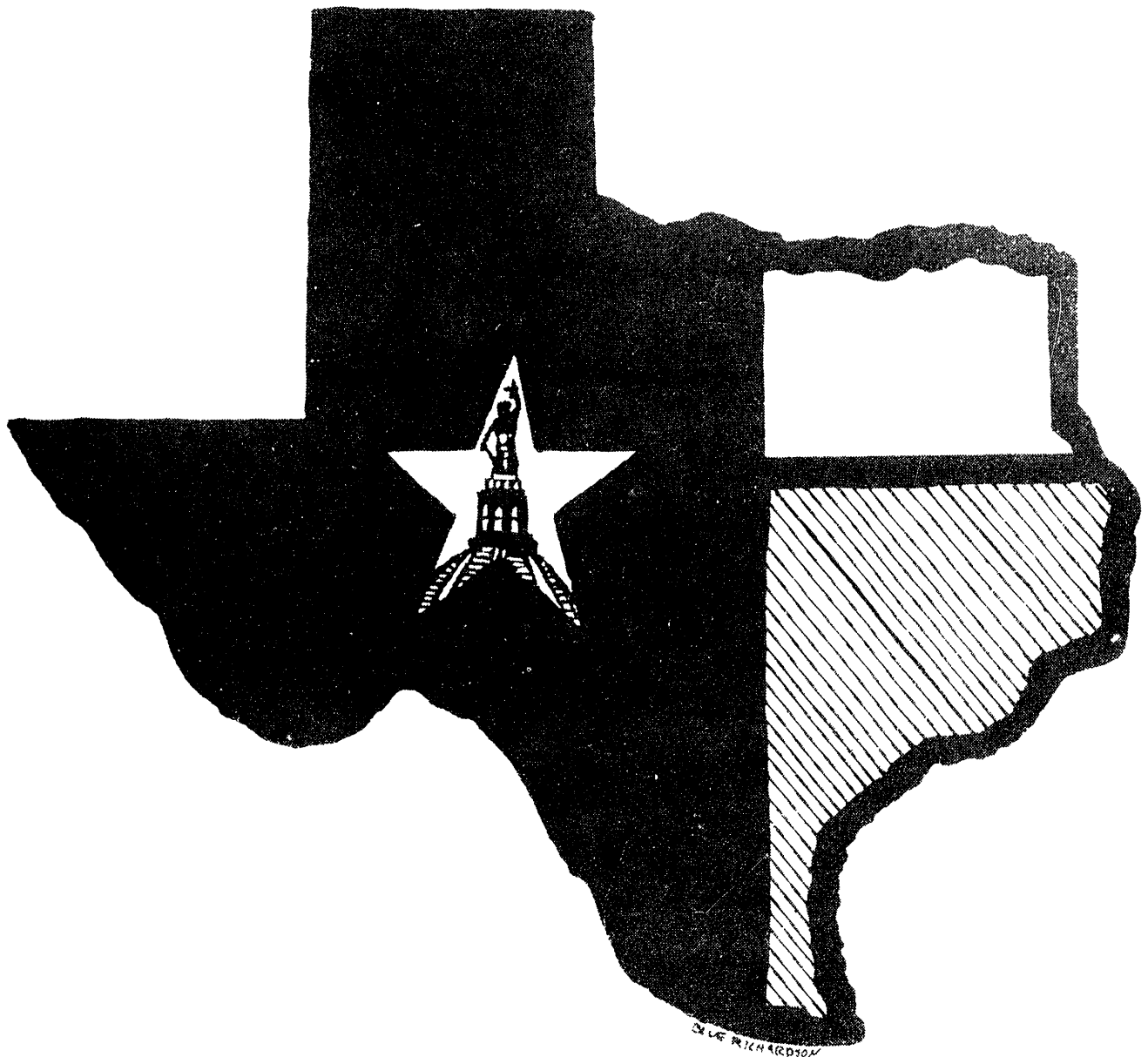


# Texas Register

Volume 12, Number 79, October 20, 1987

Pages 3861-3890



## Highlights

The **Railroad Commission of Texas** proposes an amendment concerning filing of tariffs in the Gas Utilities Division's substantive rules. Earliest possible date of adoption - November 20, 1987 . . . . . **page 3867**

The **Texas Motor Vehicle Commission** proposes a new section providing that hearings in contested cases will be transcribed by a court

reporter. Earliest possible date of adoption - November 20, 1987 . . . . . **page 3868**

The **Texas Adult Probation Commission** adopts a new section setting standards for probation departments concerning operating surveillance probation caseloads. Effective date - November 3, 1987 . . . . . **page 3878**

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

## Rules

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

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

### TITLE 16. ECONOMIC REGULATION

#### Part I. Railroad

##### Commission of Texas

#### Chapter 7. Gas Utilities

##### Division

#### Substantive Rules

##### ★ 16 TAC § 7.44

The Railroad Commission of Texas, Gas Utilities Division, proposes an amendment to § 7.44, concerning filing of tariffs. The amendment adds subsections (f) and (g). Subsection (f) more clearly defines what is required for reporting purposes whenever any change in rate is due to a rate adjustment provision. The amendment's purpose is to allow the commission to assess the elements which comprise a change due to a rate adjustment and determine whether or not such elements comply with the rules and regulations of the Gas Utilities Division. Subsection (g) establishes the compliance procedure for implementing and regulating subsection (f). Each change in a rate due to an adjustment provision will be deemed accepted as a tariff filing 30 days after its submission to the commission should no action be taken by the division.

Jack N. Fuerst, hearings examiner, 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. Fuerst 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 efficient regulatory control over the elements which comprise rate adjustment provisions. 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 G. Gail Watkins, Office of the General Counsel, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967. Comments will be accepted for 30 days from the publication hereof.

The amendment is proposed under Texas Civil Statutes, Article 1446e, §5.01, and Article 6053, which provide the commission with the authority to promulgate rules and regulations.

##### § 7.44. Filing of Tariffs.

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

(f) **Adjustments.** When there is a change in the amount charged pursuant to a rate adjustment provision in a tariff, the utility is required to provide the commission with the following information within 30 days before a change.

