy

##### ★ 22 TAC §291.72

The Texas State Board of Pharmacy proposes an amendment to §291.72, concerning definitions. This amendment adds the definition of in-patient. The new definition allows hospitals (of any size) to treat nursing home patients who are hospitalized as inpatients of the hospital.

Fred S. Brinkley, Jr., executive director/secretary, 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. Brinkley 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 greater efficient and effective use of the institution's resources. 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 Fred S. Brinkley, Jr. R.Ph., 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

§291.72. *Definitions.* The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

**In-patient—A person who is duly admitted to the hospital or who is receiving Medicare extended care services on the hospital premise or an adjacent, readily accessible facility which is under the authority of the hospital's governing body.**

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706552

Fred S. Brinkley, Jr.,  
R.Ph.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption:  
September 14, 1987  
For further information, please call  
(512) 832-0661.



## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part X. Texas Water Development Board

#### Chapter 363. Rules Relating to Financial Programs

##### Introductory Provisions

##### ★ 31 TAC §363.2

The Texas Water Development Board proposes an amendment to §363.2, concerning introductory provisions. The definition of lending rate is removed from the section. The current definition is inaccurate after the passage of Senate Bill 259, 70th Legislature, 1987, which removes the statutorily set lending rate and allows the board to establish a lending rate. The amendment was adopted by the board on an emergency basis May 21, 1987.

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

Ms. Stansberry 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 more responsive financing programs of the board for water, sewer, and flood protection programs. 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 Sue Clabaugh, Development Fund Manager, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711.

The amendment is proposed pursuant to the Texas Water Code, §6.101, which authorizes the board to adopt rules necessary to carry out its powers and duties, and pursuant to the authority contained in Senate Bill 259, 70th Legislature, 1987.

§363.2. *Definition of Terms.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

[Lending rate—

[(A) when applied to the Water, Wastewater, and Storage Acquisition Program, the amount of interest calculated when ½ of 1.0% is added to the weighted average net effective interest rate on the three most recent issues of water development bonds;

[(B) when applied to the Water Development, Flood Control, or Water Quality Enhancement Programs, an amount of interest calculated by adding ½ of 1.0% to the weighted average of the cost of uncommitted funds secured from the sale of Texas water development bonds as of the date of the latest sale of Texas water development bonds; and

[(C) when applied to the Water Loan Assistance Program, the annual rate of interest which is the lower of 12% or the lowest point of the bond buyer index (of 11 municipal bonds) during the six months immediately preceding the month in which the board extends a loan commitment to an applicant.]

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706536

Suzanne Schwartz  
General Counsel  
Texas Water  
Development Board

Earliest possible date of adoption:  
September 14, 1987  
For further information, please call  
(512) 463-7850.



#### Policy Declarations

##### ★ 31 TAC §363.38

The Texas Water Development Board proposes new §363.38, concerning policy declarations. This new section adopts a new board policy concerning its lending rate. Senate Bill 259, 70th Legislature, 1987, removes the statutorily set lending rate and allows the board to establish a lending rate for its loans. The new section establishes the policy for determination of such lending rate, which may vary with individual loans based on the loan maturity and type of loan, among other factors. The board enacted a similar section on May 21, 1987, on an emergency basis.

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

Ms. Stansberry 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 more responsive financing programs of the board for water, sewer, and flood protection programs. 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 Sue Clabaugh, Development

Fund Manager, Texas Water Development Board, PO Box 13231, Austin, Texas 78711.

The new section is proposed pursuant to the Texas Water Code, §6.101, which authorizes the board to adopt rules necessary to carry out its powers and duties, and pursuant to the authority contained in Senate Bill 259, 70th Legislature, 1987.

§363.38. *Lending Rate.*

(a) Policy. It is the policy of the board through the implementation of the lending rate to serve the communities of the state by passing on the credit of the state to political subdivisions in the form of loans with interest rates which reflect the state's cost of funds. The board will establish rate scales for each maturity of loans to political subdivisions. In establishing the lending rate scales, the board will take into account the true interest cost of the money to the state, including issuance costs and the risks associated with the operation of the financial assistance program. The board will continuously review the lending rate scale, in light of current market conditions, and should there be substantial changes in market conditions, alter the scale if changes are necessary.

(b) Implementation. The rate scale applied may be determined by the type of project and/or the type of pledge received. The projects will be divided into three groups: the first group will include water development projects; the second includes water quality enhancement projects; and the third includes flood control projects. Within these groups, scales may be categorized by the type of pledge received. The board reserves the right to determine the lending rate scale applied and maturity schedule for each loan.

(c) Special projects. The board may, from time to time, be approached by political subdivisions with proposed projects which may require special financing by the board. Because of the special and unusual characteristics of these projects, separate lending rates for these projects will be established to fit the special circumstance that may be applicable to these projects.

(d) Two hundred seventy-day commitment. The board, from time to time, finds itself in a position of investing idle bond proceeds at a rate substantially below the cost of bond proceeds. For this reason, financial assistance commitments will remain in effect for no longer than 270 days; however, the applicant may request that the board extend this commitment beyond the original 270 days. If the board extends the loan commitment beyond the 270 days, it reserves the right to assess a fee for these extensions. Each fee will be established on a case-by-case basis after board consideration and approval.

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706537 Suzanne Schwartz  
General Counsel  
Texas Water  
Development Board

Earliest possible date of adoption:  
September 14, 1987  
For further information, please call  
(512) 463-7850.

Formal Action by the Board

★31 TAC §363.72

The Texas Water Development Board proposes an amendment to §363.72, concerning action of the board on application. This section currently indicates that the board's commitment for financial assistance expires 360 days after the board's action making the commitment, unless extended. The amendment changes the 360-day commitment period to 270 days, and indicates that the development fund manager could recommend that the board assess a fee of the applicant for any extension. This amendment was adopted by the board on an emergency basis May 21, 1987.

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

Ms. Stansberry 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 more responsive financing programs of the board for water, sewer, and flood protection programs. 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 Sue Clabaugh, Development Fund Manager, Texas Water Development Board, PO. Box 13231, Austin, Texas 78711.

The amendment is proposed pursuant to the Texas Water Code, §6.101, which authorizes the board to adopt rules necessary to carry out its powers and duties and Senate Bill 259, 70th Legislature, 1987.

§363.72. *Action of the Board on Application.* At the conclusion of the meeting to consider the project, the board may resolve to approve, disapprove, amend, or continue consideration of the application. If the board commits itself to participate in the project, such commitment for financial assistance shall expire 270 [360] days after the board's action making the commitment, unless another time for expiration of the commitment is stated by the board or the period of time for expiration of the commitment is extended by the board. Any extension must be re-

quested of the board by application filed with the development fund manager. Prior to referring such request to the board for consideration, the development fund manager may require the refiling of or updating of information contained in the original application. After such information is provided, the development fund manager will refer the request to the board along with his recommendation, including whether a fee should be assessed the applicant for the extension, and amount of any such fee. Notice of the time and place of board consideration will be given to the applicant's designated representative.

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706538 Suzanne Schwartz  
General Counsel  
Texas Water  
Development Board

Earliest possible date of adoption:  
September 14, 1987  
For further information, please call  
(512) 463-7850.

TITLE 34. PUBLIC  
FINANCE

Part I. Comptroller of  
Public Accounts

Chapter 3. Tax Administration  
Subchapter V. Bingo Regulation  
and Tax

★34 TAC §3.544

The Comptroller of Public Accounts proposes an amendment to §3.544, concerning definitions. The amendment defines location and other related terms, so as to prohibit the issuance of more than one license to lease bingo premises which are parts of one structure or are contiguous structures. It clarifies the meaning of the term "place" as used in the Bingo Enabling Act, Texas Civil Statutes, Article 179d, §18, and location and premises, as those terms are used throughout the Act. It also amends the definition of bingo equipment and supplies to exclude certain items generally provided in the rental of a hall, whether or not bingo is conducted.

This amendment is proposed to prevent the commercialization of bingo by preventing circumvention of the limitation in the Bingo Enabling Act, §18, that no more than two organizations may conduct a game of bingo in one place on one day. The amendment implements the statement of legislative purpose expressed in the Bingo Enabling Act, §13(f), of discouraging the commercialization of

bingo and maximizing the availability of bingo proceeds for charitable purposes.

John Moore, director of the comptroller's economic analysis center, 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. Moore 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 clarification of definitions which would more fully preserve the legislative intent that bingo be used as a benefit for charitable institutions, rather than commercial purposes. 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 James Mercer, Assistant Manager, Bingo Regulation, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

**§3.544. Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Bingo equipment and supplies—Items used, made, or sold for use in bingo games.

(A) Bingo equipment and supplies include:

(i)-(iii) (No change.)

(iv) any other device[, including a television monitor and display system,] commonly used in the direct operation of the game.

(B) (No change.)

(C) **Bingo equipment also does not include furnishings generally provided in the rental of a hall regardless of whether or not bingo is conducted such as:**

(i) a television monitor system, a television camera, or a television set;

(ii) a public address system; or

(iii) tables and chairs.

**Location, premises, or place—All the area under the exterior roof of any building and/or structure, regardless of whether title or leasehold interest in all or any part of such building and/or structure may be in the name of one or more persons. For all purposes of licensing and regulation of the lease of bingo premises and/or the conduct of bingo, the terms "location," "premises," and "place" shall each have this meaning. The fact that the United States postal service or a local political subdivision has assigned or may assign separate mailing addresses or subaddresses to areas within the**

**building and/or structure, the fact that internal walls may have been erected, or the fact that areas within a building or structure have separate utility connections or property tax listings, will not operate to subdivide a building or structure so as to create more than one location, premise, or place for the conduct of bingo. This provision applies to all initial applications for commercial lessor licenses submitted after May 4, 1987.**

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706540      Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
September 14, 1987  
For further information, please call  
(512) 463-4004.



### ★ 34 TAC §3.545

The Comptroller of Public Accounts proposes an amendment to §3.545, concerning licenses, fees, bonds for conduct of bingo and commercial lessor. The amendment adds references in subparagraphs (a)(3)(B), (b)(1), and (b)(3)(B) to newly defined terms. The references clearly inform applicants of terms and restrictions to which they may be subject. The amendment also adds subparagraph (b)(3)(C) prohibiting comptroller from issuing more than one lessor's license for any one location.

The amendment is proposed simultaneously with the proposal of a new definition in §3.544 of this title. The amendment prevents the commercialization of bingo by preventing circumvention of the limitation in the Bingo Enabling Act, §18, that no more than two organizations may conduct a game of bingo in one place on one day. The amendment implements the statement of legislative purpose expressed in the Bingo Enabling Act, §13(f), of discouraging the commercialization of bingo and maximizing the availability of bingo proceeds for charitable purposes.

John Moore, director of the comptroller's economic analysis center, 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. Moore also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that legislative intent to prevent the commercialization of bingo would be more readily enforceable. 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 James Mercer, Assistant Manager, Bingo Regulation, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

**§3.545. Licenses, Fees, and Bonds for Conduct of Bingo and Commercial Lessor.**

(a) Annual license to conduct bingo games.

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

(3) License.

(A) (No change.)

(B) An organization may hold

only one annual license to conduct bingo and that license is valid for only the one location, as that term is defined in §3.544 of this title (relating to Definitions), indicated on the face of its license. A group may not conduct bingo more than three times per calendar week and not more than four hours per 24-hour period.

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

(4) (No change.)

(b) Commercial license to lease bingo premises.

(1) Application. Any commercial lessor who desires to lease premises, as that term is defined in §3.544 of this title (relating to Definitions), in a legalized area in Texas to a licensed organization for the purpose of conducting bingo must apply to the comptroller for a commercial lessor's license. The application must be made on a form prepared by the comptroller and must contain all the information required by that form.

(2) (No change.)

(3) License.

(A) (No change.)

(B) Each location, as that term is defined in §3.544 of this title (relating to Definitions), must be separately licensed. A commercial lessor, however, may lease the same location under the same license to more than one licensed organization. A commercial lessor who wants to lease more than one location must file a separate application and pay a separate fee for each location.

(C) **The comptroller may not issue more than one license to lease bingo premises for any one location, as that term is defined in §3.544 of this title (relating to Definitions).**

(c)-(n) (No change.)

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706541

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

September 14, 1987

For further information, please call  
(512) 463-4004.



★ 34 TAC §3.548

The Comptroller of Public Accounts proposes an amendment to §3.548, concerning general restrictions on the conduct of bingo. The amendment adds references in subsections (b), (c), (f), (g), and (i) to newly defined terms, and amends subsection (g) to prohibit excessive bingo occasions within a given time period at bingo halls. The references clearly inform applicants of terms and restrictions to which they may be subject.

The amendment prevents the commercialization of bingo by preventing circumvention of the limitation in the Bingo Enabling Act, §18, that no more than two organizations may conduct a game of bingo in one place on one day, and the prize limitations contained in the Bingo Enabling Act, §11(f), by preventing a succession of up to four consecutive bingo occasions at one location immediately before and after midnight. The amendment implements the statement of legislative purpose expressed in the Bingo Enabling Act, §13(f), of discouraging the commercialization of bingo and maximizing the availability of bingo proceeds for charitable purposes.

John Moore, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on state or local government or on small businesses as a result of enforcing or administering the section.

Mr. Moore 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 preservation of legislative intent of non-commercialization of bingo. 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 James Mercer, Assistant Manager, Bingo Regulation, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.548. *General Restrictions on the Conduct of Bingo.*

(a) (No change.)

(b) Location. Bingo may be conducted by a licensed organization only on premises, **as that term is defined in §3.544 of this title (relating to Definitions)**, which are:

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

(c) Limit on rent. The rent charged by licensed commercial lessor for a location to conduct bingo, **as that term is defined in §3.544 of this title (relating to Definitions)**, must be a fair and reasonable market rental rate for the location. The rent may not be based, in whole or part, on a percentage of the gross receipts, income, or net proceeds of bingo or by reference in any way to the number of people in attendance at any game. A rental agreement may not guarantee that an organization will break even or receive a profit from the conduct of its games.

(d)-(e) (No change.)

(f) Limit on affiliated groups. No more than two affiliated organizations or parent and subgroup or affiliate of a parent organization may be licensed to conduct bingo at the same location, **as that term is defined in §3.544 of this title (relating to Definitions)**. For purposes of this subsection, an affiliate includes, but is not limited to, a branch, chapter, lodge, post, tribe, order, auxiliary, or other subordinate or subgroup of a parent organization.

(g) **Frequency of [Multiple] bingo occasions.** No more than two organizations may be licensed to conduct bingo at the same location, **as that term is defined in §3.544 of this title (relating to Definitions)**, on the same day. If two organizations are licensed to conduct bingo at the same location on the same day, there must be a minimum 30-minute break or intermission between each organization's occasion. The operator or caller must announce prior to the start of the occasion the name of the organization that will be conducting bingo for that session. If two or more licensed organizations are conducting bingo at the same location, a person may not at any time be required to purchase cards for more than one bingo session. **If bingo is conducted at a location between the hours of 6 p.m. and midnight on a calendar day, then bingo may not be conducted at that same location between the hours of 12:01 a.m. and 6 a.m. on the next succeeding calendar day. The restrictions in the immediately preceding sentence apply to initial or renewal applications, to applications for amendments relating to changes in times of bingo occasions submitted on or after May 18, 1987, and to bingo games conducted at a location as defined in §3.544 of this title (relating to Definitions) even though the initial application for a commercial lessor's license for that location was issued prior to May 4, 1987.**

(h) (No change.)

(i) Other games prohibited. No unlawful games of chance of any kind other

than bingo, whether any separate or additional charge is required or not, may be conducted or allowed on the premises, **as that term is defined in §3.544 of this title (relating to Definitions)**, during any occasion when bingo is played. A raffle or lottery is an example of an unlawful game of chance. A drawing where no payment of any kind is necessary to be eligible to win is not an unlawful game of chance. Bingo proceeds may not be used to purchase any prize given at a drawing.