(1) **Adjustment based on cost of gas.** When a change is based on a cost of gas, the following must be reported:

(A) the volume and dollar cost of all natural gas purchased at the well head;

(B) the volume and dollar cost of all natural gas purchased from field lines;

(C) the volume and dollar cost of all natural gas purchased from gasoline plant outlets;

(D) the volume and dollar cost of all natural gas purchased from transmission lines;

(E) the volume and dollar cost of all transmission and compression done on behalf of the subject utility by other parties; and

(F) the volume and dollar cost of each additional element used in the determination of the weighted average cost of gas:

(i) upon receipt of the previously mentioned information, the commission may require further information to determine whether or not any item is justifiable for inclusion into the weighted average cost of gas;

(ii) for any element not approved by the commission for inclusion in the utilities weighted average cost of gas, the utility will have the right to appeal the elements' elimination by requesting a hearing.

(2) In paragraph 1(A)-(F) of this subsection, the volume and dollar cost of each item involving a transaction with an affiliate of the utility shall be separately reported.

(3) **Adjustments other than gas cost.** All other increases or decreases in the amount charged pursuant to an escalation provision or formula, not based on gas cost shall be identified together with the com-

ponents used in the calculation, the dollar amount of each component, and the volume or measure if applicable.

(g) **Compliance.** Each monthly calculation of the cost adjustment shall be subject to review by the Gas Utilities Division. The adjustment is accepted as a tariff filing 30 days from the date of submission if no action is taken by the division.

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

Issued in Austin, Texas, on October 13, 1987.

TRD-8708912

Walter Earl Lillie  
Special Counsel  
Railroad Commission of  
Texas

Earliest possible date of adoption:  
November 20, 1987

For further information, please call  
(512) 463-7013.



### Part VI. Texas Motor Vehicle Commission Chapter 101. Practice and Procedure

#### ★ 16 TAC § 101.45

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Motor Vehicle Commission, 815 Brazos, Suite 302, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Motor Vehicle Commission proposes the repeal of § 101.45, concerning transcript hearings. The repeal allows the commission to propose a new section governing the transcription and recording of hearings and the allocation of the costs thereof to replace the existing section.

Russell Harding, executive director, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for

state or local government or small businesses as a result of enforcing or administering the repeal.

Mr. Harding also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the elimination of a section not adequate for the agency's current needs. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Russell Harding, Executive Director, Texas Motor Vehicle Commission, P.O. Box 2293, Austin, Texas 78768.

The repeal is proposed under Texas Civil Statutes, Article 4413(36), §3.02, which provide the commission with the authority to adopt rules reasonably required to effectuate the provisions of the Texas Motor Vehicle Commission Code.

#### §101.45. *Transcript of Hearings.*

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

Issued in Austin, Texas, on October 12, 1987

TRD-8708914      Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Earliest possible date of adoption  
November 20, 1987  
For further information, please call  
(512) 476-3587.



The Texas Motor Vehicle Commission proposes new §101.45, concerning recording and transcription of hearings; costs. The new section provides that hearings in contested cases will be transcribed by a court reporter, unless otherwise determined by the hearing examiner and except as provided in §107.6, and that the costs for transcribing hearings and the preparation of an original transcript of the record of the agency proceedings will be assessed equally among the parties involved. The new section also allows the commission to assess to the appellant the costs of preparation of a certified copy of the record of an agency proceeding upon appeal of commission final decisions in contested cases as authorized by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a

Russell Harding, executive director of the commission, 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, except for the assessment to the parties involved of the costs of transcribing hearings and preparing a transcript of the record, and

to the appellants the costs of preparing certified copies of the record of the agency proceedings upon appeal of agency final decisions in contested cases.

Mr. Harding 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 parties to contested cases will be aware of their obligations for payment of the costs of transcribing hearings and preparing transcripts of the record of agency proceedings and in connection with the appeal of agency final orders. There is a further public benefit in placing these costs upon the parties to proceedings and to appellants, rather than having such costs borne by the commission from appropriated state funds. The anticipated economic cost to individuals who are required to comply with the new section will be a proportionate share of the actual cost of transcribing and preparing a transcript of agency proceedings in which those individuals are parties, and the actual cost of preparing a certified copy of the record of an agency proceeding where the individual is appealing an agency final order in a contested case in which the individual was a party.

Comments may be submitted to Russell Harding, Executive Director, Texas Motor Vehicle Commission, P.O. Box 2293, Austin, Texas 78768.

The new section is proposed under Texas Civil Statutes, Article 4413(36), §3.02, which provide the commission with the authority to adopt rules reasonably required to effectuate the provisions of the Code.

#### §101.45. *Recording and Transcription of Hearings; Costs.*

(a) Except as provided in §107.6 of this title (relating to Hearings), hearings in contested cases will be transcribed by a court reporter unless the recording of the hearing by a tape recording is determined to be appropriate by the hearing examiner and agreed to by the parties. When requested by any party to a proceeding, the hearing shall be transcribed by a court reporter.

(b) In those contested cases in which the hearing is transcribed by a court reporter, the costs of transcribing the hearing and for the preparation of an original transcript of the record for the commission shall be assessed equally among all parties to the proceeding.

(c) Copies of tape recordings of a hearing will be provided to any party upon written request and upon payment for the cost of the tapes.

(d) In the event a final decision of the commission is appealed to the district court and the commission is required to transmit to the court a copy of the record of the agency proceeding, or any part thereof, the appealing party shall pay the costs of preparation of the original or a certified copy of the record of the agency proceeding that is re-

quired to be transmitted to the court.

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

Issued in Austin, Texas, on October 12, 1987.

TRD-8708913      Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Earliest possible date of adoption:  
November 20, 1987  
For further information, please call  
(512) 476-3587.



## Chapter 103. General

### ★ 16 TAC §103.4, §103.12

The Texas Motor Vehicle Commission proposes an amendment to §103.4 and new §103.12, concerning notification of license application; protest requirements, and notice of termination or noncontinuance of franchise and time for filing protest. The amendment to §103.4 reduces the notice area from 25 miles to 15 miles in conformance with an amendment to the Texas Motor Vehicle Commission Code, Texas Civil Statutes, Article 4413(36), by the 70th Legislature, 1987. New §103.12 clarifies the time period within which a protest of a proposed franchise termination or noncontinuance must be filed by a dealer under the Code, §5.02(3).

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

Mr. Harding 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 that the sections will conform with current law and that protest filing requirements in franchise termination or noncontinuance cases will be clarified for the benefit of persons subject to the commission's jurisdiction. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Russell Harding, Executive Director, Texas Motor Vehicle Commission, P.O. Box 2293, Austin, Texas 78768.

The amendment and new section are proposed under Texas Civil Statutes, Article 4413(36), §3.02, which provide the commission with the authority to adopt rules reasonably required to effectuate the provisions of the Code



§103.4. *Notification of License Application; Protest Requirements.*

(a) Upon receipt of an application for a new motor vehicle dealer's license, including an application filed with the commission by reason of the relocation of an existing dealership, the commission shall give notice of the filing of such application to all dealer licensees holding franchises for the sale of the same line-make of new motor vehicles who are located in the same county in which the proposed dealership site is located or in an area within 15 [25] miles of the proposed dealership site. If the same line-make is not represented in the county or applicable 15-mile [25-mile] area, no notice shall be given. Any such dealer licensee holding a franchise for the sale of the same line-make in the subject application may file with the commission a notice of protest in opposition to the application and the granting of a license pursuant thereto, which notice shall be given in the following manner.

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

(b) (No change.)

§103.12. *Notice of Termination or Noncontinuance of Franchise and Time for Filing Protest.* A notice of termination or noncontinuance of a dealer's franchise shall be given by a manufacturer or distributor in accordance with the requirements of the Code, §5.02(3), not less than 60 days prior to the effective date thereof. A notice of protest of the franchise termination or noncontinuance by a dealer pursuant to §5.02(3), shall be in writing and shall be filed in the commission's office in Austin, prior to the effective date of franchise termination or noncontinuance as stated in the notice from the manufacturer or distributor.

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

Issued in Austin, Texas, on October 12, 1987.

TRD-8708911      Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Earliest possible date of adoption:  
November 20, 1987

For further information, please call  
(512) 476-3587



## Chapter 107. Warranty Performance Obligations

### ★ 16 TAC §§107.2, 107.7, 107.8

The Texas Motor Vehicle Commission proposes amendments to §§107.2, 107.7, and 107.8, concerning filing of complaints, hearing officers' proposals for decision, and decisions, respectively. The amendments bring the sections into conformi-

ty with amendments to the Texas Motor Vehicle Commission Code, Texas Civil Statutes, Article 4413(36), by the 70th Legislature, 1987.

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

Mr. Harding 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 the clarification of the requirements for filing complaints under the lemon law, for filing exceptions to proposals for decision, and for presenting oral argument, which will result in the more expeditious processing and disposition of lemon law cases. There is no anticipated economic cost to individuals who are required to comply with the proposed sections, except for the payment of a complaint filing fee which is a statutory requirement

Comments on the proposal may be submitted to Russell Harding, Executive Director, Texas Motor Vehicle Commission, P.O. Box 2293, Austin, Texas 78768.

The amendments are proposed under Texas Civil Statutes, Article 4413(36), §6.07(e), which provide the commission with the authority to adopt rules for the enforcement and implementation of the Texas Motor Vehicle Commission Code, §6.07.

#### §107.2. *Filing of Complaints.*

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

(c) Complaints must provide the following information:

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

(5) date of delivery of vehicle to original owner; **and in the case of a demonstrator, the date the vehicle was placed into demonstrator service;**

(6) (No change.)

(7) **identification of existing problems and brief description of history of problems and repairs on vehicle, including date and mileage of each repair, with copies of repair orders where possible.**

(8)-(9) (No change.)

(d) (No change.)

(e) **The lemon law complaint filing fee of \$35 must be remitted with the complaint by check or money order payable to the Texas Motor Vehicle Commission. The filing fee is nonrefundable, but a complainant who prevails in a lemon law case is entitled to reimbursement of the amount of the filing fee. Failure to remit the filing fee with the complaint will result in a delay in the processing of the complaint.**

§107.7. *Hearing Officer's Proposal for Decision [Report].* Following the hearing, the hearing officer will submit a **proposal for**

**decision** [report] to the commission which will be in writing and which will contain the hearing officer's findings and recommendations on the complaint.

(1) The **proposal for decision** [hearing officer's report] will be filed with the commission and sent to the parties upon completion of the report.

(2) The parties **may** [have the right to] file **written** exceptions to the hearing officer's findings and recommendations [, and the parties also have the right to appear and present argument to the members of the commission at the time the complaint comes before the commission for decision]. **Any exceptions must be filed with the commission, and a copy served on the other party or parties, within 20 days following receipt of the hearing officer's proposal for decision. Written replies to exceptions may be filed within 10 days following receipt of the initial written exceptions. Any party may request the opportunity to present oral argument to the members of the commission at the time the complaint comes before the commission for decision, and a request for oral argument must be submitted at the same time as the filing of written exceptions. The granting of a request for oral argument is discretionary with the commission and the parties will be notified promptly whether the request is granted or denied. If the request is granted, the parties will not be permitted to present any evidence or information concerning the merits of the case that was not presented at the original hearing.**

(3) The **proposal for decision** [hearing officer's report] and any exceptions thereto will be considered by the commission at the **earliest possible** [next scheduled] meeting of the commission following the issuance of the **proposal for decision and the filing of exceptions** [hearing report], at which time a final decision will be made by the commission.

§107.8. *Decisions.* Any decision by the commission and recommended decision by a hearing officer shall give effect to the presumptions provided in the Texas Motor Vehicle Commission Code, §6.07(d), where applicable.

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

(3) Where a refund of the purchase price of a vehicle is ordered, the purchase price shall be the amount of the total purchase price of the vehicle, and shall include the amount of the sales taxes and title, registration, and documentary fees, but shall not include the amount of any interest or finance charge or insurance premiums. **The award to the vehicle owner shall include reimbursement for the amount of the lemon law complaint filing fee paid by or on behalf of the vehicle owner.** The refund shall be made payable to the vehicle owner and the lienholder, if any, as their interests require.

(4)-(7) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel

and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 12, 1987

TRD-8708910 Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Earliest possible date of adoption.

November 20, 1987

For further information, please call  
(512) 476-3587.



## TITLE 22. EXAMINING BOARDS

### Part VI. Texas State Board of Registration for Professional Engineers

#### Chapter 131. Practice and Procedure

#### Registration

★ 22 TAC §131.137

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.137, concerning disciplinary actions. The amendment clarifies due process procedures that will be followed when the board institutes disciplinary action against a registrant, and defines a formal and informal reprimand.

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

Mr. Bartosh 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 clear and concise due process procedures the board and a registrant will follow if a disciplinary action is instituted by the board. 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 Kenneth J. Bartosh, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8, which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

#### §131.137. Disciplinary Actions.

(a) Under the authority and provisions of the Act, §8 and §22, the board must take

disciplinary action against a registrant who is found guilty of a violation of law, rules, or conduct. In such case the board may:

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

(5) issue a **formal or informal reprimand. A formal reprimand will take the form of a board order, made public by means of the board newsletter. An informal reprimand may be no less than an oral or written admonishment from the board, which will not be publicized.**

(b)-(d) (No change.)