(j)-(l) (No change.)

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706542

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

September 14, 1987

For further information, please call  
(512) 463-4004.



Part VII. State Property  
Tax Board  
Chapter 153. Truth in  
Taxation Requirements

★ 34 TAC §153.1

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

The State Property Tax Board proposes new §153.1, concerning the notice of public hearing on tax increases required by the Tax Code, §26.06. The new section prescribes the form and wording of the notice. It requires taxing units to present the information required by §26.06(b)(2) in a tabular format beneath the information required by subsection (b)(1). The new section is also adopted on an emergency basis in this issue.

John Franklin Niles, general counsel, 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. Niles also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the provision to taxpayers of additional information about proposed property tax increases and provision of standard form and wording for taxing units to use when publishing notices of proposed tax

increases. 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 John Franklin Niles, General Counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

The new section is proposed under the Texas Tax Code, §26.06, as amended by House Bill 328, 70th Legislature, 1987, which requires the State Property Tax Board to prescribe the form and wording of a notice of public hearing on a tax increase required by that section.

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706535 Ron Patterson  
Executive Director  
State Property Tax Board

Earliest possible date of adoption:  
September 27, 1987

For further information, please call  
(512) 834-4800



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services Chapter 14. County Indigent Health Care Program

The Texas Department of Human Services (DHS) proposes amendments to §§14.1, 14.204, and 14.205, concerning program administration and service provision, in its County Indigent Health Care Program chapter. The department is proposing these amendments to conform with changes made by the 70th Legislature to the Indigent Health Care and Treatment Act. The changes to the Act were effective September 1, 1987.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications as a result of enforcing or administering the sections. There will be no fiscal implications for state government. The effect on local government for the first five-year period will be an estimated additional cost of \$350,000—\$689,439 each year from 1988-1992. There will be no fiscal implications for small businesses.

Mr. Packard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to require counties to pro-

vide health care services to indigents living in areas previously served by hospital authority hospitals. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-289, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

### Subchapter A. County Program Administration

#### ★ 40 TAC §14.1

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

#### §14.1. County Program Administration.

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

(1)—(3) (No change.)

(4) General revenue tax levy (GRTL)—The county's annual general revenue tax levy. **The GRTL includes all county property taxes and sales and use tax revenue that the county expects to receive in the calendar year in which the state fiscal year begins. Sales and use tax revenue is collected under the County Sales and Use Tax Act in compliance with the Tax Code, §26.042(c).** The GRTL excludes the \$.30 county tax for farm-to-market roads or flood control (lateral road fund) and the \$.15 county tax for maintenance of public roads (special road and bridge fund). [All other county property taxes are included in the county's GRTL.] The GRTL used to establish the county's 10% limit for the County Indigent Health Care Program in the coming state fiscal year is the county's adjusted GRTL as of July 31 of the current year **minus the amount of revenue dedicated for program services in the previous year.** In counties partially served by a hospital district, the counties' 10% limit is based on the GRTL for the property outside the area served by the hospital district.

(5) Public facility—A public hospital or a hospital owned, operated, or leased by a hospital district [or a hospital authority].

(6) Public hospital—A hospital owned, operated, or leased by a county, city, town, hospital authority, or other political subdivision of the state, excluding a hospital district **and hospital authority.**

(7) (No change.)

(b) County responsibility for an indigent health care program. Each county without a public facility legally obligated to serve the entire county must administer a county indigent health care program that serves all or that portion of the county not served by a public facility. The county's program must

provide mandatory health care services to eligible county residents who do not live in a county area served by a public facility. **A county that adopts a property tax rate exceeding 8% (as calculated under the Tax Code, §26.04) and designates a portion of that tax rate for mandatory health care services must spend the revenues produced by that portion of the designated rate for mandatory health care services only.** If a county owns a public hospital, and the county sells or leases the hospital to another party, the terms of the sale or lease agreement determine the type and level of county responsibility. If the sale or lease represents the county's attempt to totally divest itself of the public hospital or reduce the level of services provided by the hospital, the Indigent Health Care and Treatment Act, Subtitles D and E, applies.

(c) General administrative requirements. Each county required to administer a program must:

(1) provide public notice, at the beginning of the state's [county's] fiscal year, of the county's application, documentation, and verification procedures and the verification and documentation procedures that applicants must comply with to establish eligibility;

(2)-(10) (No change.)

(11) maintain a case record for each eligible and denied applicant. **Case records for denied applicants must be maintained for a minimum of three state fiscal years after the relevant state fiscal year [from the date the application is received];**

(12) (No change.)

(d) County administrative option.

(1) Counties may administer or may contract with others to administer a program that uses:

(A)(1) the eligibility policies; the application, documentation, and verification procedures; and the service definitions contained in this chapter; or

(B)(2) county-developed standards and procedures that are less restrictive than those contained in this chapter.

(2) **If a city in the county with a population below 15,000 according to the last federal census owns, operates, or leases a public hospital, the city and county may enter into an agreement transferring part of the public hospital's indigent health care responsibility to the county. The transfer agreement is irrevocable and cannot be amended. It must:**

(A) specify that the county is assuming the hospital's responsibility for paying other providers for services delivered to eligible city residents on an emergency basis or because the service is unavailable at the hospital;

(B) require that the city public hospital continues to otherwise provide health care services to eligible city residents as required by law;

(C) occur by August 31, 1989, by adoption of an ordinance, resolution, or

order by the commissioner's court and city governing body; and

(D) take effect on a September 1, within 2 years after the date of the agreement.

(3) The county and city must establish coordinated application and eligibility verification procedures that comply with subsection (c) of this section and the Indigent Health Care and Treatment Act, §10.03. These procedures must ensure the efficient and timely referral of the eligible city residents to the proper city or county entity. County expenditures for services made under the terms of the agreement are creditable towards the county's 10% limit if the city resident otherwise meets the eligibility standards contained in Chapter 14 of this title (relating to Determining Eligibility). County expenditures for coordinating application and verification procedures cannot be credited towards the county's 10% limit. Within 30 days after the agreement is made, the city and county must notify the department of the agreement and its effective date and send the department a copy of all ordinances, resolutions, or other orders pertaining to the agreement.

(e)-(h) (No change.)

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

Issued in Austin, Texas, on August 6, 1987.

TRD-8706491 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

October 12, 1987

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



## Subchapter C. Providing Services

### ★ 40 TAC §14.204, §14.205

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

#### §14.204. Services and Payment Liability, Limitations, and Options.

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

(c) County liability for services and payments is limited to:

(1) payment of no more than \$30,000 in the state [county] fiscal year for mandatory services for an eligible county resident delivered by all providers, including hospitals and skilled nursing facilities;

(2) payment for a total of 30 days (cumulative) in the state [county] fiscal year for hospital and/or skilled nursing facility care, or a combination of both, or a maximum payment of \$30,000 for all mandatory

services provided to an eligible county resident, whichever comes first.

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

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

#### §14.205. Providers.

(a) County health care providers. Counties may arrange for health care services through local health departments, other public health care facilities, private providers, or insurance companies. Counties may also affiliate with other governmental entities, public hospitals, or hospital districts for administration and delivery of health care services. Out-of-county providers are permitted. Counties may also select one or more mandated providers. A mandated provider is a health care provider, selected by the county, who agrees to provide health care services to eligible residents. Counties may require eligible residents to obtain health care services from a mandated provider except in emergency situations, when medically inappropriate, or when the health care needed is not available through the mandated provider. If a county has no mandated provider, the county may require a nonmandated provider to obtain county approval before providing nonemergency health care services to an eligible county resident.

(b) Provider requirements. Providers who do not comply with the requirements established in this subsection are not entitled to payment for services from an eligible patient's county of residence.

(1) (No change.)

(2) Nonmandated provider requirements.

(A) If a county does not require prior approval for nonemergency health care services, nonmandated providers who deliver or will deliver emergency or nonemergency health care services to a patient who may be eligible must:

(i) (No change.)

(ii) notify the county judge or the judge's designee in the presumed county of residence, as soon as possible, by telephone, of any services that have or will be provided. If delivering nonemergency services, the provider must determine if the county has a mandated provider and transfer the patient to the mandated provider at the county's request, unless it is medically inappropriate to do so;

(iii)-(iv) (No change.)

(B) The county must determine eligibility [for nonemergency services] within 14 days from the date the county receives a completed application and promptly notify the provider of the eligibility decision. [The county must determine eligibility for emergency services no later than the 14th day after the patient's county of residence receives notification and any available information. The county may deny eligibility on the 14th day if the information received is insufficient for determining eligibility, and must promptly notify the provider of the eligibility decision.] If the county does not de-

termine eligibility within the 14-day period, the patient is considered eligible and the provider is entitled to payment [reimbursement] for services that otherwise qualify for reimbursement under the policies contained in this subchapter.

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

Issued in Austin, Texas, on August 6, 1987.

TRD-8706492 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

October 12, 1987

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



## Chapter 29. Purchased Health Services

### Subchapter G. Hospital Services

#### ★ 40 TAC §29.606

The Texas Department of Human Services (DHS) proposes an amendment to §29.606, concerning reimbursement methodology for inpatient hospital services. Section 29.606 is being amended to specify that the department or its designee establishes a minimum standard dollar amount of \$1,200 and applies it to those hospitals whose standard is less than the minimum.

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 fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated additional cost of \$1,244,824 for 1988; \$1,565,842 for fiscal year 1989; \$1,605,100 for fiscal year 1990; \$1,626,933 for fiscal year 1991; and \$1,732,684 for fiscal year 1992. There will be no fiscal implications for local governments or small businesses as a result of enforcing or administering the section.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is that the implementation of a minimum standard dollar amount will ensure the continued accessibility of services for Medicaid recipients. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

A copy of the proposal is being sent to each department field office and will be available for public review. Comments



may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-285, 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 provides the department with the authority to administer public and medical assistance programs.

§29.606. *Reimbursement Methodology for Inpatient Hospital Services.*

(a) (No change.)

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

(1)—(3) (No change.)

(4) Standard dollar amount—The weighted mean base year payment for all hospitals in a payment division after adjusting each hospital's base year payment per case by a case mix index, a cost-of-living index, and a budgetary reduction factor of 10%. **The department or its designee establishes a minimum standard dollar amount of \$1,200 and applies it to those hospitals whose standard dollar amount is less than the minimum.** The department or its designee applies cost-of-living indexes to the standard dollar amounts established for the base year to calculate standard dollar amounts for prospective years. **A cost-of-living index is not applied to the minimum standard dollar amount.** [A reduction adjustment factor is not applied to the mean cost per case for the potential net impact of final hospital cost settlements.]

(c)—(n) (No change.)

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

Issued in Austin, Texas, on August 6, 1987.

TRD-8706493

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
November 1, 1987

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 or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

## TITLE 7. BANKING AND SECURITIES

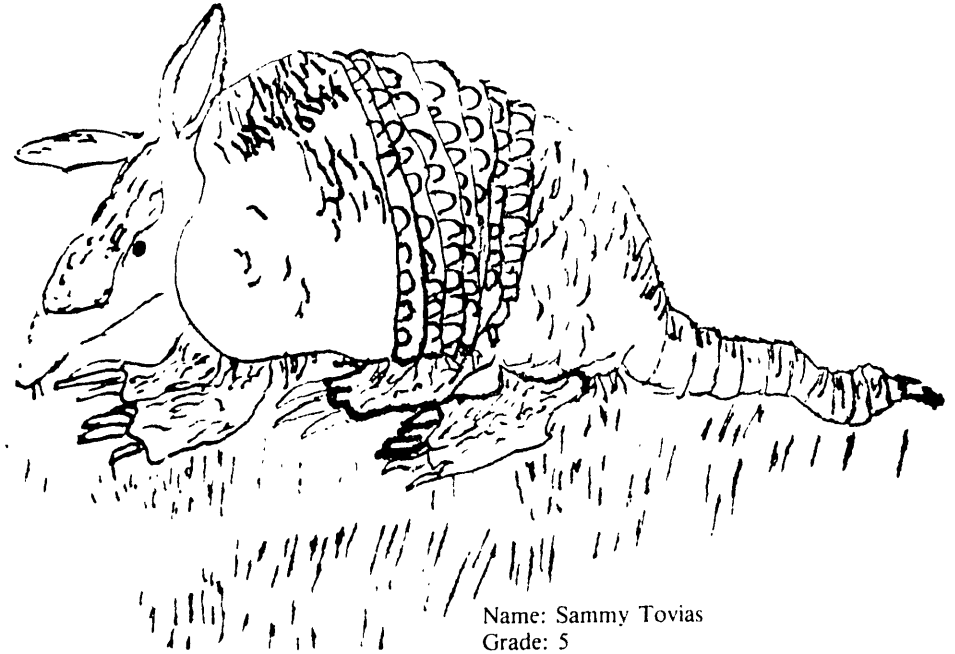
### Part I. State Finance Commission

#### Chapter 3. Banking Section Subchapter F. Miscellaneous

##### ★7 TAC §3.100

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §3.100, submitted by the State Finance Commission has been automatically withdrawn, effective August 7, 1987. The new section as proposed appeared in the February 6, 1987, issue of the *Texas Register* (12 TexReg 384).

TRD-8706502  
Filed: August 7, 1987



Name: Sammy Tovias  
Grade: 5  
School: South Ft. Worth Elementary,  
Ft. Worth

# Adopted Rules

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

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

## TITLE 10. COMMUNITY DEVELOPMENT

### Part I. Texas Department of Community Affairs

#### Chapter 9. Texas Community Development Program

##### Subchapter A. Allocation of Program Funds

#### ★ 10 TAC §9.3

The Texas Department of Community Affairs (TDCA) adopts an amendment to §9.3, with changes to the proposed text published in the July 10, 1987, issue of the *Texas Register* (12 TexReg 2214).

The amendment redesignates the economic development project fund as the Texas capital fund, and establishes the selection procedures and criteria by which the TDCA will allocate economic development funds to eligible units of general local government in Texas beginning with the expenditure of federal fiscal year 1987 community development block grant (CDBG) funds.

The amendment changes the number of competitions from four per year to six per year, abolishes the Technical Review Committee, establishes the Texas Capital Advisory Committee to assist the TDCA in evaluating project specific selection criteria, and makes numerous changes in the selection criteria.

One commenter suggested changing the definition of the unemployment rate factor to more accurately reflect local economic conditions by basing the factor on the most recent annual average county unemployment data. The TDCA agrees with this suggestion and has made the appropriate modification to subsection (d)(1).

The amendment is adopted under Texas Civil Statutes, Article 4413(201), §4A, which provide the TDCA with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the TDCA.

#### §9.3. *Texas Capital Fund.*

(a) General provisions. This fund covers projects which will result in either an increase in new, permanent employment

within a community or retention of existing permanent employment. All jobs being created or maintained must primarily benefit low and moderate income persons.

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

(4) The TDCA will not consider any application for funding in which the business to be assisted thereunder has filed under the Federal Bankruptcy Code, Chapter 7 or Chapter 11, and the matter is in the process of being adjudicated or in which such business has been adjudicated bankrupt.

(b) Funding cycle. This fund will be allocated bi-monthly to eligible units of general local government on a statewide competitive basis. A local government may only submit one application for each competition. An applicant may only receive one contract during a program year. Applications for funding for each competition must be received by the TDCA by 5 p.m. on the dates specified in the most recent application package or notice for this fund.

(c) Selection procedures. Scoring and recommended rankings of projects is done by TDCA staff. The Texas Capital Advisory Committee, consisting of private sector representatives selected by the executive director of the TDCA, will assist the staff in evaluating the design of the projects. The application and selection procedures consist of the following steps.

(1) Prior to the submission deadline, each eligible jurisdiction may submit one application for funding under the Texas Capital Fund. Copies of the applications should be provided to both the Regional Review Committee and the TDCA. An unsuccessful application from a previous competition will only be considered for funding if it is submitted as a new application with updated attachments and financial information.

(2) Upon receipt of an application, the TDCA staff will perform an initial review to determine whether the application is complete and whether the activities proposed are eligible for funding. In those instances where the TDCA staff determines that the application is either incomplete or that the activities are ineligible for funding, the applicant may correct any deficiencies in the application as long as it is resubmitted prior to the application deadline. Results of this initial staff review will be provided to the applicant. The

TDCA staff will then conduct a review of each application to make four threshold determinations with respect to:

(A) the financial strength of the business to be assisted based on a credit analysis;

(B) the strength of commitments from all other public and/or private investments identified in the application;

(C) the ability of the applicant to operate or maintain any public facility or service assisted with Texas Community Development Program funds, if infrastructure improvements are requested; and

(D) whether economic development funds are necessary or appropriate to carry out the project proposed in the application.

(3) Each Regional Review Committee may, at its option, review and comment on an economic development proposal from a jurisdiction within its state planning region. These comments will become part of the application file and will be considered by the TDCA provided such comments are received by the TDCA within 21 days after the application deadline.

(4) The TDCA staff generates scores on selection criteria related to economic distress, minority hiring, cost per job, equity participation, private leveraging, and the quality of jobs for low- and moderate-income persons. Scores on factors in these categories are derived from standardized data from the Texas Employment Commission, the Office of the Comptroller of Public Accounts, and from information provided by the applicant.

(5) Each application is then scored based on factors related to the soundness and feasibility of the proposed project. This information and comments provided by the regional review committees are used by the TDCA staff, with the assistance of the Texas Capital Advisory Committee as needed, to generate scores on project design. The TDCA staff will provide an opportunity for applicants to make a brief presentation prior to the final scoring.

(6) Scores on all factors are totaled to obtain project rankings. The projects are then ranked based on the total score for each application. An applicant must receive at least 560 points out of a possible 800 points to be considered for funding.

(7) Based on a final technical review

of the highest ranked applications, the TDCA staff makes recommendations for project selection to the State Review Committee. The State Review Committee reviews the work of the TDCA staff and the Texas Capital Advisory Committee, as applicable, and provides funding recommendations to the executive director of the TDCA.

(8) The executive director of the TDCA reviews the recommendations and announces the projects selected by him for funding.

(9) The TDCA staff works with the recipients to execute contract agreements. While the contract award must be based on the information provided in the application, the TDCA may negotiate any element of the final contract agreement with the recipient.

(d) Selection criteria. The following is an outline of the selection criteria used by the TDCA, the Texas Capital Advisory Committee, and the State Review Committee for selection of projects under the Texas Capital Fund. Eight hundred points are available.

(1) Economic distress (total 150 points)—All economic distress factor scores are based on the applicant's jurisdiction, except for the unemployment rate factor which is based on the most recent annual average county unemployment data:

- (A) unemployment rate—50;
- (B) lag in job growth—50;
- (C) lag in sales tax revenue—50.

(2) Percentage of minorities presently employed by the applicant divided by the percentage of minority residents within the local community (total—50 points)—In the event less than 5.0% of the applicant's population base is composed of minority residents or the applicant has less than five permanent employees, the applicant will be assigned the average score on this factor for all applicants in the competition. The terms used in this paragraph are defined in the current Texas capital fund application package.

(3) Project design (total—600 points)—The terms used in this paragraph are defined in the current application package.

(A) Quantitative scores (total—250 points):

- (i) cost per job—50;
- (ii) personal/corporate cash equity participation—100;
- (iii) leveraging of other private investment—50;
- (iv) quality of jobs for low- and moderate-income persons based on proposed salaries—50.

(B) Project-specific scores (total—350 points)—The feasibility of each project is evaluated and scored based on factors such as the financial structure of the project, including firm commitments for financial investments and the jobs to be created or retained; the history of the business; the current financial condition of the business, including a full review of the credit analysis; cash flow projections; the business or mar-

keting plan, including letters of intent to purchase products or services; and the management experience of the business's principals.

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

Issued in Austin, Texas, on August 10, 1987.

TRD-8706550

Bruce W Anderson  
General Counsel  
Texas Department of  
Community Affairs

Effective date: August 21, 1987  
Proposal publication date: July 10, 1987  
For further information, please call  
(512) 834-6060.

## TITLE 22. EXAMINING BOARDS

### Part XX. Texas Board of Private Investigators and Private Security Agencies Chapter 435. Training Programs

#### ★ 22 TAC §435.9

The Texas Board of Private Investigators and Private Security Agencies adopts an amendment to §435.9, without changes to the proposed text published in the February 10, 1987, issue of the *Texas Register* (12 TexReg 458).

The amendment is justified because the board has determined that maintaining job specific training records is of no benefit to the agency or to the public.

The amendment functions to eliminate the need for keeping unnecessary records.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this act.

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

Issued in Austin, Texas, on August 3, 1987.

TRD-8706472

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

Effective date: August 26, 1987  
Proposal publication date: February 10, 1987  
For further information, please call  
(512) 463-5545.

## TITLE 28. INSURANCE Part I. State Board of Insurance

### Chapter 5. Property and Casualty Insurance Subchapter C. Texas Medical Liability Insurance Underwriting Association

#### ★ 28 TAC §5.2002

The State Board of Insurance adopts an amendment to §5.2002, without changes to the proposed text published in the February 6, 1987, issue of the *Texas Register* (12 TexReg 401).

Section 5.2002 concerns the operation of the Texas Medical Liability Insurance Underwriting Association (the association). The amendment provides more efficient and expeditious management of the association for the purpose of more effectively providing medical liability insurance coverage for physicians and health care providers.

The amendment enables the board of directors of the association to designate an executive committee to exercise managerial powers.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 21.49-3, §3, which provides the State Board of Insurance with the authority to approve or direct promulgation of the plan of operation for the Texas Medical Liability Insurance Underwriting Association and amendments thereto.

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

Issued in Austin, Texas, on August 6, 1987.

TRD-8706490

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: August 27, 1987  
Proposal publication date: February 6, 1987  
For further information, please call  
(512) 463-6327.

# TITLE 31. NATURAL RESOURCES AND CONSERVATION

## Part II. Texas Parks and Wildlife Department

### Chapter 65. Wildlife

#### Subchapter A. Statewide Hunting and Fishing

##### ★31 TAC §65.33, §65.63

The Texas Parks and Wildlife Commission adopts amendments to §65.33 and §65.63, with changes to the proposed text as published in the June 9, 1987, issue of the *Texas Register* (12 TexReg 1860). The change to §65.33(1)(A)(iv) delays the early antlerless only season by one week so as to lessen the impact this gun season archery only season. Section 65.83 is adopted without changes and will not be republished in this issue.

The amendments provide an early antlerless only season in three additional east Texas counties, provide a late antlerless only season in three additional counties in south Texas, and prohibit the use of yo-yos (an unmanned spring loaded reeling device) to take fish statewide.

Fluctuations in wildlife resource populations requires the commission to adopt regulations consistent with the sportsmen's ability to take these resources.

The amendment provides the taking of wildlife resources consistent with acknowledged wildlife management tenets.

Comments concerning the amendments were presented to the commission in the form of public hearing summaries, commissioners court resolutions, petitions, letters, and summaries of phone calls. One person commented via the *Texas Register*. The amendments were discussed June 10, 1987, at 12 public hearings throughout the state. A total of 91 persons attended those hearings. All public comments are available for public inspection at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744, 1 (800) 792-1112, extension 4974 or (512) 389-4974.

Persons commenting against the amendments July 23, 1987, were John Barger, Billy Upson, Dr. Lee Williams, and Nick Necaise. Persons favoring the amendments were Vernon Lewis, William Power, Tom Bourland, and Darryl Stanley. Commenters stated that the banning of yo-yos would eliminate many jobs in Arkansas, recommending restrictions rather than outright prohibition of yo-yos as more appropriate; and that archers pay an additional fee and should be entitled to no infringement on the 30-day archery season since having gun hunters and archers in the woods makes for an unsafe outing. Other commenters said yo-yos are dan-

gerous and catch and kill fish that have a protected size limit.

The Texas Parks and Wildlife Commission disagreed with several of the comments received because they were judged not to be compatible with management of wildlife resources. The commission must act to deal effectively with changing conditions to prevent depletion or waste of wildlife resources.

The amendments are adopted under the Parks and Wildlife Code, Chapter 61 (Wildlife Conservation Act of 1983), which provides the Texas Parks and Wildlife Commission with authority to provide wildlife resource regulations for this state.

§65.33. *Deer*. No person may take more than the aggregate total of five deer per season; of which no more than two may be mule deer, only one of which may be a buck mule deer; no more than two white-tailed buck deer, or no more than four antlerless deer, both species combined.

(1) White-tailed deer: general open seasons, bag, and possession limits shall be as follows.

(A) In Anderson, Angelina, Bell (east of IH 35), Bowie, Cass, Cherokee, Comal (east of IH 35), Comanche, Crane, Ector, Freestone, Glasscock, Gonzales, Grimes, Guadalupe, Hardin, Harrison, Hays (east of IH 35), Houston, Howard (north of IH 20), Jackson, Jasper, Karnes, Leon, Liberty, Limestone, Loving, Marion, Matagorda, Midland, Mitchell (north of IH 20), Montgomery, Nacogdoches, Newton, Nolan (north of IH 20), Panola, Polk, Reagan, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Taylor (north of IH 20), Travis (east of IH 35), Trinity, Tyler, Upton, Walker, Ward, Wharton, Williamson (east of IH 35), and Wilson Counties, there is an open season for white-tailed deer.

(i)-(iii) (No change.)

(iv) Special season: in Angelina, Houston, Nacogdoches (south of State Highway 7), Polk, and Trinity Counties, there is a special early antlerless only season beginning October 24 through November 8, 1987. During the period when the archery only season and this special season are concurrent, no person may possess both firearms and archery equipment while hunting. The bag limit is four antlerless white-tailed deer only, only by antlerless deer permit. The bag limit is not in addition to the general or archery only season bag limits.

(B)-(D) (No change.)

(E) In Dimmit, Duval, Frio, LaSalle, McMullen, Maverick, Webb, Zapata, and Zavala Counties, there is an additional open season for white-tailed antlerless deer.

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

(F) (No change.)

(2)-(5) (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 August 6, 1987.

TRD-8706486

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1987  
Proposal publication date: June 9, 1987  
For further information, please call  
(512) 389-4974.

#### Subchapter K. Migratory Game Birds-Nontoxic Shot Zones

##### ★31 TAC §65.261

The Texas Parks and Wildlife Commission adopts an amendment to §65.261, with changes to the proposed text as published in the May 5, 1987, issue of the *Texas Register* (12 TexReg 1445). The change to subsection (a) removes the requirement that muzzle loading firearms must use steel shot; this regulation was rescinded by the federally mandated final rules published in the *Federal Register* and will not go into effect until September 1, 1988. Changes are made to subsection (a) to add the words "on or" in the phrase commencing on or after September 1, 1987, and to subsection (a)(4) to remove a typographical error; U.S. Highway 289 was changed to U.S. Highway 287 to correct the error in the proposed text.

Waterfowl, principally ducks, unintentionally ingest spent lead shot in the course of their feeding activities. Lead shot is ground by the duck's gizzard into a soluble lead salt. Soluble lead salt in sufficient quantities is toxic to avian wildlife. The expansion of the nontoxic shot zone will prevent use of lead shot in areas where studies have shown most lead shot ingestion occurs.

Beginning in September, 1987, the amendment prohibits the use of toxic shot (lead) for taking waterfowl in additional counties. The nontoxic (steel) shot zone is expanded to include additional counties near the Texas coast as well as areas in northeast Texas surrounding Caddo Lake, Cedar Creek Reservoir, and Lake Texoma.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the Texas Parks and Wildlife Commission with authority to provide the open season, means, methods, and devices for the taking and possessing of migratory game birds.

##### §65.261. Nontoxic Shot Zones.

(a) During waterfowl seasons commencing on or after September 1, 1987, no person may possess shotgun shells containing any shot material which is not approved by the federal government as being non-toxic to wildlife or the environment while taking or killing or attempting to take or kill waterfowl within the nontoxic shot zones, these

zones are described as lying within boundaries beginning at:

(1) the Louisiana state line, thence westward along IH 10 to the junction of U.S. Highway 90 and IH 10 in Beaumont, thence westward along U.S. Highway 90 to its junction with IH 610 in Houston, thence north and west along IH 610 to its junction with U.S. Highway 290 in Houston, thence westward along U.S. Highway 290 to its junction with State Highway 159 in Hempstead, thence southwestward along State Highway 159 to its junction with State Highway 36 in Bellville, thence eastward along State Highway 36 to its junction with FM Road 2429, thence southward along FM Road 2429 to its junction with FM Road 949, thence southwestward along FM Road 949 to its junction with IH 10, thence westward along IH 10 to its junction with U.S. Highway 77 at Schulenburg, thence southward along U.S. Highway 77 to its junction with the U.S.-Mexico international boundary at Brownsville, thence eastward along the U.S.-Mexico international boundary to the Gulf of Mexico, thence east and seaward to the three marine league limit, thence northeastward along the three marine league limit to the Louisiana state line, thence northward along the Texas-Louisiana state line to its junction with IH 10;

(2) beginning at the Oklahoma state line, thence southward along IH 35 to its junction with U.S. Highway 82 at Gainesville, thence eastward along U.S. Highway 82 to its junction with State Highway 78 at Bonham; thence northward along State Highway 78 to its junction with the Oklahoma state line; thence westward along the Oklahoma-Texas state line to its junction with IH 35;

(3) beginning at the Louisiana state line, thence westward along State Highway 49 to its junction with U.S. Highway 259 at Daingerfield; thence southward along U.S. Highway 259 to its junction with State Highway 450 at Ore City; thence eastward on State Highway 450 to its junction with State Highway 154 at Harleton; thence southeastward along State Highway 154 to its junction with U.S. Highway 80 at Marshall; thence eastward along U.S. Highway 80 to its junction with State Highway 43; thence northeastward along State Highway 43 to its junction with FM Road 2682 at Karnack; thence eastward along FM Road 2682 to its junction with FM Road 134; thence southward along FM Road 134 to its junction with FM Road 1999 at Leigh; thence eastward along FM Road 1999 to its junction with the Louisiana state line; thence northward along the Louisiana-Texas border to its junction with State Highway 49;

(4) beginning at the junction of State Highway 31 and FM Road 2661; thence westward along State Highway 31 to its junction with U.S. Highway 175 at Athens; thence northwestward along U.S. Highway 175 to its junction with FM Road 90; thence north-

ward along FM Road 90 to its junction with FM Road 1391; thence westward along FM Road 1391 to its junction with U.S. Highway 175 at Kemp; thence southward along U.S. Highway 175 to its junction with State Highway 274; thence south along State Highway 274 to its junction with State Highway 31 at Trinidad; thence eastward along State Highway 31 to its junction with FM Road 3441 at Malakoff; thence southward along FM Road 3441 to its junction with FM Road 59 at Cross Roads; thence southward along FM Road 59 to its junction with U.S. Highway 287 at Cayuga; thence southeastward along U.S. Highway 287 to its junction with FM Road 860; thence northward along FM Road 860 to its junction with FM Road 837; thence northwestward along FM Road 837 to its junction with U.S. Highway 175 at Frankston; thence eastward along U.S. Highway 175 to its junction with FM Road 855; thence northward along FM Road 855 to its junction with FM Road 346; thence northward along FM Road 346 to its junction with FM Road 344; thence northward along FM Road 344 to its junction with FM Road 2661; thence northward along FM Road 2661 to its junction with State Highway 31; and

(5) the remaining portions of Colorado, Harris, Jefferson, Nueces, and Waller Counties not included in paragraph (1) of this subsection.