(e) A registrant alleged to have violated the law, rules, or standards of conduct will be notified by personal service or by certified or registered mail of the facts or conduct alleged to be in violation and shall be afforded an opportunity to present arguments and evidence in his own behalf before a determination of guilt is made by the board, as provided in §131.224 of this title (relating to Show Cause Orders and Complaints).

(f) **Where a violation appears evident, the board will consider instituting disciplinary action by means of scheduling a public hearing in conformance with §§131.181-131.225 of this title (relating to Hearings-Contested Cases); however, [if, after reviewing the arguments and evidence, the board determines the registrant is guilty of the alleged violation(s), it will propose an action available under the Act, §22, and proceed as follows.]**

(1) **The registrant will first be advised of the right to voluntarily contact the board within a specified time limit to schedule an informal conference at the board of office with the executive director, appropriate staff and legal counsel, for the purpose of showing there has been no violation as alleged. The registrant may employ an attorney to represent him. If the registrant desires a conference and the complaint cannot thereafter be dismissed on the evidence, an effort will then be made to reach an informal settlement. This settlement will take the form of a proposed agreed board order which will be presented to the board for acceptance or rejection. [The registrant will be scheduled to make a personal appearance before the board at the earliest possible regular or specially called meeting to present further arguments and pertinent evidence on his behalf. Failure to appear as scheduled without written approval of the executive director for a delay will be considered as a default.]**

(2) (No change.)

(3) Any board action under this subsection which is not informally disposed by stipulation, agreed settlement, consent order, or default will [may] be treated as a contested case and disposed as provided by the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the board rules for hearings and contested cases.

(g) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel

and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 13, 1987.

TRD-8708919 Kenneth J. Bartosh  
Executive Director  
Texas State Board of  
Registration for  
Professional  
Engineers

Proposed date of adoption:

January 28, 1988

For further information, please call  
(512) 440-7723.



## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

#### Subchapter M. Inheritance Tax

★ 34 TAC §3.228

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

The Comptroller of Public Accounts proposes the repeal of §3.228, concerning payment of tax, penalty and interest, refunds (date of death on or after September 1, 1983). The repeal allows the adoption of a substantially revised section dealing with the same subject matter.

John Moore, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal. This repeal is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required.

Mr. Moore also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the ability to adopt a new section which will provide the public with new information regarding their tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Mona Ezell Shoemate, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711.

This repeal is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.228. *Payment of Tax, Penalty and Interest, Refunds (Date of Death On or After September 1, 1983).*

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

Issued in Austin, Texas, on October 13, 1987

TRD-8708986      Bob Bullock  
                         Comptroller of Public  
                         Accounts

Earliest possible date of adoption:  
November 20, 1987

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



The Comptroller of Public Accounts proposes new §3.228, concerning payment of tax, penalty and interest, refunds (date of death on or after September 1, 1983). The new section implements a statutory change made during the 70th Legislature, 1987, which requires estates to request an extension for payment from the comptroller, instead of automatically granting an extension if the Internal Revenue Service grants an extension.

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 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 new section is in effect the public benefit anticipated as a result of enforcing the section will be the clarification of rules regarding payment of tax, penalty and interest, and refunds of inheritance tax. Given the recent statutory changes, this should eliminate a source of potential confusion regarding the law, and facilitate taxpayer compliance. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments may be submitted to Teresa Van De Walle, Supervisor of Inheritance Tax Policy Section, P.O. Box 13528, Austin, Texas 78711.

The new section is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.228. *Payment of Tax, Penalty and Interest, Refunds (Date of Death on or After September 1, 1983).*

(a) Payment of tax.

(1) Payment of the tax arising from the transfer of property at death is due nine months after the date of death unless an extension to pay on a later specified date has been granted by the comptroller.

(2) Payment of tax arising from the disposition of property or failure to use property for a qualified use under the Internal Revenue Code, §2032A, is due six months after the event which caused the additional tax to be imposed unless an extension to pay on a later specified date has been granted by the comptroller.

(3) Payment of the tax arising from a generation-skipping transfer is due on the original due date of the federal tax on generation-skipping transfers unless an extension to pay on a later specified date has been granted by the comptroller.

(4) Payment of the tax to the comptroller can be by personal check made payable to the treasurer of the state of Texas. However, the comptroller may require payment by cashier's check or United States money order where warranted.

(5) If a payment is insufficient to cover all taxes, interest, and/or penalty due, the payment will be applied first against penalty, then interest, and then to the payment of tax.

(b) Penalty.

(1) If any tax is not paid on or before the due date or approved extension date, a penalty of 5.0% of the unpaid tax is due and payable. If the tax is not paid within 30 days after the due date or approved extension date, an additional penalty of 5.0% of the unpaid tax is due and payable.

(2) Penalty will not be imposed if it is shown that late payment of tax is due to reasonable cause and not due to willful neglect. The burden of proving reasonable cause is on the personal representative of the estate.

(3) Estates, trustees, or distributees that have been granted an extension of time to pay are required to pay on the extended date to avoid assessment of penalty.

(c) Interest. Interest at the rate of 10% per annum is due on any inheritance tax on the transfer of property at death not paid within nine months from the date of death or on any generation-skipping transfer tax not paid on the original due date, regardless of extensions granted. Interest will be waived where the computed amount is less than \$5.00. Interest on payments made in installments is calculated on the total balance of the tax remaining unpaid. Any legislative changes in the interest rates will be reflected in the remaining tax payments from the effective date of the change.

(d) Extension of time to pay.

(1) General information.

(A) If a request for extension of the date of payment of the federal estate or

generation-skipping transfer tax is not made to the Internal Revenue Service on or before the original due date, all corresponding state inheritance taxes are due on or before the original due date.

(B) If an extension request made on or before the original due date is denied by the Internal Revenue Service or the comptroller, all tax and interest must be paid within 10 days after the date of denial to avoid the imposition of penalties.

(C) The comptroller must be notified immediately of any changes to, or cancellation of, the Internal Revenue Service payout agreement. If the Internal Revenue Service payout agreement is cancelled prior to its conclusion, the inheritance tax liability must be paid within 10 days of the cancellation.