(b) (No change.)

(c) Nontoxic shot is defined as any shot-type that does not cause sickness and death when ingested by migratory birds as determined by criteria established under 50 Code of Federal Regulations Chapter 1, §20.134. The only nontoxic shot currently approved by the director, U.S. Fish and Wildlife Service, is steel shot.

(d) Penalties for violating this section are provided in the Texas Parks and Wildlife Code, §62.069 or §64.026, whichever is applicable.

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706520

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: August 28, 1987

Proposal publication date: May 5, 1987

For further information, please call  
(512) 389-4973.

Subchapter N. Early Season  
Migratory Game Bird

★ 31 TAC §§65.311-65.313

The Texas Parks and Wildlife Commission adopts amendments to §§65.311-65.313, without changes to the proposed text published in the May 5, 1987, issue of the *Texas Register* (12 TexReg 1447). The amendments define final destination, de-

partment, and waterfowl, clarify identification requirements and bag limits, and move the opening date of the teal season from the second to the third Saturday in September.

Fluctuations in migratory game bird populations and the need to provide better hunting opportunities for most sportsmen require the Parks and Wildlife Commission to adopt regulation changes for the 1988-1988 hunting seasons. The opening of the teal season was delayed to correspond with expected teal migration.

The amendments allow the taking of early season migratory game bird wildlife resources consistent with their populations.

The department received a total of 74 comments, including 41 letters, 31 telephone calls, and two public hearing comments. Of the comments received, 20 persons were opposed to the current dove zone boundaries, and 12 persons preferred opening the South Zone for doves on a Saturday rather than a Sunday. Seven persons wanted an increased mourning dove bag limit during the special white-winged dove season. Twenty-two persons thought the proposed teal season started too late, and nine persons were in favor of the proposed opening date.

Dave Jenkins, Katy, supported the department's proposal to open dove hunting in the South Zone on September 20, 1987. He opposed the proposal to delay the opening of the teal season from the second to the third Saturday in September since he felt this would result in a reduced teal bag.

The Texas Parks and Wildlife Commission disagreed with some recommendations made by the public because they were judged not to be consistent with recognized wildlife management principles and regulations as published in the federal 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.

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

Issued in Austin, Texas, on August 7, 1987.

TRD-8706521

Boyd Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1987

Proposal publication date: May 5, 1987

For further information, please call  
(512) 389-4778.

Part IX. Texas Water  
Commission  
Chapter 303. Operation of  
the Rio Grande  
Financing Watermaster  
Operation

★31 TAC §303.71

The Texas Water Commission adopts the repeal of §303.71 and new §§303.71-303.73, concerning financing the Rio Grande Watermaster operations, with changes to the proposed text published in the June 23, 1987, issue of the *Texas Register* (12 TexReg 2006).

Pursuant to the Texas Water Code, §11.329, the holders of adjudicated water rights are required to reimburse the commission for the compensation and necessary expenses of watermasters, assistant watermasters and other necessary employees.

The new sections will serve as guidelines for the computation of fees charged to holders of water rights in conjunction with the assessment hearings which the commission holds under the Texas Water Code, §11.329.

Several issues were raised, both orally and in writing, regarding adoption of the new sections. A public hearing was held in Weslaco, on July 29, 1987.

Comments were received from South Texas Electric Cooperative, Medina Electric Cooperative, the Lower Rio Grande Valley Water Districts Managers Association, and the cities of McAllen and Mission against portions of the sections as proposed.

The comment was made that hydroelectric rights on the Rio Grande are not administered by the watermaster under the meaning of the Texas Water Code, §11.329 and therefore, hydroelectric rights should not be subject to assessment. The commission staff believes that the term "administered," in §11.329 does encompass such water rights. Further, the use of large amounts of water under hydroelectric water rights in the Rio Grande Water Division directly or indirectly requires the attention of the watermaster because it affects all water rights in the division.

The comment was made that hydroelectric rights on the Rio Grande predate the imposition of watermaster operations and any fee assessment relative to those rights would constitute a taking of private property under the state and federal constitutions. The commission staff notes that such fee assessments are made pursuant to statutory authority granted in the Texas Water Code, §11.329. They are not a taking of private property but rather they are fees charged for services and are based on a legitimate exercise of the state's regulatory authority over water rights. A statement was received that, to

the extent water used for hydroelectric generation is used both at Amistad and Falcon Reservoirs under separate water rights, the rights holders are charged a double fee for the water. The staff believes that the assessment process focuses not on the corpus of the water itself but on the individual rights to use the water. This comports with established legal principles which state that a water right in Texas does not amount to ownership of the water itself, but rather is a right to use water from a stated place for a stated purpose. Under the assessment process, if Rio Grande water is used under separate water rights, an assessment would be made on each water right. It was stated that there is no budget guidance in the proposed sections and thus it is impossible for current water rights holders to estimate the impact of the proposed sections. The staff notes that the new sections require that a budget be submitted in advance of all hearings held under the Texas Water Code, §11.329. Past, present, and proposed Rio Grande watermaster budgets are available to the public. The public should be able to assess the probable impact of the new sections. It was commented that the public hearing on the budget, required in the new sections, should be a contested case proceeding under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. It does not appear to the commission that the public hearing required by the Texas Water Code, §11.329, and by the new sections, is a contested case proceeding. It was also stated that, to the extent that the new sections attempt to assess fees in advance, the sections violate the Texas Water Code, §11.329, requirements for an annual allocation. The staff notes that the new sections call for an assessment order to be made by the commission for the next fiscal year in §303.71 and §303.72. This implies that the commission will continue to make assessments each year. A comment was raised that if assessments were to be made against hydroelectric rights, the rate factors for hydroelectric rights under §303.72 should be divided into priority and non-priority water right categories; and that the non-priority rate factor should be between 0.01 and 0.05 and in any event no greater than 0.05. The commission agrees that the rate factor for non-priority hydroelectric rights should be 0.05. The use of water for hydroelectric generation appears to have an appreciable impact on water resources in the Rio Grande Division which would require the attention of the watermaster. Thus, fees should be assessed for use of hydroelectric rights. However, the non-priority rights in the Rio Grande would not require that large amounts of the watermaster's time be spent specifically on administering hydroelectric uses themselves. Therefore, 0.05 appears to be the proper rate factor for non-priority hydroelectric rights. The staff assures the commission that at present there are no priority hydroelectric

rights in the Rio Grande Water Division. Accordingly, §303.72(a) as revised here assigns the existing non-priority hydroelectric rights a rate factor of 0.05.

Comments were received that new §303.71 and §303.72(a) delegate the authority of apportioning the fees to the executive director. Although §303.72(a) does state that the executive director shall determine the assessment, it was not the intent of the commission to delegate its authority to apportion fees. Accordingly, the word "determine" in §303.72(a) has been changed to the word "calculate" to clarify the commission's intent to retain its discretion over the apportionment of fees. Section 303.71 does not call for a delegation of the commission's authority, but rather it requires the executive director to submit a proposed budget to the commission for approval. Comments were also made that the new sections would place a disproportionate burden of the costs of watermaster operations on cities in the Rio Grande Water Division. However, the staff notes that the rate factors in new §303.72 reflect an accurate picture of the amount of time the watermaster expends in the administration of municipal water rights.

Comments were received concerning the rate factor for irrigation use under new §303.72. It was stated that the 0.80 rate factor for irrigation should be lowered to 0.50. It was stated that in the past eight years annual irrigation allocations amount to only 41% of the permitted annual water rights for irrigation. Since the amount of water authorized under permit is used as a basis for calculating the fees, it was reasoned that the irrigation rate factor should be reduced to compensate for the disparity between the amount of irrigation water permitted and the amount allocated. It was concluded in the comments that the watermaster only administered 41% of the irrigation water permitted. The staff notes that the rate factors are determined based on how much effort the watermaster expends directly and indirectly administering each type of water right. Although the amount of water permitted does figure in the fee equation, the effort required of the watermaster is given great weight in the rate factors and ultimately in the calculation of the fees. The comment was made that the commission should add a provision to the sections whereby the revenues from no charge water and excess flow fees are incorporated into the assessment rate formula and applied to reduce the funds needed for the following fiscal year's budget. The staff notes that these no charge and excess flow fees are already being carried forward to the following year's budget and are already being used to reduce fees needed to meet the budget. It was also commented that the commission should include a provision in the new sections mandating a review of them on their second anniversary. In light of the concerns expressed about the sec-

tions, the commission agrees that it should review the sections on or before September 1, 1989. In addition to the changes already discussed, the final sentence of §303.71 was changed to require the executive director to file a proposed watermaster budget 30 days before the commission holds a budget hearing instead of 60 days. The reason for this change is to allow the staff additional time to prepare a budget while still allowing sufficient time for the commission and the public to consider the proposal. In response to comments received, a final sentence has been added to §303.71 which mandates commission review of the section on or before September 1, 1989. The definition of the industrial, mining, recreational, or salt water divisions category in §303.72(a) is changed by adding the word "consumptive." The word "consumptive" was unintentionally left out of the proposed subsection, as is apparent when the second clause of the definition is read. In response to comments received, subsection (c) is added to §303.72, as proposed, which would mandate commission review of the section on or before September 1, 1989. Section §303.73(e) is omitted from the section as proposed in response to general concerns expressed by the public that subsection (e), relating to cancellation of water rights for nonpayment of fees, is beyond the scope of the authority of the commission. The commission does not necessarily concur with that interpretation of the law but feels that those concerns should be addressed. In response

to comments received, a new subsection (e) is added to §303.73, which would mandate commission review of the section on or before September 1, 1989.

The repeal of this section and the new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rule necessary to carry out its powers and duties under the code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

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

Issued in Austin, Texas, on August 5, 1987.

TRD-8706475 J. D. Head  
Director, Legal Division  
Texas Water Commission

Effective date: August 26, 1987  
Proposal publication date: June 23, 1987  
For further information, please call  
(512) 463-8087

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### Financing Rio Grande Watermaster Operations

#### ★ 31 TAC §§303.71—303.73

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rule

necessary to carry out its powers and duties under the code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

#### §303.71. *Costs of Administration.*

In accordance with the Texas Water Code, §11.329, holders of water rights that are administered by the Rio Grande watermaster shall reimburse the commission for the expenses of the watermaster operation. An assessment account shall be established for each water right, or for each authorization thereunder by category of use. The total assessment for each account shall be the sum of a uniform base charge and, as applicable, a use fee and a storage fee. Following a public hearing, the commission shall issue an order approving the assessment income needed for the Rio Grande Watermaster for the next fiscal year. The order shall also specify the base charge per account and the reinstatement fee for delinquent assessment payment. At least 30 days prior to the commission holding such a hearing, the executive director shall file with the commission a copy of the proposed budget. On or before September 1, 1989, the commission shall review this section for any appropriate changes.

#### §303.72. *Determination of Assessment Rates:*

(a) After a commission order is issued approving the assessment income needed for the next fiscal year, the executive director shall calculate assessment rates for water use and storage based on the following formula.

$$\text{Municipal Assessment Rate} = \frac{I - M(N)}{(RF'_s)(AF'_s) + AF'_1 + (RF'_2)(AF'_2) + (RF'_3)(AF'_3) \dots (RF'_n)(AF'_n)}$$

Where:

- I : Income needed to meet the adopted budget
- M : Base charge per account
- N : Total number of accounts to be assessed in the water division
- n : Code number corresponding to a category or type of use
- RF'\_n : Rate factor for each of the following categories of use:
 

municipal -	RF'_1 = 1.00	recharge -	RF'_7 = 0.50
industrial -	RF'_2 = 1.00	salt water -	RF'_8 = 0.10
irrigation -	RF'_3 = 0.80	spreader dam -	RF'_9 = 0.40
mining -	RF'_4 = 1.00	diversion	
hydroelectric -	RF'_5 = 0.05	secondary use -	RF'_{10} = 0.50
recreation -	RF'_6 = 1.00	on-channel -	RF'_s = 0.40
		storage	



AF<sub>n</sub> : Total water division authorization to be assessed for each of the above categories of use, which are used in this section as follows:

Municipal - the total amount of water authorized for diversion under a water right for this purpose;

Industrial, Mining, Recreation, or Salt Water Diversions - the total amount of water authorized for consumptive use for each of these categories of use under a water right; in the event there is no specific authorization for consumptive use, the assessment shall be based on the total amount of water authorized for diversion under the water right;

Irrigation, Hydroelectric, Recharge, Spreader Dam Diversions, or Secondary Use - the total amount of water authorized for diversion for each of these categories of use under a water right;

On-channel Storage - the total amount authorized for impoundment under a water right; this category only includes on-channel reservoirs authorized under the Texas Water Code, §11.121.

(b) After the assessment rate of municipal use has been determined, the assessment rates for the other uses and for storage shall be calculated by multiplying the municipal assessment rate times the rate factor for each use and for storage.

(c) On or before September 1, 1989, the commission shall review this section for any appropriate changes.

### §303.73. Assessment of Costs.

(a) To determine the amount of assessment for each account, computations shall be made by adding together the following elements:

(1) the base charge per account as specified in the commission order adopted in accordance with §303.71 of this title (relating to Costs of Administration);

(2) the use fee, which is calculated by multiplying the total amount of water authorized for use under that account by the appropriate assessment rate as determined by §303.72 of this title (relating to Determination of Assessment Rates); and,

(3) the storage fee, which is calculated by multiplying the total amount of water authorized for storage under that account by the storage assessment rate as determined by §303.72 of this title (relating to Determination of Assessment Rates). For any water right authorizing storage and also more than one type of use, a storage fee for the total storage authorization shall be applied to only one of the assessment accounts associated with that water right.

(b) The annual assessment shall be paid to the executive director in advance of expenditures. The executive director shall specify the dates by which payments shall be due, and may provide for payments in installments. The executive director shall transmit all collections to the state treasurer to be held in a special fund to provide for the cost of the Rio Grande watermaster operation.

(c) For diversions of no-charge water in accordance with the August 4, 1981, Texas Water Commission order and any subsequent orders relating to the intermittent temporary diversion and use of Rio Grande waters, and for diversions of excess flow water in accordance with water rights authorizing such diversions, assessments will be levied in the fiscal year following the year of the diversion, and will be based on the amount shown by watermaster records to have been diverted. Assessment rates for no-charge and excess flow usage will be the same as for regulating assessments for the particular uses to which the no-charge or excess flow water was applied during the year of the diversion. No assessments will be made for use of less than 50 acre-feet of no-charge or excess flow water, and no base charge or storage fee will be applied. The amount of assessment income for no-charge and excess flow uses will not be considered directly in determining the amount of income needed under §303.71 of this title (relating to Costs of Administration).

(d) Water shall not be diverted, taken, stored, or used by any diverter or agent while any assessment payment is delinquent; neither shall an allottee be allocated any additional water or delivered any water until all assessments, plus any applicable reinstatement fees, are received by the executive director. Once the assessments and reinstatement fees are paid in full, an allottee's requests for water will be honored only to the extent water remained in the storage account before the first date of the delinquency in payments, and to the extent water remained in the storage account under §303.22 of this title (relating to Allocations to Accounts). An allottee's storage account will be reduced to zero if the assessment and any applicable reinstatement fees are not paid within a one-year period after the first assessment due date.

(e) On or before September 1, 1989,

the commission shall review this section for any appropriate changes.

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

Issued in Austin, Texas, on August 5, 1987

TRD-8706476 J D Head  
Director, Legal Division  
Texas Water Commission

Effective date August 26 1987  
Proposal publication date June 23, 1987  
For further information, please call  
(512) 463-8087

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 85. General Licensing Procedures

#### Subchapter C. Administrative Procedures

#### ★ 40 TAC §85.1801

The Texas Department of Human Services adopts an amendment to §85.1801, without changes to the proposed text published in the June 2, 1987, issue of the *Texas Register* (12 TexReg 1772) and will not be republished.