(D) If any installment due is not paid on or before the extended payment date, the total amount remaining unpaid, including penalty and interest on the delinquent tax, becomes due and payable immediately.

(E) Interest shall be due from the original due date of the tax, regardless of any extension to pay granted.

(F) The four-year limitation period for assessment of the tax begins on the due date of each payment.

(2) Extensions before July 21, 1987.

(A) For inheritance tax due before July 21, 1987, if the due date for paying the federal estate tax is extended by the Internal Revenue Service, then the state inheritance tax shall be due and payable on the date specified by the Internal Revenue Service, except as provided by paragraph (C) of this subsection.

(B) The amount of state taxes deferred will be determined by multiplying the percentage of estate taxes extended by the total amount of state inheritance taxes due.

(C) The amount of each state inheritance tax payment must be at least in the same proportion to the total inheritance tax liability as the federal estate tax payment is to the total federal estate tax liability and is due at the same time the federal estate taxes are due or the federal estate tax payment is made, whichever is earlier.

(D) At a minimum, payments will consist of equal annual payments of principal, and of interest computed at 10% of the unpaid tax balance for the entire period of the extension payout.

(E) A copy of the Supplemental Form 706 filed yearly with the Internal Revenue Service, or other such documentation showing the adjusted estate tax and federal credit balances, or any other changes in the financial condition of the estate, must also be filed with the comptroller at the time they are required to be filed with the Internal Revenue Service.

(3) Extension on or after July 21, 1987.

(A) For inheritance tax due on or



portation charges will be taxable regardless of whether the transportation occurred before or after the sale. Existing §3.303 is proposed for repeal and published elsewhere in this issue.

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 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 the rules regarding taxable transportation charges. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments may be submitted to Mona Ezell Shoemate, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711.

The new section is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2

**§3.303. Transportation and Delivery Charges.**

(a) Transportation charges for taxable items. The sales tax applies to all transportation or delivery charges to a customer when a taxable item is sold, leased, or rented on or after October 1, 1987, and the delivery charges are billed by the seller or lessor to the purchaser or lessee. The charges for transportation or delivery, both before and after the sale, are taxable even if stated separately from the sales price of a taxable item. These charges are considered to be services or expenses connected to the sale.

(b) Charges by third party carriers. A third party carrier (unrelated to the seller) will not be responsible for collecting or remitting tax as long as the third party carrier only provides transportation and does

not sell the taxable item being delivered.

(c) Common terminology. The term "transportation and delivery charges" includes all other terms used by common or contract carriers to describe transportation, such as freight, shipping, delivery, or postage charges.

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

Issued in Austin, Texas, on October 13, 1987

TRD-8708987

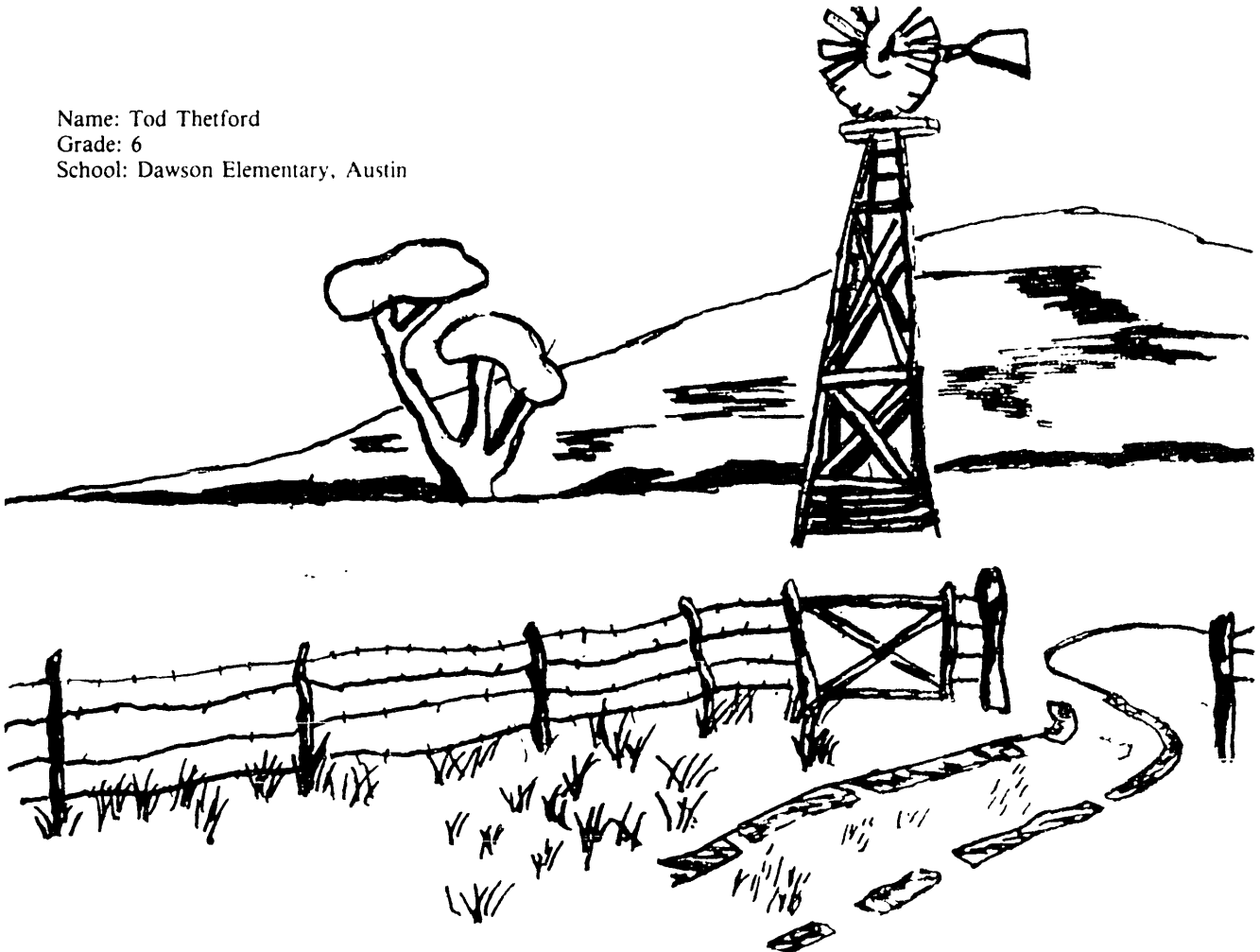
Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption  
November 20, 1987

For further information, please call  
(512) 463 4004



Name: Tod Thetford  
Grade: 6  
School: Dawson Elementary, Austin



# 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 1. ADMINISTRATION

### Part IV. Office of the Secretary of State

#### Chapter 81. Elections

##### Miscellaneous

###### ★ 16 TAC §81.71

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §81.71, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1146).