The amendment is justified to ensure that criminal history checks are pursued by the department in a more appropriate and cost-effective manner

The amendment will function by specifying that only those persons working in Texas child care and living outside the

state and those persons about whom there is reason to believe a FBI history exists must have a criminal history check

No comments were received regarding adoption of the amendment

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with

the authority to administer public assistance programs.

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

Issued in Austin, Texas, on August 7, 1987

TRD-8706533

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: September 21, 1987  
Proposal publication date: June 2, 1987  
For further information, please call  
(512) 450-3766.

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## State Board of Insurance Exempt Filings

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### State Board of Insurance Notification Pursuant to the Insurance Code, Chapter 5, Subchapter 1.

*(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 1, of the Code Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.*

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

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

The State Board of Insurance has approved the amendments to the cancellation provisions of the Texas Commercial Package Policy and the Texas Businessowners Policy and related rules contained in the Texas Commercial Package Policy and the Texas Businessowners Policy Sections of the Texas General Basis Schedules

These amendments to the cancellation provisions of the aforementioned policies are made necessary under the Insurance Code, Article 21.49-2A, as enacted by the 70th Legislature, which sets forth specific

cancellation provisions to be applicable to a commercial multiperil policy.

These changes are to be effective September 1, 1987.

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

Issued in Austin, Texas, on August 6, 1987.

TRD-8706489

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: September 1, 1987  
For further information, please call  
(512) 463-6327.



# Open Meetings

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

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

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

## Texas Department on Aging

**Monday, August 24, 1987, 11 a.m.** The Texas Board on Aging Ad Hoc Committee of the Texas Department on Aging will meet in the Third Floor Conference Room, 1949 South IH 35, Austin. According to the agenda, the committee will consider methods to improve the procedures and efficiency of the Texas Board on Aging; ways to improve the profile of the Texas Department on Aging; methods to reduce the travel, meals, time, and lodging expenses of the Texas Board on Aging and the State Citizens Advisory Council; and ways the Texas Board on Aging can best work with the executive director of the Texas Department on Aging in carrying out the policies of the board.

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

**Filed:** August 7, 1987, 10:57 a.m.  
TRD-8706503



## Texas Department of Agriculture

**Tuesday, August 18, 1987, 1:30 p.m.** The Produce Recovery Fund Board of the Texas Department of Agriculture will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will hold an administrative case hearing to consider allegations of non-payment of produce by Dewey Boyd, doing business as Dixie Produce Sales, to Alberto Ortega.

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

**Filed:** August 10, 1987, 9:47 a.m.  
TRD-8706547

**Wednesday, August 19, 1987, 11 a.m.** The Texas Department of Agriculture will meet in the District Office, Suite C, 5501 West I-40, Amarillo. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas

Agriculture Code, §103.001 by Robert D. DeBruyn, Robert S. DeBruyn, and H. Donald DeBruyn, doing business as DeBruyn Produce Company, as petitioned by Rudy Jesko and Richard Jesko, doing business as Jesko Farms.

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

**Filed:** August 7, 1987, 2:15 p.m.  
TRD-8706524

**Thursday, August 20, 1987, 11 a.m.** The Texas Department of Agriculture will meet in the District Office, Suite C, 5501 West I-40, Amarillo. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by McAllen Produce Company, Pedro Ayala and Tomas Cannales, as petitioned by Plainview Produce, Inc.

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

**Filed:** August 7, 1987, 2:15 p.m.  
TRD-8706525

**Wednesday, September 2, 1987, 10:30 a.m.** The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by Pat Womack, Inc., doing business as Quality Valley Growers, Inc., as petitioned by C.E. Duncan Produce.

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

**Filed:** August 7, 1987, 2:15 p.m.  
TRD-8706526

**Wednesday, September 2, 1987, 1 p.m.** The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001, to Edd Boler, Boler Farms, as petitioned by Carls Schuster.

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

**Filed:** August 7, 1987, 2:21 p.m.  
TRD-8706527



## Texas Amusement Machine Commission

**Thursday, August 20, 1987, 2 p.m.** The Commissioner's Meeting of the Texas Amusement Machine Commission will meet in the Conference Room, Suite 201, 1606 Headway Circle, Austin. According to the agenda summary, the commission will have a report and discussion concerning the passage of House Bill 524 abolishing the commission, a financial report for fiscal year 1987, and presentation of service awards and report from the Advisory Committee.

**Contact:** Jim Lusk, P.O. Box 13226, Austin, Texas 78711, (512) 835-4767

**Filed:** August 7, 1987, 8:39 a.m.  
TRD-8706498



## Texas Employment Commission

**Friday, August 14, 1987, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will approve minutes of the previous meeting, consider internal procedures of commission appeals, tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 33, and set date of next meeting.

**Contact:** Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

**Filed:** August 6, 1987, 4:02 p.m.  
TRD-8706494



**Committee on Endowment Lands in Dallas and Collin Counties of Board of Regents of The University of Texas System**

**Thursday, August 13, 1987, 8:15 a.m.** The Committee on Endowment Lands in Dallas and Collin Counties of Board of Regents of The University of Texas System met in the Regents' Committee Room, Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the committee considered request for authorization of sell land in Synergy Park and grant additional options for future purchase under certain terms and conditions. The committee also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f).

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** August 7, 1987, 2:23 p.m.  
TRD-8706523



**General Land Office**

**Monday, August 17, 1987, 3:30 p.m.** The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of the June 3, 1987, meeting; consider bids on the forfeiting land sale held on August 17, 1987, 10:30 a.m.; request of Lt. Col. John D. Muckleroy, 3350 Trinity, San Angelo, to participate in the Veterans Land Program, VLB account 123163

**Contact:** Jack Giberson, 1700 North Congress Avenue, Room 836A, Austin, Texas 78701, (512) 463-5254.

**Filed:** August 6, 1987, 2:30 p.m.  
TRD-8706488



**Texas Industrial Accident Board**

**Monday, August 10, 1987, 9:30 a.m.** The Texas Industrial Accident Board met in Room 255, Second Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board approved minutes of the previous meeting, considered compromise settlement agreement reviewing procedures, structured settlement agreement reviewing procedures, promptness of payment report procedures, changes to IAB Form 9 (cancellation notices), presented and discussed position evaluation system, prehearing examiners staffing, personnel-legal examiners staffing, legal examiners staffing, and reviewed and discussed board activities

**Contact:** Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

**Filed:** August 6, 1987, 3:32 p.m.  
TRD-8706487



**State Board of Insurance**

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

**Tuesday, August 11, 1987, 10 a.m.** The board made an emergency addition to the agenda of a meeting held in Room 414, to consider the appointment of Charles B. Hudson to the board of directors of the Texas Life, Accident, Health, and Hospital Insurance Guaranty Association. The emergency status was necessary to fill a vacancy as soon as possible and to facilitate implementation of Senate Bill 873, 70th Legislature, Regular Session.

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

**Filed:** August 10, 1987, 2:44 p.m.  
TRD-8706584

**Tuesday, August 11, 1987, 2 p.m.** The board met in emergency session in Room 414, to consider emergency adoption and proposal for permanent adoption of 28 TAC §21.705 concerning rules of non-discriminatory testing for human immuno-deficiency virus. The emergency status was necessary to establish standards and to inform regulated insurers and the insurance consuming public as rapidly as possible of standards concerning non-discriminatory testing for human immuno-deficiency virus.

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

**Filed:** August 10, 1987, 2:44 p.m.  
TRD-8706585

**Tuesday, August 18, 1987, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9635—Whether Southern International Insurance Company, Ltd., Grand Cayman Islands, B.W.I. has complied with Commissioner's Order 87-0819, dated July 20, 1987.

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

**Filed:** August 10, 1987, 1:52 p.m.  
TRD-8706561

**Tuesday, August 18, 1987, 10 a.m.** The board will meet in Room 414, to consider personnel matters regarding the Fire Marshall, Research and Information Services, and the Commissioner; appointment of citizen's task force on medicare supplement insurance regarding Research and Information Services; and litigation matters regarding the Commissioner.

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

**Filed:** August 10, 1987, 2:44 p.m.  
TRD-8706586

**Tuesday, August 18, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9640—Application for renewal of license of Kerry Norton Mallory, Houston, for a group II, insurance agent's license.

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

**Filed:** August 10, 1987, 1:52 p.m.  
TRD-8706562

**Tuesday, August 18, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9643—Application for amendment to the articles of incorporation of Continental Life Insurance Company, Ft. Worth, increasing authorized capital.

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

**Filed:** August 10, 1987, 1:52 p.m.  
TRD-8706563

**Tuesday, August 18, 1987, 2 p.m.** The board will meet in Room 414, to consider proposal for permanent adoption of 28 TAC §21.704 concerning rules on prohibition of certain discriminatory medical/lifestyle questions in underwriting life or health and accident insurance.

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

**Filed:** August 10, 1987, 4:08 p.m.  
TRD-8706590

**Wednesday, August 19, 1987, 9 a.m.** The board will meet in Room 414, to consider decision on agenda items from the 1986 annual title insurance hearing.

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

**Filed:** August 11, 1987, 9:37 a.m.  
TRD-8706599

**Wednesday, August 19, 1987, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9628—Application of Joseph Fielder Chamberlain, Duncanville, for a group II, health and accident insurance agent's license.

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

**Filed:** August 10, 1987, 1:52 p.m.  
TRD-8706564

**Wednesday, August 19, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9647—Ap-

plication of Alliance Health Plan of Fort Worth, Inc., Fort Worth, for a certificate of authority to operate a health maintenance operation.

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

**Filed:** August 10, 1987, 1:52 p.m.  
TRD-8706565

**Thursday, August 20, 1987, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9648—The total assumption reinsurance agreement whereby Virginia Life Insurance Company, Fort Worth, will be reinsured by National Foundation Life Insurance Company, Fort Worth.

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

**Filed:** August 10, 1987, 1:53 p.m.  
TRD-8706566

**Thursday, August 20, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9495—Whether Virginia Life Insurance Company, Fort Worth, has complied with commissioner's order 87-0177, dated February 24, 1987.

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

**Filed:** August 10, 1987, 1:53 p.m.  
TRD-8706567

**Friday, August 21, 1987, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9636—Application of Dion Raynard Clack, San Antonio, for a group II, life, health, and accident insurance agent's license.

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

**Filed:** August 10, 1987, 1:53 p.m.  
TRD-8706568

**Friday, August 21, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9637—Application of Robert William Dailey, Fort Worth, for a group I, legal reserve life, health, and accident insurance agent's license.

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

**Filed:** August 10, 1987, 1:53 p.m.  
TRD-8706569

**Monday, August 24, 1987, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9528—Whether American Surety Company, Grand Turk, B.W.I., has complied with Commissioner's Order 87-0732, dated June 24, 1987.

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

**Filed:** August 10, 1987, 1:53 p.m.  
TRD-8706570



### Texas State Board of Medical Examiners

**Friday, August 7, 1987, 1 p.m.** The Texas State Board of Medical Examiners met in emergency session in Suite 201, 1101 Camino LaCosta, Austin. Agendas follow.

The board met in executive session to discuss litigation and personnel matters under 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 1974, H-484. The emergency status was necessary because matters have come to the attention of the board office and need prompt attention by the board. The meeting will be referred to in later open meeting of the board.

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

**Filed:** August 6, 1987, 4:08 p.m.  
TRD-8706496

The board made an emergency addition to the agenda to discuss fiscal responsibility of emergency meetings. The emergency status was necessary because the item was added at the request of board members who felt the matter needed discussion at this meeting. Later open meeting of the board will have discussion of this meeting.

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

**Filed:** August 7, 1987, 10:22 a.m.  
TRD-8706499



### Texas Municipal Retirement System

**Thursday, August 20, 1987, 9:45 a.m.** The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 North IH 35, Austin. According to the agenda, the board will discuss investments.

**Contact:** Jimmie L. Mormon, 1200 North IH 35, Austin, Texas 78701, (512) 476-7577.

**Filed:** August 7, 1987, 2:42 p.m.  
TRD-8706531



### Board of Pardons and Paroles

**Monday-Friday, August 17-21, 1987, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday.** A three-member panel of the Board

of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

**Filed:** August 7, 1987, 10:38 a.m.  
TRD-8706500

**Tuesday, August 18, 1987, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

**Filed:** August 7, 1987, 10:38 a.m.  
TRD-8706501



### Pan American University

**Tuesday, August 11, 1987, 10 a.m.** The Board of Regents of Pan American University met in emergency session in the Boardroom, Administration Building, Pan American University, Edinburg. According to the agenda summary, the board discussed, considered, and acted on request for board interpretation of P.P.M. 8.2.9 (selection of department chairs); president's informational items; and set date for next meeting. The emergency status was necessary because interpretation of the policy regarding department chair selection is necessary so that a department head can be selected prior to the start of the fall semester in September, 1987.

**Contact:** Miguel A. Nevarez, 1201 West University Avenue, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** August 10, 1987, 3:36 p.m.  
TRD-8706588



### Texas Parks and Wildlife Department

**Wednesday, August 26, 1987, 2 p.m.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Complex Building B, 4200 Smith School Road, Austin. According to the agenda, the commission will hold the annual

public hearing to receive public comment concerning any issue relating to the commission's powers and duties.

**Contact:** Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

**Filed:** August 6, 1987, 1:50 p.m.  
TRD-8706485



### Texas State Board of Examiners of Professional Counselors

**Saturday, August 22, 1987, 9 a.m.** The Texas State Board of Examiners of Professional Counselors will meet in the La Mansion Hotel, 6505 I-35 North, Austin. According to the agenda summary, the board will approve the minutes of the July 18, 1987, meeting; consider areas for counselor specialty designations; annual election of officers; committee appointments; hear Complaint Committee report; consider other matters relating to the licensure and regulation of professional counselors (not involving board action); and set date for next meeting.

**Contact:** Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** August 10, 1987, 2:01 p.m.  
TRD-8706571



### Texas Public Finance Authority

**Tuesday, August 18, 1987, 9:30 a.m.** The Texas Public Finance Authority will meet in Room 103, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the authority will approve minutes of the June 9, 1987, meeting; introduce Harry Whittington as new board member; hear reports on budget and finance, insurance on projects, status of funds/investment portfolio, and status of building projects; consider bond issue development plan, discuss legal matters; hear report on Houston meeting; report from the Financial Advisory Committee and possible selection procedures; and set date and time of next meeting. The authority will also meet in executive session to discuss personnel matters and reconvene to announce decisions made in executive session.

**Contact:** Ann Mariarty, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

**Filed:** August 10, 1987, 3:58 p.m.  
TRD-8706589



### Texas Department of Public Safety

**Tuesday, August 18, 1987, 10 a.m.** The Public Safety Commission of the Texas Department of Public Safety will meet in the

Commission Room, DPS Headquarters, 5805 North Lamar Boulevard, Austin. According to the agenda, the commission will approve minutes of the previous meeting, consider budget matters, personnel matters, and miscellaneous and unfinished business.

**Contact:** Leo E. Gossett, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2000, ext. 3700.

**Filed:** August 7, 1987, 1:23 p.m.  
TRD-8706518



### Public Utility Commission of Texas

**Tuesday, August 18, 1987, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 7596—Application of Central Power and Light Company for a large industrial power experimental rider 16 tariff.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** August 10, 1987, 4:16 p.m.  
TRD-8706592



### Railroad Commission of Texas

**Monday, August 17, 1987, 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, including but not limited to discussion, consideration, and/or action on the following management study, oil and gas general counsel, and oilfield investigator personnel and their operations.