TRD-8708974  
Filed: October 13, 1987



## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 9. Liquefied Petroleum Gas Division

##### Subchapter A. General

###### Applicability and Requirements

###### ★ 16 TAC §9.1

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendment to §9.1, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The amendment as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1147).

TRD-8708926  
Filed: October 13, 1987



##### Subchapter G. Division V

###### ★ 16 TAC §9.171

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendment to §9.171, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The amendment as proposed appeared in the April

10, 1987, issue of the *Texas Register* (12 TexReg 1147).

TRD-8708927  
Filed: October 13, 1987



##### Subchapter O. Division XIII

###### ★ 16 TAC §9.400

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.400, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1147).

TRD-8708928  
Filed: October 13, 1987



###### ★ 16 TAC §9.401

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.401, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1148).

TRD-8708929  
Filed: October 13, 1987



###### ★ 16 TAC §9.402

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.402, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1148).

TRD-8708930  
Filed: October 13, 1987



###### ★ 16 TAC §9.403

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.403, submitted by the

Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1149).

TRD-8708931  
Filed: October 13, 1987



###### ★ 16 TAC §9.404

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.404, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1149).

TRD-8708932  
Filed: October 13, 1987



###### ★ 16 TAC §9.405

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.405, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1149).

TRD-8708933  
Filed: October 13, 1987



###### ★ 16 TAC §9.406

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.406, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1150).

TRD-8708934  
Filed: October 13, 1987









★ 16 TAC §9.434

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.434, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1164).

TRD-8708962  
Filed October 13, 1987



★ 16 TAC §9.435

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.435, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1164).

TRD-8708963  
Filed: October 13, 1987



★ 16 TAC §9.436

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.436, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1165).

TRD-8708964  
Filed: October 13, 1987



★ 16 TAC §9.437

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.437, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1165).

TRD-8708965  
Filed October 13, 1987



★ 16 TAC §9.438

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.438, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1165).

TRD-8708966  
Filed October 13, 1987



★ 16 TAC §9.439

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.439, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1167).

TRD-8708967  
Filed. October 13, 1987



★ 16 TAC §9.440

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.440, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1168).

TRD-8708968  
Filed. October 13, 1987



★ 16 TAC §9.441

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.441, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1168).

TRD-8708969  
Filed. October 13, 1987



★ 16 TAC §9.442

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.442, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1169).

TRD-8708970  
Filed October 13, 1987



★ 16 TAC §9.443

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.443, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1169).

TRD-8708971  
Filed October 13, 1987



★ 16 TAC §9.444

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.444, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1170).

TRD-8708972  
Filed October 13, 1987



★ 16 TAC §9.445

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.445, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective October 13, 1987. The new section as proposed appeared in the April 10, 1987, issue of the *Texas Register* (12 TexReg 1171).

TRD-8708973  
Filed October 13, 1987



# Adopted

## Rules

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

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

### TITLE 22. EXAMINING BOARDS

#### Part XIV. Texas Optometry Board

##### Chapter 273. General Rules

###### ★22 TAC §273.4

The Texas Optometry Board adopts an amendment to §273.4, without changes to the proposed text published in the August 18, 1987, issue of the *Texas Register* (12 TexReg 2707).

The amendment brings the fee structure in line with the current Appropriations Act, which increased the renewal fee from \$100 to \$104.

Licensees will be fully informed of the required fee to renew their license on an annual basis.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules, and set fees.

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

Issued in Austin, Texas, on October 13, 1987.

TRD-8708915

Lois Ewald  
Executive Director  
Texas Optometry Board

Effective date: November 3, 1987

Proposal publication date: August 18, 1987

For further information, please call  
(512) 835-1938



### TITLE 34. PUBLIC FINANCE

#### Part I. Comptroller of Public Accounts

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

###### ★34 TAC §3.340

The Comptroller of Public Accounts adopts an amendment to §3.340, concerning Multistate Tax Credits without changes to the proposed text published in the September 11, 1987, issue of the *Texas Register* (12 TexReg 3154).

The amendment corrects the state tax rate which was increased in the 70th Legislature, 1987. In addition, the order of crediting sales tax paid to another state against use tax due to Texas was changed to bring this section in line with the Local Sales and Use Tax Act, §12; the County Sales and Use Tax Act, §31; and the Metropolitan Transit Authority Act, §11B(h).

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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

Issued in Austin, Texas, on October 13, 1987.

TRD-8708989

Bob Bullock  
Comptroller of Public  
Accounts

Effective date: November 4, 1987

Proposal publication date: September 11, 1987

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



### TITLE 37. PUBLIC SAFETY AND CORRECTIONS

#### Part X. Texas Adult Probation Commission

##### Chapter 321. Standards

###### ★37 TAC §321.13

The Texas Adult Probation Commission adopts new §321.13, with changes to the proposed text published in the September 8, 1987, issue of the *Texas Register* (12 TexReg 3095).

Surveillance probation is a new program authorized by the 70th Legislature, 1987. The new section is necessary to implement the program.

The new section sets standards for probation departments to follow in operating surveillance probation caseloads.

Two comments were received regarding adoption of the new section. Both commenters suggested that the surveillance officer on each caseload could be a probation officer trainee rather than a fully qualified probation officer. Donald R. Smith, director, Tarrant County Adult Probation Department, and Montie Morgan, director, Jefferson County Adult Probation Department commented against adoption of the new section.

The agency believes that the demands of a surveillance probation caseload will require the services of two fully qualified, experienced probation officers.

The new section is adopted under the Code of Criminal Procedure, Texas Civil Statutes, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

###### §321.13. *Surveillance Probation.*

(a) Program description. Surveillance probation is a community-based sanction available to selected probation departments. It is designed to provide the most intense level of nonresidential probation supervision to felony offenders, who would otherwise be incarcerated in the Texas Department of Corrections (TDC). Surveillance probation caseloads are restricted in size to no more than 25 probationers. This caseload is super-



vised by two probation officers. One officer is assigned the duties related to case management. The second is assigned surveillance duties.

(d) Community-based sanction. The probation department should utilize the surveillance probation program as a sentencing alternative for the court to divert felony offenders from the IDC. Highest priority for placement into the program shall be given to offenders whose presentence investigation or post sentence investigation report indicates incarceration in the IDC were this program not available.

(c) Probationer eligibility. Eligibility is restricted to those felony offenders who are diverted from the IDC by:

- (1) revocation hearing (priority);
- (2) shock probation-incarceration;
- (3) direct sentence by the court; or
- (4) court ordered into intensive probation.

(d) Indicators of need. Additionally, probation departments shall document the need for this intense level of correctional

supervision, using such indicators as:

- (1) prior criminal/delinquent behavior;
- (2) failure of less restrictive sanctions;
- (3) inappropriateness of less restrictive program;
- (4) necessary enforcement in starting educational or rehabilitative programs;
- (5) suitable and necessary follow-up to more restrictive sanction; and
- (6) suitable and or supportive home environment.

(e) Surveillance probation staff. The probation officers supervising a surveillance probation caseload should be experienced adult probation officers who have been trained in case classification and are familiar with strategies for case supervision (SCS).

(f) Policies and procedures. The probation department shall operate the surveillance probation caseload in accordance with policies and procedures developed by the chief probation officer and approved by the executive director of the Texas Adult Pro-

bation Commission. The policies and procedures are to include, but not be limited to:

- (1) program elements;
- (2) term of participation;
- (3) case classification/strategies for case supervision;
- (4) case file documentation; and
- (5) administrative review of placements into program.

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

Issued in Austin, Texas, on October 13, 1987.

TRD-8708902

David Spencer  
General Counsel  
Texas Adult Probation  
Commission

Effective date, November 3, 1987

Proposal publication date, September 8, 1987

For further information, please call

(512) 834-8188



## State Board of Insurance Exempt Filings

### State Board of Insurance Notifications 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 various amendments presented at an October 12, 1987, board meeting affecting the manual rules, rates, and forms for the Texas Standard Policy, the Texas Commercial Package Policy, and the Texas General Basis Schedules, which is the manual governing the writing of said policies. The amendments consist of editorial changes, clarification of policy writing rules, clarification of coverages afforded, and additions of coverages previously omitted from the policy. The amendments approved are as follows:

(1) adopted a rule in the TCPP Manual to set forth a proper method of determining a premium discount under the General Liability Policy when written as part of the Texas Commercial Package Policy, and the Texas Premium Discount Plan is applicable;

(2) clarified the minimum premium rules under the Texas Commercial Package Policy to reflect that individual coverage parts are subject to monoline minimum premiums without package modification, and minimum premiums are subject to pro rata calculations when coverages are added after inception of the policy;

(3) provided an applicable AOP time element rate for the Office Contents Form and Special Condominium Form. Rate to be the same .04 time element rate used for the All Risk Form 222;

(4) adopted a rating rule to require coverage written blanket building and contents to be written at a blanket average rate published by the State Board of Insurance. Absence of such a rule, coverage could not be provided on a blanket basis;

(5) amended rating rules applying to sprinklered risks rated under Form 222C to be consistent in the application of the proper rate. Sprinkler AOP rate is to be used when any part of the building contains an automatic sprinkler system except when such system is in the basement only. Sprinkler AOP rate applies regardless of whether the system has been approved by the State Board of Insurance for credit in the fire rate;

(6) amended the rules for the attachment of Form 222C, Special Extended Coverage Optional Amendatory Theft Endorsement, to eliminate the eligibility of apartment, condominium (association), and townhouse (association) contents for this form. Theft coverage has not previously been provided for in these types of risks and the advisory committee could not, in the short span of time, determine a fair and equitable rate for this coverage;

(7) adopted a Selling Price Clause Endorsement for mercantile risks as was previously provided under the Texas Commercial Multi-Peril Policy;

(8) adopted a rule to allow auto dealers and other auto risks to be eligible under the rules of the Texas Commercial Package Policy. Presently, the Texas Commercial Package Policy excludes from eligibility any auto type risk. This exclusion from eligibility is a carry over from the TCMP Program with the reasoning for the exclusion being that a package policy requires that both property and general liability coverage be provided. Liability for auto type risks is generally provided by an Automobile Garage Liability Policy which cannot be attached to a package policy. This amendment allows the mandatory property and liability coverage requirement to have an exception that would allow property coverage to be provided under the TCPP Policy, with the liability requirement being satisfied by a Garage Liability Policy separately issued;

(9) the present rules for the TCPP Policy exclude the application of package credits to any liability coverage outlined

under the Commercial Lines Manual, miscellaneous rules, §III, Division 6. This exclusion eliminates the use of a discount for owners and contractors protective, products and completed operations, and elevator and escalator charges when written in conjunction with general liability. There was no intention of excluding a package credit to these coverages. A rule is provided to make provisions that a package credit is applicable to any coverage under the Commercial Lines Manual, Miscellaneous Rules, §III, Division 6, when written in conjunction with general liability coverage and not as a separate policy;

(10) amended all rules requiring the attachment of the Vandalism and Malicious Mischief Endorsement when Form 222, Special Extended Coverage Endorsement, is attached, and the charging of a separate premium for V&MM. Form 222 includes the peril of V&MM, therefore, the separate V&MM endorsement need not be attached;

(11) adopted a new endorsement for property not owned, leased, or regularly used by an insured. This is an off premises coverage previously available under the TCMP Policy. This was a failure to transfer the coverage into the Texas Standard Policy and the Texas Commercial Package Policy. The coverage provided and the rate to be charged is identical to that previously provided under the TCMP Policy;

(12) with the elimination of the Texas Townhouse Program, it has become apparent the new TCPP Policy does not compensate for coverage and rating previously available. Special rules and forms were adopted for use in insuring townhouse associations and townhouse unit owners under the Texas Standard Policy and the TCPP Policy. These new rules and forms incorporate the coverage previously available for townhouse risks,

(13) amended the condominium forms to incorporate a special provision in which the company waives its rights of subrogation against any unit owner of a condominium. This provision has always been contained in condominium forms. This was simply a failure to transfer the condition into the new condominium forms;

(14) adopted an endorsement to extend coverage to business personal property of clergy when insuring contents of a church. This coverage was previously available under the TCMP Policy;

(15) adopted an additional Named Perils Endorsement for attachment to a Texas Standard Policy. Presently, the Texas Standard Policy can be issued as Named Perils Policy (fire, EC, and V&MM) or with all risk coverage. There is no form available which would allow coverage in between these two extremes. The new endorsement provides the ability to add other named perils to a policy in the same manner that was previously available under the TCMP Policy using the same rating;

(16) adopted a General Change Endorsement for use with the TCPP Policy. Because the TCPP Policy contains six individual coverage parts (policies), each individual coverage part has its own change endorsement. To eliminate the need to use varying change endorsements to amend a TCPP Policy, a single General Change Endorsement was adopted for use with any amendments or changes to the TCPP Policy;

(17) amended rules to delete the requirement that policies written blanket with replacement cost and/or Form 222 must be at a blanket average rate published by the State Board of Insurance. This rule is totally out of line with present practices in the industry. There appears to be no justification for the retention of this rule;

(18) amended rating rules affecting final adjustment on reporting form policies under the TCPP to provide that the AOP rate shall be adjusted separately where reporting and non-reporting coverages are included on the same policy at a single location.