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

**Filed:** August 7, 1987, 11:11 a.m.  
TRD-8706504

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

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

**Filed:** August 7, 1987, 11:13 a.m.  
TRD-8706505

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

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

**Filed:** August 7, 1987, 11:09 a.m.  
TRD-8706506

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

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

**Filed:** August 7, 1987, 11:14 a.m.  
TRD-8706507

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

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

**Filed:** August 7, 1987, 11:09 a.m.  
TRD-8706508

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:** August 7, 1987, 11:10 a.m.  
TRD-8706509

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

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

**Filed:** August 7, 1987, 11:16 a.m.  
TRD-8706510

Additions to the previous agenda:

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

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

**Filed:** August 7, 1987, 11:14 a.m.  
TRD-8706511

Investigation of cementing practices of Western Company of North America.

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

**Filed:** August 7, 1987, 11:09 a.m.  
TRD-8706512

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

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

**Filed:** August 7, 1987, 11:10 a.m.  
TRD-8706513

The Office of Research and Statistical Analysis director's report on division admin-

istration, budget, procedures, and personnel matters

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

**Filed:** August 7, 1987, 11:10 a.m.  
TRD-8706514

The Office of the Special Counsel director's report relating to pending litigation, including but not limited to discussion and/or decision in Gas Utilities Docket 500 amendment; state and federal legislation, and other budget, administrative, and personnel matters. Also, discussion of *Hutto Oils, et al v. Railroad Commission*, C-5937 in the Supreme Court of Texas; *Walker Operating Corp., et al v. Federal Energy Regulatory Commission*, U.S. Court of Appeals for the 10th Circuit, 85-2683 and 86-2698 et al; *Lone Star Gas Company, et al v. Railroad Commission of Texas* and *Jim Mattox*, in his official capacity as Attorney General of the State of Texas, 414,357, 299th District Court; FERC Docket GP86-27-000 (formerly RM79-76-250) Travis Peak formation; FERC Docket RM87-31-000 et al., 18 Code of Federal Regulations, Part 271, Tight Gas Formation.

**Contact:** Walter Earl Lile, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

**Filed:** August 7, 1987, 11:09 a.m.  
TRD-8706515

Various matters falling within the Surface Mining and Reclamation Division's regulatory jurisdiction.

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

**Filed:** August 7, 1987, 11:11 a.m.  
TRD-8706516

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

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

**Filed:** August 7, 1987, 11:12 a.m.  
TRD-8706517



### Texas Rehabilitation Commission

**Friday, August 21, 1987, 10 a.m.** The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities for the Texas Rehabilitation Commission will meet in Room 302, 118 East Riverside Drive, Austin. According to the agenda, the committee will consider approval of summary report, federal legislation/policy, state legislation/policy, advocacy strategies for serving all persons with developmental disabilities, and public information activities.

**Contact:** Roger Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

**Filed:** August 10, 1987, 11:45 a.m.  
TRD-8706553



### Teacher Retirement System of Texas

**Friday, August 14, 1987, 10 a.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet in the Boardroom, 1001 Trinity, Austin. According to the agenda summary, the board will consider appointment of committee to nominate officers of the board-Mr. Wicker, appointments to Investment Advisory Committee-Mr. Wicker, hear report from Audit Committee-Mr. Bell, consider renegotiated terms of Texas public school retired employee group health insurance program contracts-Mr. Baker, *State of Texas v. TRST #1, Inc.* and the use of title holding corporations for foreclosed real property-Mr. Baker, amendment of TRS operating budget for fiscal year ending August 31, 1987, for FICA state contribution-Mr. Fickel, TRS operating budget for fiscal year ending August 31, 1988, and estimate of group health insurance contributions for the fiscal year ending August 31, 1988-Mr. Fickel.

**Contact:** Mary Godzik, 1001 Trinity, Austin, Texas 78707, (512) 397-6400.

**Filed:** August 6, 1987, 4:01 p.m.  
TRD-8706495

**Tuesday, September 8, 1987, noon.** The Medical Board of the Teacher Retirement System of Texas will meet in the Boardroom, 1001 Trinity, Austin. According to the agenda, the board will discuss files of members who are currently applying for disability retirement and the files of disability retirees who are due a re-examination report.

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

**Filed:** August 7, 1987, 3:43 p.m.  
TRD-8706539



### Structural Pest Control Board

**Thursday, August 27, 1987, 10 a.m.** The Structural Pest Control Board will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda summary, the board will approve minutes of the July 16-17, 1987, meeting; hear the executive director's report; and consider miscellaneous items.

**Contact:** David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066.

**Filed:** August 11, 1987, 9:24 a.m.  
TRD-8706598

### University of Houston System

**Friday, August 14, 1987, 8 a.m.** The Board of Regents of the University of Houston System will meet in the Fifth Floor Lobby, Enterprise Bank Building, 4600 Gulf Freeway, Houston. According to the agenda, the board will discuss and/or approve acquisition of real property system, and disposition of bids-system office building.

**Contact:** Micheal T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

**Filed:** August 10, 1987, 2:48 p.m.  
TRD-8706587



### University Interscholastic League

**Wednesday, August 12, 1987, noon.** The State Executive Committee of the University Interscholastic League met in Room 2.102, Thompson Conference Center, 26th and Red River Streets, UT Campus, Austin. According to the agenda summary, the committee conducted hearing of alleged violations of UIL rules, considered interpreting §1202 and §700, and discussed data base penalty information and three-member panels.

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

**Filed:** August 7, 1987, 4:09 p.m.  
TRD-8706545



### University of Texas System

**Thursday, August 13, 1987, 11:30 a.m.** The Board of Regents and Standing Committees of the University of Texas System met in the Regents' Meeting Room, Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda summary, the board and committees considered amendments to RRR; general revenue refunding bonds and subordinate lien notes; fees; general property deposits; HMO contracts; chancellor's docket (submitted by system administration); 1987-1988 budget policies; appointments to endowed academic positions; hospital house (UTMB); buildings and grounds matters including authorization for projects, approval of preliminary and final plans; award contracts; agreements; land and investment matters; acceptance of gifts, bequests, and estates; establishment of endowed positions and funds; real estate matters; pending litigation; personnel matters; land acquisition; and negotiated contracts.

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** August 7, 1987, 2:23 p.m.  
TRD-8706522

## Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, unless otherwise noted. Dates, times, rooms, and agendas follow.

**Wednesday, August 12, 1987, 3 p.m.** The commission met in emergency session in Room 118, to consider pending litigation between commissioners and attorney general in which the commission had to seek advice with respect to the pending litigation. The emergency status was necessary in order to accommodate the pleading deadline schedules of the attorney general's office.

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

**Filed:** August 10, 1987, 4:03 p.m.  
TRD-8706591

**Tuesday, August 18, 1987, 10 a.m.** The commission will meet in Room 118, to consider request for approval to use surplus funds, application for a water certificate of convenience and necessity and transfer of certificate, application for amendment of certificate of convenience and necessity, applications for water quality permits, amendment renewals, and minor amendments, in situ uranium mining permit, revocation of waste discharge permit, consideration of a nunc pro tunc order, water right permits for final decision, extension of time for water right permit, amendment to water right permit, amendments to certificates of adjudication and to combine certificates of adjudication, and adoption of new sections regarding private sewage facilities.

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

**Filed:** August 7, 1987, 4 p.m.  
TRD-8706543

**Wednesday, September 9, 1987, 10 a.m.** The Office of Hearings Examiner will meet in Room 119, to consider Docket 7269-G—Rate increase of Cave Springs Water Corporation.

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

**Filed:** August 10, 1987, 11:49 a.m.  
TRD-8706555

**Wednesday, September 16, 1987, 9 a.m.** The Officer of Hearings Examiner will meet in the Council Chambers, 215 East McKinney, Denton. According to the agenda summary, the office will consider application by Valley View Disposal and Water Supply Corporation, P.O. Box 156, Valley View, Texas 76272, for renewal of Permit 11164-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 48,000 gallons per day from the Valley View Sewage Treatment Plant. The plant is located on the east side of IH-35, approximately one mile south of the City of Valley View in Cooke County.

The effluent is discharged into Spring Creek; thence to the Elm Fork Trinity River, above Lewisville Lake in Segment 0824 of the Trinity River Basin.

**Contact:** Carol A. Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** August 6, 1987, 11:30 a.m.  
TRD-8706482

**Tuesday, September 22, 1987, 9 a.m.** The Office of Hearings Examiner will meet in the Council Chambers, City of Azle Municipal Building, 613 Southeast Parkway, Azle. According to the agenda summary, the office will consider application by City of Azle, 613 Southeast Parkway, Azle, Texas 76020 for an amendment to Permit 11183-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 450,000 gallons per day to a volume not to exceed 750,000 gallons per day average. The proposed amendment would also revise the parameter for minimum dissolved oxygen concentration from two mg/l to four mg/l. The applicant operates the Ash Creek Wastewater Treatment facilities.

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

**Filed:** August 6, 1987, 11:30 a.m.  
TRD-8706483

**Thursday, September 24, 1987, 10:30 a.m.** The Office of Hearings Examiner will meet in Room 4E North, City Hall, 1500 Marilla, Dallas. According to the agenda summary, the office will consider application of Knox Oil of Texas, Inc., 4835 L.B.J. Freeway, Suite 800, Dallas, Texas 75244-6002 for a permit (Proposed Permit 02913) to authorize a discharge of treated wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day from a truck stop. The applicant will remove the existing package treatment plant, abandon other existing facilities, and install a new package wastewater treatment plant.

**Contact:** Stephen C. Dickman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** August 6, 1987, 11:31 a.m.  
TRD-8706484

**Wednesday, October 7, 1987, 10 a.m.** The commission will meet in Room 118, to consider Application 5148—Texas-New Mexico Power Company seeking a permit to construct and maintain a dam and 85 acre foot capacity reservoir on Dry Branch, tributary of Bee Branch and a 61 acre foot capacity reservoir on an unnamed tributary of Bee Branch tributary of Walnut Creek, tributary of the Little Brazos River, tributary of the Brazos River, Brazos River Basin, to contain runoff from applications power plant in Robertson County.

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

**Filed:** August 7, 1987, 4 p.m.  
TRD-8706544

## Regional Agencies Meetings Filed August 6

**The Bosque County Appraisal District,** Board of Directors, met at 104 Morgan Street, Meridian, on August 13, 1987, at 8 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

**The Cass County Appraisal District,** Board of Directors, met at 400 North Main, Linden, on August 10, 1987, at 6:30 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

**The Dewitt County Appraisal District,** Board of Directors, will meet at 103 Bailey Street, Cuero, on August 18, 1987, at 7 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Education Service Center, Region I,** Board of Directors, met at 1900 West Schunior, Edinburg, on August 13, 1987, at noon. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

**The Education Service Center, Region XVII,** Board of Directors, will meet in the Webb Room 217, 4000 22nd Place, Lubbock, on August 18, 1987, at 10 a.m. Information may be obtained from Weldon E. Day, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000, ext. 200.

**The Ellis County Appraisal District,** met at 406 Sycamore Street, Waxahachie, on August 13, 1987, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Hays County Central Appraisal District,** Board of Directors, met on the First Floor, Hays County Courthouse Annex, 102 LBJ Drive, San Marcos, on August 11, 1987, at 5 p.m. and 5:30 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

**The Hickory Underground Water Conservation District #1,** Board and Advisors, met at 2005 Nine Road, Brady, on August 13, 1987, at 7 p.m. Information may be obtained from Rick Illgner, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

**The Hunt County Tax Appraisal District,** Board of Directors, met in the Boardroom, 4801 King Street, Greenville, on August 13, 1987, at 6 p.m. and 7:05 p.m. Information may be obtained from Joe Pat Davis or Jeannette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.



**The Lamar County Appraisal District,** Board of Directors, met at 1523 Lamar Avenue, Paris, on August 13, 1987, at 4 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

**The Lamb County Appraisal District,** Board of Directors, will meet in the Board Meeting Room, 330 Phelps Avenue, Littlefield, on August 18, 1987, at 7:30 p.m. Information may be obtained from Murlene J. Milbrey, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

**The Nolan County Central Appraisal District,** Board of Directors, met in the Sunflower Room, Holiday Inn Restaurant, Sweetwater, on August 11, 1987, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

**The Plateau Region Outer Parkway Corporation,** Board of Directors, met in Suite 1800, 515 Congress Avenue, Austin, on August 12, 1987, at 10 a.m. Information may be obtained from Thomas H. Hill, 515 Congress Avenue, Suite 1800, Austin, Texas 78701, (512) 499-8200.  
TRD-8706481

#### Meetings Filed August 7

**The Angelina and Neches River Authority,** Board of Directors, met at the Holiday Inn, 3220 North Street, Nacogdoches, on August 11, 1987, at 10 a.m. Information may be obtained from Charles D. Thomas, P.O. Box 387, Lufkin, Texas 75901, (409) 632-7795.

**The Austin-Travis County Mental Health and Mental Retardation,** Board of Trustees Personnel Committee, met at 208 Barton Springs Road, Austin, on August 7, 1987, at 12:30 p.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78701, (512) 447-4141.

**The Bastrop County Appraisal District,** Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on August 15 and 19, 1987, at 8 a.m. and 7 p.m., respectively. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

**The Dallas Area Rapid Transit,** Minority Affairs Committee and Board, met at 601 Pacific Avenue, Dallas, on August 11, 1987, at 2 p.m. and 4 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Liberty County Central Appraisal District,** will meet at 1820 Sam Houston,

Liberty, on August 20, 1987, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Drawer 10016, Liberty, Texas 77575, (409) 336-5722.

**The MoPac South Transportation Corporation,** Board of Directors, met in the Boardroom, Headliners Club, 2100 MBank Tower, 221 West Sixth Street, Austin, on August 11, 1987, at 4:30 p.m. Information may be obtained from John C. Boehm, Jr., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.  
TRD-8706497

#### Meetings Filed August 10

**The Bexar Appraisal District,** Appraisal Review Board, will meet at 535 South Main, San Antonio, on August 14, 1987, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Education Service Center, Region III,** Board of Directors, will meet in the Holiday Inn Restaurant, Houston Highway, Victoria, on August 17, 1987, at 11:30 a.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (521) 573-0731.

**The Education Service Center, Region VI,** Board of Directors, will meet at 332 Montgomery Road, Huntsville, on August 20, 1987, at 5 p.m. Information may be obtained from M.W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

**The Education Service Center, Region XIV,** Board of Directors, will meet at 1850 State Highway 351, Abilene, on August 20, 1987, at 5:30 p.m. Information may be obtained from Taressa Huey, P.O. Box 70-A, Abilene, Texas 79601, (915) 676-8201.

**The Education Service Center, Region XVIII,** Board of Directors, will meet at 2811 LaForce Boulevard, Midland, on August 20, 1987, at 7:30 p.m. Information may be obtained from Vernon Stokes, P.O. Box 6020, Midland, Texas 79711, (915) 563-2380.

**The Gonzales County Appraisal District,** Board of Directors, met at 928 St. Paul Street, Gonzales, on August 13, 1987, at 7 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Appraisal District of Jones County,** Board of Directors, will meet at 1137 East Court Plaza, Anson, on August 20, 1987, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

**The Lamar County Appraisal District,** Special Board Meeting, met at 1523 Lamar Avenue, Paris, on August 13, 1987, at 4 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

**The Lower Neches Valley Authority,** Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on August 18, 1987, at 10:30 a.m. Information may be obtained from A.T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

**The Nortex Regional Planning Commission,** Executive Committee, will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on August 20, 1987, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

**The Palo Pinto Appraisal District,** Board of Directors, will meet in the County Courthouse, Palo Pinto, on August 19, 1987, at 3 p.m. and 3:15 p.m. Information may be obtained from Jack L. Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651, ext 234.

**The Rio Grande Valley Municipal Water Authority,** Board of Directors, will meet in the Chamber of Commerce, 311 East Tyler, Harlingen, on September 3, 1987, at 7 p.m. Information may be obtained from Ersel G. Lantz, 3505 Boca Chica, Suite 303, Brownsville, Texas 78521, (512) 541-1660.

**The San Antonio River Authority,** Board of Directors, will meet in the Leonard H. Von Dohlen Conference Room, Swimming Pool Annex, Goliad Street Historical Park, City of Goliad, on August 19, 1987, at 1:30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

**The South East Texas Regional Planning Commission,** Executive Committee, will meet in the City of Beaumont Council Chambers, 800 Main, Beaumont, on August 19, 1987, at 7 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384.

**The South Texas Development Council,** Board of Directors, will meet in the Commissioners Courtroom, Starr County Courthouse, Rio Grande City, on August 20, 1987, at 1:30 p.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

**The Tyler County Appraisal District,** Board of Directors, will meet at 103 Pecan, Woodville, on August 18, 1987, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.  
TRD-8706554

Meetings Filed August 11

**The Alamo Area Council of Governments, Executive Committee,** will meet in Suite 400, 118 Broadway, San Antonio, on August 26, 1987, 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 Capital Area Planning Council, Executive Committee,** will meet in Suite 100, 2520 South I-35, Austin, on August 18, 1987, at 2 p.m. Information may be obtained from Richard Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

**The Grayson Appraisal District, Board of Directors,** will meet at 205 North Travis, Sherman, on August 19, 1987, at noon. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

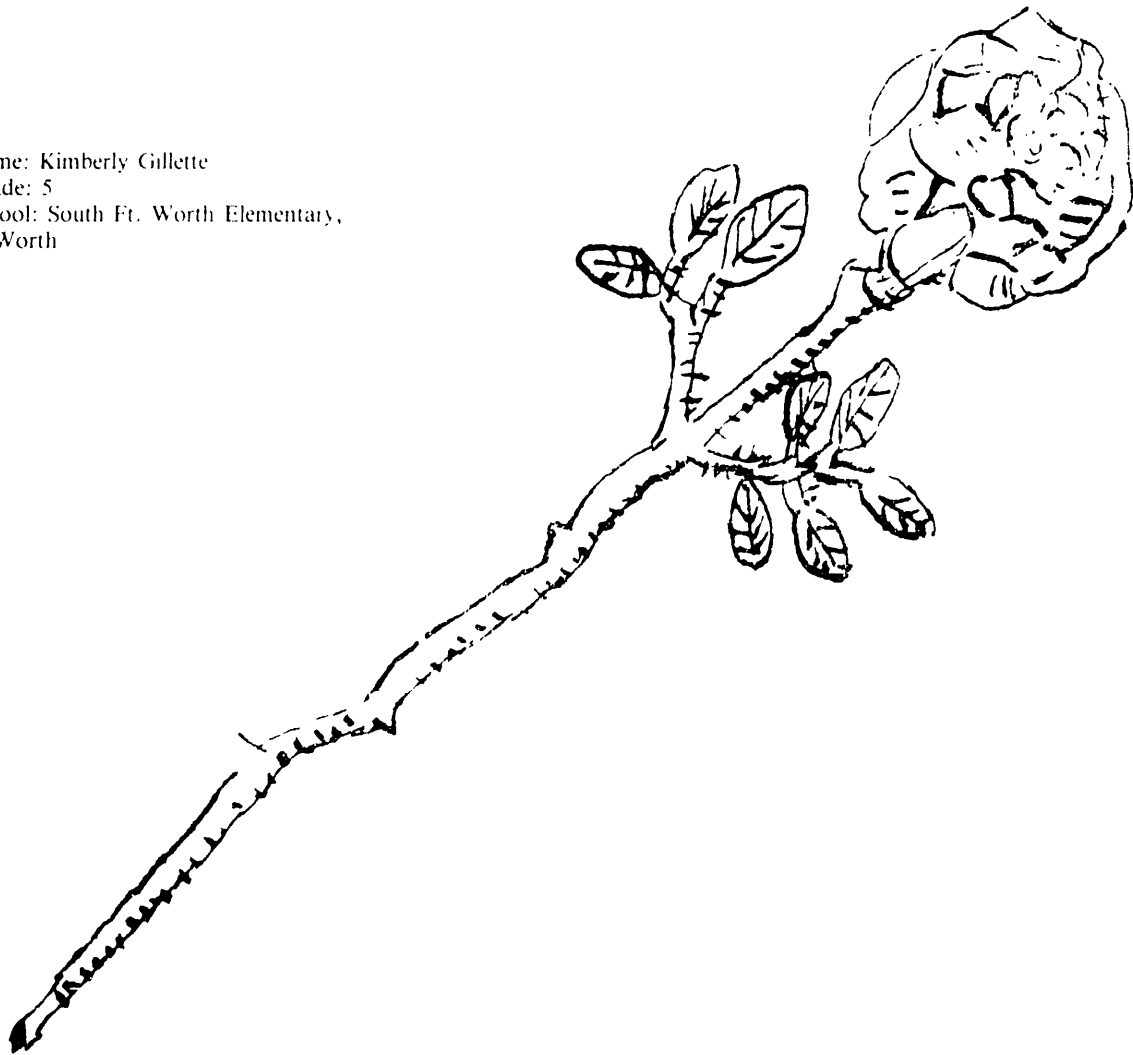
**The Lee County Appraisal District, Board of Directors and Appraisal Review Board,** will meet at 118 East Richmond Street, Giddings, on August 18, 1987, at 7 p.m. and on August 20, 1987, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

**The Mason County Appraisal District,** will meet at 206 Fort McKavitt Street, Mason, on August 20, 1987, at 5:15 p.m. Information may be obtained from Ann Stapp, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

**The South Texas Development Council, STED Corporation Board of Trustees,** will meet in the Commissioners Courtroom, Starr County Courthouse, Rio Grande City, on August 20, 1987, at 11 a.m. Information may be obtained from Robert Mendiola, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

TRD-8706597

Name: Kimberly Gillette  
Grade: 5  
School: South Ft. Worth Elementary,  
Ft Worth



# In Addition

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

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

## Texas Department of Agriculture Notice of Fee Increases

At the directions of the Texas Legislature, as set forth in the Appropriations Act, Senate Bill 1, 70th Legislature, 1987, and in accordance with Texas Civil Statutes, Article 5429, effective September 1, 1987, the Texas Department of Agriculture hereby sets and will collect the following fees for seed lab testing: purity test and germination test—\$6; complete test—\$12; grasses purity test and germination test—\$10; and the grasses complete test—\$20.

The department will also collect the following fees: certified, registered, and foundation seed labels—\$.08 per label; pesticide registration—\$100; LP gas meter registration—\$40 per device; grain warehouse inspection—\$4 per 10,000 bushels or fraction, or \$100, whichever is greater; grain warehouse license—\$75; county or deputy weigher certificate—\$100; state public weigher certificate—\$400; egg inspection fee—\$.05 per 30-dozen case.

For the egg dealer-wholesaler license fee, the department will collect on the basis of average weekly volume per plant: one case or more but less than 10 cases—\$15; 10 cases or more but less than 50 cases—\$30; 50 cases or more but less than 100 cases—\$45; 100 cases or more but less than 200 cases—\$75; 200 cases or more but less than 500 cases—\$150; 500 cases or more but less than 1,000 cases—\$225; 1,000 cases or more but less than 1,500 cases—\$300; 1,500 cases or more but less than 3,000 cases—\$600; 3,000 cases or more but less than 4,500 cases—\$750; 4,500 cases or more but less than 7,000 cases—\$1,000; 7,000 cases or more but less than 10,000 cases—\$1,500; and 10,000 cases or more—\$2,000.

Issued in Austin, Texas, on August 10, 1987

TRD-8706549 Richard Lowerre  
Assistant Commissioner  
Regulatory Division  
Texas Department of Agriculture

Filed August 10, 1987  
For further information, please call (512) 463-7583



## 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 July 13-17, 1987.

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.

Coastal Oil & Gas, Tokio; gas flare redonion 1; Tokio, Terry County; 18223; new source

Coastal Oil & Gas, Tokio; gas flare brownfield 1; Tokio, Terry County; 18224; new source

Rescar Inc., West Orange; railcar interior coating facility; West Orange, Orange County; 18226; new source

Issued in Austin, Texas, on August 3, 1987

TRD-8706470 Bill Ehret  
Director of Hearings  
Texas Air Control Board

Filed: August 5, 1987  
For further information, please call (512) 451-5711, ext 350



The Texas Air Control Board gives notice of applications for construction permits received during the period of July 27-31, 1987.

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.

Sermatech Technical Services, Sugar Land; metal coating facility; Sugar Land, Fort Bend County; 18242; new

Environmental Protection Resources of Lubbock, Inc., Lubbock; waste to energy project; Lubbock, Lubbock County; 18246; new

Issued in Austin, Texas, on August 3, 1987.

TRD-8706471 Bill Ehret  
Director of Hearings  
Texas Air Control Board

Filed August 5, 1987  
For further information, please call (512) 451-5711, ext. 350.



The Texas Air Control Board gives notice of applications for construction permits received during the period of July 20-24, 1987.

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.

Exxon Company U.S.A., Houston; petroleum products terminal; Houston, Harris County; 18234; new

Campbell Soup (Texas) Inc., Paris; flowcoat side stream stripe; Paris, Lamar County; 18235; new

Houston Steel Products, Inc., Houston; asme pressure vessel fabrication facility; Houston, Harris County; 18236; new

Advanced Aromatics Chemical Company, Baytown; boiler conversion to fuel oil; Baytown, Harris County; 18237; new

Longhorn Army Ammunition Plant, Karnack; package boiler; Karnack, Harrison County; 18238; new

Cargil, Inc., Ennis; synthetic resin manufacturing facility; Ennis, Ellis County; 18241; new

Issued in Austin, Texas, on August 3, 1987

TRD-8706469 Bill Ehret  
Director of Hearings  
Texas Air Control Board

Filed: August 5, 1987  
For further information, please call (512) 451-5711, ext. 354.



## Texas Department of Corrections Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Board of Corrections of the Texas Department of Corrections (TDC) has determined that the agency would benefit from the services of a program development consultant to monitor, advise, and coordinate design, construction, renovation, and repair of the construction program of the Texas Department of Corrections. The consultant proposal request was published in the May 29, 1987, issue of the *Texas Register* (12 Tex Reg 1757).

Brown and Root, U.S.A., P.O. Box 4574, Houston, Texas 77210-4574, has been selected to provide the required services. The contract value for the required services is approximately \$5,000,000. The services will begin September 1, 1987, and it is anticipated that the services will extend through August 31, 1989.

Issued in Huntsville, Texas, on July 30, 1987.

TRD-8706528 James L. Hall  
Assistant General Counsel  
Texas Department of Corrections

Filed: August 7, 1987  
For further information, please call (409) 294-2700



## Texas Economic Development Commission Amendment to Consultant Contract Award

Pursuant to final management ruling 34 TAC §5.54(b)(6), the Texas Economic Development Commission (TEDC) proposes to amend its existing contract with Luis A. Morales for professional services as director of the State of Texas Office in Mexico City.

The existing contract was awarded under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of September 1, 1986-August 31, 1987. The request for proposals for such services was published in the August 22, 1986, issue of the *Texas Register* (11 TexReg 3760) and the consultant contract award was published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4179).

**Description of Services.** Under the terms of the proposed contract amendment, Luis A. Morales, director of the State of Texas Office, would: manage the day-to-day operations of the State of Texas Office, including the supervision of other contract personnel and employees of such office, simple accounting functions, and the translation and composition of correspondence concerning trade and foreign investment in Mexico, and Central and South America; advise and assist Texas manufacturers and businessmen in making contacts and appointments with Mexican government officials, United States Embassy officials, and Mexican, and Central and South American industry importers who may be interested in products, services, and/or materials offered by Texas businesses; conduct or assist in conducting an on-going public relations program within Mexico, and Central and South America to promote the sale, lease, or rental of products, services, and/or materials offered by Texas businesses; advise and assist or participate in the advising and assistance of Texas businessmen in displaying their products, services, and/or materials at trade fairs, trade shows, or otherwise, to enhance and encourage the rental, lease, or sale thereof to users in Mexico, and

Central and South America, research and locate or assist in the research and location of Mexican, and Central and South American suppliers of products, services, and/or materials, on request, for Texas businessmen; assist Mexican, and Central and South American exporters, manufacturers, and suppliers in making contact with Texas businessmen who inquire about the importation of manufactured products, raw materials or services/or who inquire about joint ventures, licensing agreements and transfers of technology; when requested, to advise and assist State of Texas officials in the conduct of their duties in Mexico, and Central and South America, including the making and monitoring of appointments; and supervise and provide all necessary support for Texas state agencies as may be required under existing or future interagency agreements between TEDC and other state agencies.

**Business Address.** The address of the State of Texas Office is Apartado Postal 5-602, Mexico 06500, D.F.

**Amendment Amount.** The total cost of services to be performed under this amendment is presently estimated to be \$9,600. The TEDC maximum obligation under the contract shall be increased from \$33,996 to \$43,596.

**Effective Date.** The effective date of the proposal amendment shall be 10 days after the date of publication in the *Texas Register*

**Reports:** Reports shall be submitted to the TEDC as required by the contract.

Issued in Austin, Texas, on August 5, 1987

TRD-8706473 David V. Brandon  
Executive Director  
Texas Economic Development  
Commission

Filed: August 5, 1987  
For further information, please call (512) 472-5059

## Texas Department of Health Licensing Actions for Radioactive Materials

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

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Houston	Labor Biosystems Inc.	11 4094	Houston	0	07 15 87
Throughout Texas	Western Stress, Inc.	11 4084	Houston	0	07 13 87
Throughout Texas	Young Brothers Inc. Contractors	6 4095	Waco	0	07 14 87
Throughout Texas	Gearthart NDI Ser- vices, Inc.	8 4089	Corpus Christi	0	07 27 87

### AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Ableton	Hendrick Medical Center	4 21	Ableton	19	07 28 87
Beaumont	St. Elizabeth Hospital	10 269	Beaumont	38	07 22 87
Cameron	Cameron Communi- ty Hospital	6 3249	Cameron	7	07 23 87

Corpus Christi	Charapin Refrmar Company	8 243	Corpus Christi	21	07 24 87
Dallas	Dallas Nephrology Associates	7 2004	Dallas	6	07 22 87
El Paso	AME Dental Economic Medical Center	7 2264	El Paso	17	07 28 87
Fort Worth	Fort Worth Osteopathic Medical Center	8 730	Fort Worth	28	07 28 87
Houston	CAMCO, Incor- porated	11 3803	Houston	1	07 21 87
Houston	University of Houston	11 1886	Houston	28	07 24 87
Houston	University of Texas System Cancer Center	11 406	Houston	38	07 29 87
Irving	Damen Clinical Laboratories	8 2164	Irving	8	07 20 87
Nassau Bay	St. John Hospital	11 3291	Nassau Bay	8	07 28 87
Pasadena	San Jacinto College	11 2678	Pasadena	8	07 28 87
San Antonio	San Antonio State Chest Hospital	9 2218	San Antonio	19	07 13 87
Texarkana	Wadley Regional Medical Center	7 2486	Texarkana	10	07 13 87
Texarkana	Wadley Regional Medical Center	7 1437	Texarkana	11	07 28 87
Texarkana	Wadley Regional Medical Center	7 2486	Texarkana	11	07 28 87
Throughout Texas	MGM Well Services Inc.	8 1559	Corpus Christi	13	07 10 87
Throughout Texas	Wedde CRC, Inc.	8 315	Arlington	60	07 15 87
Throughout Texas	Northshore X-Ray & Testine Company	11 3912	Houston	8	07 13 87
Throughout Texas	Gearthart Industries Inc.	8 2113	Fort Worth	81	07 14 87
Throughout Texas	SI Baroid MWD	11 2003	Houston	23	07 14 87
Throughout Texas	RadCon Services	7 3931	Tyler	3	07 10 87
Throughout Texas	Schlumberger Well Services	11 1833	Houston	89	07 09 87

### AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Throughout Texas	GNI Incorporated	11 2995	Webster	18	07 15 87
Throughout Texas	Schlumberger Well Services	11 1833	Houston	60	07 15 87
Throughout Texas	Penwood, Inc.	8 2644	Fort Worth	22	07 16 87
Throughout Texas	Micro Gate, Inc.	11 1611	Pearland	13	07 17 87
Throughout Texas	Texas Nuclear Cor- poration	6 3524	Austin	30	07 16 87
Throughout Texas	Texasgulf Minerals & Metals, Inc.	12 3781	Midland	1	07 14 87
Throughout Texas	Cotton Houston Inc.	11 3920	Houston	8	07 21 87
Throughout Texas	Independent Testine Laboratories	11 3798	Sancti	7	07 21 87
Throughout Texas	Hamilton Drilling & Engineering Testine Inc.	6 3849	Austin	3	07 21 87
Throughout Texas	K & N Perforators	8 2300	Victoria	16	07 15 87
Throughout Texas	Technical Welding Laboratory, Inc.	11 2187	Pasadena	38	07 28 87
Throughout Texas	Professional Service Industries, Inc.	11 1856	Houston	8	07 29 87
Throughout Texas	Midwest Inspection Service	11 3120	Perryton	19	07 29 87
Throughout Texas	Rountree Inspection Inc.	7 3412	Longview	14	07 29 87
Throughout Texas	D-Arrow Inspection Inc.	11 3816	Houston	12	07 29 87
Throughout Texas	CBI NA-CO, Inc.	11 1902	Houston	9	07 30 87
Throughout Texas	Basin Industrial X- Ray, Inc.	8 2280	Corpus Christi	17	07 30 87
Throughout Texas	Kooney X-Ray, Inc.	11 1074	Barker	38	07 30 87

Durango, Texas	Midland Hospital	123724	Midland	7	07-30-87
El Paso	Hill Country Hospital	12952	El Paso	1	07-28-87
Waco, Texas	Waco Hospital	1443	Waco, Texas	7	07-28-87

**RENEWALS OF EXISTING LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Amarillo	St. Anthony's Hospital	11242	Amarillo	30	07-15-87
Austin	Lower Colorado River Authority	63244	Austin	1	07-15-87
Commerce	East Texas State University	8704	Commerce	26	07-22-87
Freeport	Bracos Pipe & Steel Fabricator, Inc.	1286	Freeport	12	07-15-87
Galveston	Leedinc Pipe	112227	Galveston	7	07-30-87
Greenville	E Systems, Inc.	8586	Greenville	15	07-14-87
Greenville	Transformer Company	83247	Greenville	1	07-15-87
Houston	Koppers Company, Inc.	112226	Houston	5	07-15-87
Houston	Rice University	111772	Houston	9	07-15-87
Houston	Thermal Fabrication Co.	112196	Houston	4	07-30-87
Killeen	Metroplex Hospital	63188	Killeen	8	07-21-87
Lubbock	West Texas Hospital	21288	Lubbock	19	07-17-87
Rusk	Cherokee Medical Center	73282	Rusk	5	07-27-87
Throughout Texas	Berry Fabricators	81878	Corpus Christi	14	07-13-87
Throughout Texas	Ebasec Services Incorporated	112062	Deer Park	13	07-13-87
Throughout Texas	E. J. da Pont de Nemours & Co. Inc.	10517	Beaumont	47	07-15-87
Throughout Texas	Kenneth E. Land and Associates, Inc.	113129	Houston	3	07-14-87
Throughout Texas	El Paso Engineering and Testing, Inc.	31567	El Paso	25	07-14-87

**NEW LICENSES DENIED:**

Location	Name	License #	City	Amendment #	Date of Action
Odessa	OFC	N/A	Odessa	0	07-21-87
San Benito	Balleener Construction Company	N/A	San Benito	0	07-21-87
Throughout Texas	Diamond Roasting Company	N/A	Dallas	0	07-21-87

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

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury

or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

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

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

Issued in Austin, Texas, on August 7, 1987

TRD-8706519 Robert A. MacLean  
Deputy Commissioner  
Texas Department of Health

Filed August 7, 1987  
For further information please call (512) 835-7000

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## Texas Department of Human Services

### Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (TDHS) furnishes this notice of consultant contract award. The consultant proposal request was published in the May 26, 1987, issue of the *Texas Register* (12 TexReg 1715).

**Description of Services.** The consultant will provide research, methodological, statistical, and data processing consultation for research projects to develop case-mix reimbursement systems for the Texas Medicaid SNF/ICF and ICF-MR Programs, and for pilot projects to demonstrate these systems; assist the Economic Analysis Division staff in special statistical analyses of cost data for all program areas and in conjunction with any litigated issues; and create, manage, and maintain Economic Analysis Division's data base systems on IBM-AT's, a UNIVAC 110 computer, and an IBM 3081 computer.

**Contractor.** The contract has been awarded to Robert C. Godbout, Ph.D., P.O. Box 4358, Austin, Texas 78765.

**Total Value.** The total value of this contract is not to exceed \$100,000, with \$60,000 or 60% to be covered by federal research grant funds.

**Beginning and Ending Dates.** The beginning date on the contract is September 1, 1987, and the ending date of the contract is August 31, 1989.

**Due Date of Report.** A final report on all activities of the consultant is due on August 31, 1989.

Issued in Austin, Texas, on August 7, 1987

TRD-8706533 Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: August 7, 1987  
For further information, please call (512) 450-3766.



# Lower Colorado River Authority Amendments to the Highland Lakes Marina Ordinance

Amendments to the Highland Lakes Marina Ordinance-June 18, 1987. The following amendments were made to the Highland Lakes Marina ordinance on June 18, 1987.

In §3.01, concerning definitions, the term "modification" is defined as any change, addition, or alteration in the construction, substructure, flotation, anchorage, plumbing, or electrical services of a structure other than routine maintenance.

Section 4.01, concerning location and configuration, was amended to reflect that any marina facility on Lakes Buchanan, Inks, LBJ, and Marble Falls must be located in front of waterfront property that is owned or otherwise controlled by the owner/operator of the marina facility, and that no marina facility on Lake Travis shall be located in front of property which is adjacent to the portion of the marina property providing ingress and egress between the facility and shore; and is located at or below the 681 msl elevation on Lake Travis; and is not owned or otherwise controlled by the marina owner/operator.

Section 5.04, concerning construction permits, was amended to reflect that a construction permit shall be issued by the LCRA after, where public notice is required by §5.045, the permit has been reviewed by the executive director of natural resources, approved by the LCRA general manager, and presented to the board as a discussion item. Excepting that, if permits are required from other governmental entities, such issuance shall be conditioned on construction not commencing until the county or other local governments grant any required permits. The amendment also reflects that any construction permit application that is not complete within six months from the date the application is first received by the LCRA staff will automatically be denied; any permit denial, except as specified in §5.04(G), shall be reviewed by the executive director of natural resources, approved for denial by the LCRA general manager and presented to the board as a discussion item; and revisions to construction permit applications and construction plans may be made prior to giving public notice. Any revision, other than those required by the LCRA, after public notice has been given and which falls within the scope outlined below shall require a new construction permit application. All revisions must be approved by LCRA. Revisions that will require the submission of a new construction permit application include, but are not limited to, expansion of the proposed marina facility by more than 10% of the proposed square footage of the facility or more than 5,000 square feet, whichever is less; more than one expansion of the proposed marina facility; addition of fuel services to the proposed marina facility; relocation or reconfiguration which alters the perimeter of the proposed marina facility other than that required to temporarily accommodate variable lake levels; and any substantial change, to be determined by the general manager, which may adversely affect the adjacent property owners, water quality, public use, access and safety.

Section 5.045, concerning public notice requirement for construction permit applicants, was amended to reflect that an applicant for a construction permit under §5.04 where construction includes a new marina facility, expansion of an existing or permitted marina facility of more than 10% of the square footage or more than 5,000 square feet, whichever is less, more than one expansion of an existing or permitted facility, addition of fuel service, any reloca-

tion or reconfiguration which alters the perimeter of the marina facility other than that temporarily required to accommodate variable lake levels or any other substantial change to be determined by the staff must give public notice. Notice of the application shall be published by the applicant once each week for two consecutive weeks in all newspapers required by LCRA, as specified in the application information package, for the area where the facility will be located. The applicant shall file with the LCRA proof of publication prior to the granting of a permit. The published notice shall be at least four by two inches in size and shall contain the required wording. All property owners located within 1,000 feet of the property boundaries of the proposed marina facility, as submitted by the applicant and approved by the LCRA, shall receive written notice of the application by the LCRA staff. Property owners' addresses shall be furnished by the applicant and shall include the current tax map from the county tax assessor's office showing the marina site and the properties located within 1,000 feet of the property boundaries of the proposed facility.

Section 6.02, concerning applications, was amended to reflect that the annual operating license or construction permit application will be processed by the staff after it is complete. As a minimum, the application shall include full description of the proposed facility, including services to be offered, all future plans for development of the proposed facility and the adjacent properties owned or controlled by the applicant which directly relate to the marina facility.

Section 9.01, concerning noncomplying facilities, was amended to reflect that any facility existing on the effective date of this ordinance, or any amendment hereto, that is designed and/or operating in a manner not permitted by this ordinance shall be designated as a noncomplying facility and that all noncomplying facilities shall be removed or in complete compliance with §4.01(D) and (E) (location and configuration) of this ordinance by December 1, 1992.

Issued in Austin, Texas, on June 18, 1987

TRD-8706478      John E. Bagalay, Jr.  
General Counsel  
Lower Colorado River Authority

Filed: August 6, 1987

For further information please call (512) 473 3238



## Public Utility Commission of Texas Request for Proposals/Management Audit

This request for proposals is filed under the provisions of Article 6252-11c.

The Public Utility Commission of Texas (PUC) is seeking a consultant to conduct a comprehensive management and operations review of Contel of Texas, Inc. (Contel).

Contel, headquartered in Dallas, is an investor-owned public telecommunications utility that provides local exchange as well as intrastate and interstate toll services through approximately 159,000 access lines in 181 exchanges within 119 Texas counties. In 1986, Contel had approximately \$145 million in revenues and \$400 million in property, plant, and equipment.

The PUC will be the client for this study. The consultant will be selected by and report to the PUC during the course of the audit. Contel will make all payments for the audit after approval by the PUC

Neither the State of Texas, nor the PUC, nor employees of the PUC will be responsible in any manner for any costs incurred by any respondent to this request for proposal.

The PUC reserves the right to reject any and all proposals received as a result of this request for proposal, and to negotiate separately with competing contractors. The PUC reserves the right to accept other than the lowest offer.

A preproposal meeting will be held on August 17, 1987. Interested consultants should contact Shaun Devine, Senior Management Analyst, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, (512) 458-0335, for a complete copy of the request for proposals.

Proposals will be due on or before 3 p.m., September 14, 1987.

All proposals received shall be subject to evaluation by a committee of qualified PUC personnel to select the proposal which most closely meets the requirements of the RFP. The staff will make a recommendation to the PUC commissioners who will make the final selection. The criteria considered in making the selection include: professional personnel; contractor qualifications; cost; approach/workplan; problem understanding; minority firm participation; references and submitted audits.

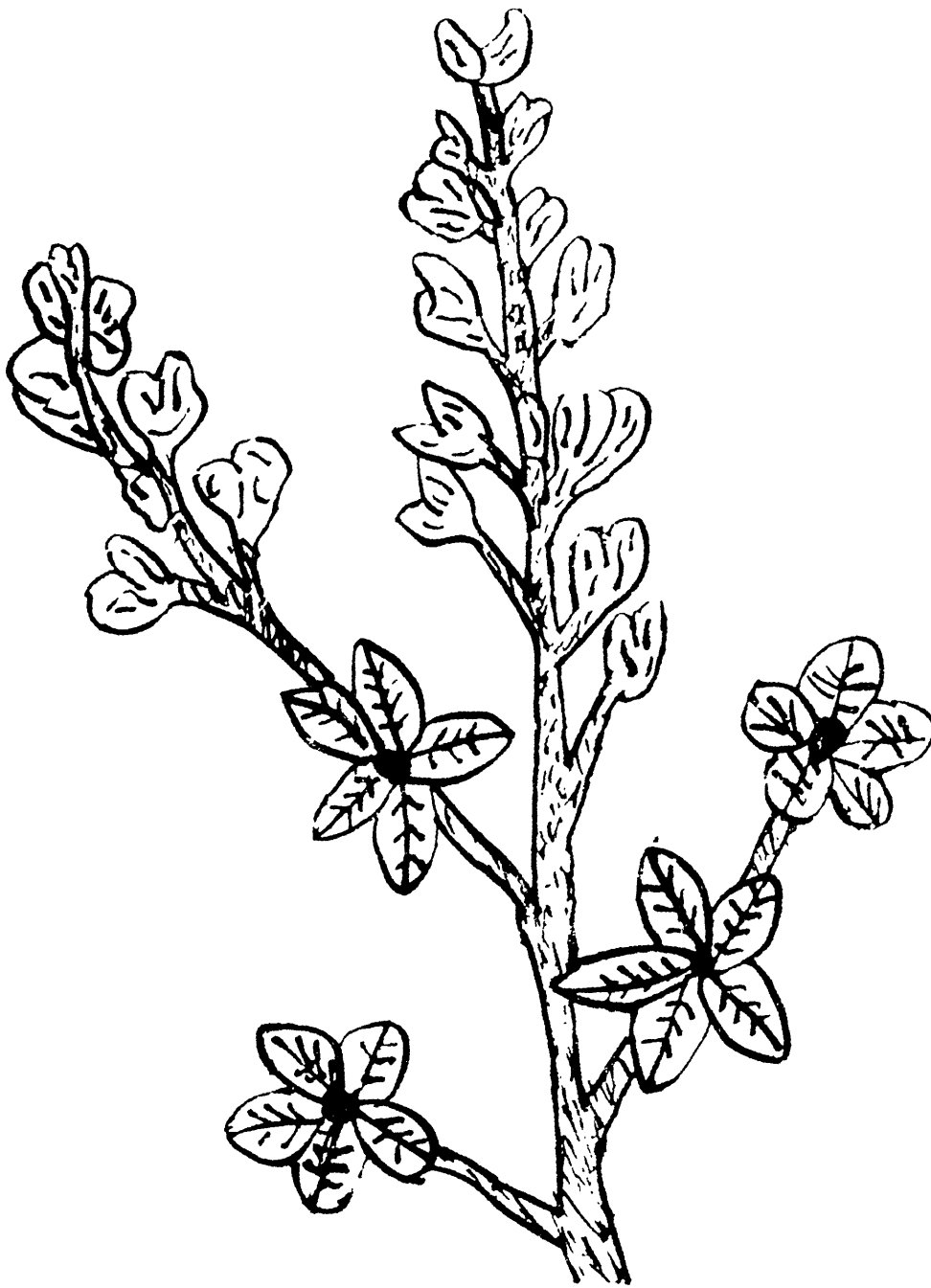
Issued in Austin, Texas, on August 7, 1987.

TRD-8706532      Phillip A. Holder  
Secretary  
Public Utility Commission of Texas

Filed: August 7, 1987  
For further information, please call (512) 458-0100.







Name: Amy Cauthern  
Grade: 5  
School: South Ft. Worth Elementary,  
Ft. Worth



Name: Martin Lewis  
Grade: 5  
School: South Ft. Worth Elementary,  
Ft. Worth

and.







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