These changes are to be effective December 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 October 12, 1987.

TRD-8708891 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

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



The State Board of Insurance has approved various amendments presented at an October 12, 1987, board meeting affecting the manual rules, rates, and forms for the Texas Businessowners Policy and the *Texas General Basis Schedules* which is the manual governing the writing of said policy. The amendments consist of editorial changes and clarification of rules and coverages. The amendments approved are as follows:

(1) clarified existing rules and approved an amendatory endorsement to the declaration page to indicate coverage for employee dishonesty is on an occurrence basis. Rating is to include all employees at all locations;

(2) amended the changes clause to add the wording "except as otherwise provided for herein". Without the wording, the liberalization clause is in conflict with the changes clause;

(3) amended the premiums clause to use the word effective in lieu of

the word issue. Premiums are based on rates in effect at the time the policy is effective, not issued;

(4) amended the Standard and Broad Policy forms to provide for sonic boom coverage under the vehicles and aircraft cause of loss rather than under the explosion cause of loss. This follows other property policies for sonic boom coverage;

(5) amended the mortgage holders (without contribution) condition to read mortgage clause (without contribution). This is an editorial change only;

(6) amended the vacancy provisions in all forms to clarify that after 60 days, coverage for sprinkler leakage is not provided if the sprinkler leakage loss is a result of freezing, unless the system was protected against freezing;

(7) amended the Special Policy form to eliminate coverage for wind driven rain. This coverage was not intended and is not provided under any other policy on a commercial risk;

(8) adopted a mortgage clause endorsement for use where personal property is insured. The mortgage clause in the policy applies to real property only;

(9) amended the manual rules to provide a proper rating method when coverage is provided on a blanket building and contents basis for churches. The present rating rules do not make allowances for this type coverage;

(10) amended the additional insureds endorsement rules to clarify the eligible additional insureds. Some of the titles were incorrectly shown and one was omitted.

(11) adopted a specific rule to clarify the intent that a risk containing an eligible and an ineligible operation within the same fire division, disqualifies the risk from eligibility under the TBOP.

(12) adopted a rule to clarify the proper liability rating for a building owner that occupies part of a building and is lessor for the remainder of the building. The intent being that a charge is made for both exposures;

(13) amended the AOP rate tables as follows:

(A) increments of insurance shown in thousands rather than hundreds.

(B) extended the table in 50,000 increments to \$500,000 limits;

(C) amended the method of computing premiums for amounts over 500,000 to a rate per \$100 rather than a premium per each additional \$200,000;

(14) adopted an endorsement to provide full off premises coverage for physicians and surgeons. This extension of coverage would be at no charge.

These changes are to be effective December 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 October 12, 1987

TRD-8708890 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

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



The State Board of Insurance has adopted amendments to the *Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements III* (hereinafter referred to as the *Texas Automobile Manual*). Section E. of Rule 74 of the *Texas Automobile Manual* has been amended to include a new subsection 25 reading as follows: USA Drive Safe Campaign Course Credit requires certification issued on or after November 1, 1987, by USA Drive Safe Campaign."

This amendment is effective fifteen days after notice thereof is published in the *Texas Register*

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 October 14, 1987

TRD 8708991 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date November 5, 1987  
For further information, please call  
(512) 463 6327



The State Board of Insurance has considered a filing by The Travelers Indemnity Company, The Charter Oak Fire Insurance Company, The Travelers Indemnity Company of Rhode Island, The Travelers Indemnity Company of America, The Phoenix Insurance Company, The Travelers Indemnity Company of Illinois, and the Nippon Fire and Marine Insurance Company, Ltd. (U.S. Branch), proposing a simplified Employee Benefit Liability Program consisting of forms, rules, and rates.

This filing is approved to become effective fifteen days after notice thereof is published in the *Texas Register*.

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

Issued in Austin, Texas, on October 14, 1987.

TRD-8708990 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date November 5, 1987  
For further information, please call  
(512) 463-6327



The State Board of Insurance has adopted amendments to the *Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements III* (hereinafter referred to as the *Texas Automobile Manual*) and amendments to the manual entitled *Standard Provisions for Automobile Policies* (June 1, 1981, edition).

The state board previously approved for use in Texas, effective November 1, 1987, new forms for a business auto coverage part, a truckers coverage part, and for a garage coverage part, each of which is to be used in conjunction with common policy conditions, a declarations page, and a mandatory endorsement to be utilized to conform the Insurance Services Office forms to Texas usage. In conjunction with these changes, the board had approved, effective November 1, 1987, extensive changes to the *Texas Automobile Manual* to accommodate the manual to use with the new policy forms. The purpose of these amendments was to accomplish the editing process.

The following rules and indexes of the *Texas Automobile Manual* have been amended: Rules 7 B., 11., 13., 24., 37., 42 G., 44., 48., Endorsement Index, §II Rules 57., 58 III B., 59., 73.A 2., 74., 75 I., 76., 77., 79., 80.II; Endorsement Index, §IV Rule 86.D3.6(3), 125. Cancellation Tables, Rule 126., 135., 136., 138., and 139.A.2.e.(2). These changes are editorial in nature.

Rule 99. has been added to the *Texas Automobile Manual*.

The *Texas Automobile Manual* endorsement supplement §§A, B, and C have been

amended. These proposed changes are editorial in nature.

The *Texas Automobile Manual* endorsement index has been amended to reflect the proposed changes in the endorsement section of the *Texas Automobile Manual*. These changes are editorial in nature.

The following endorsements contained in the *Texas Automobile Manual* have been amended: 561B., 562A., 583, IL 00 21, TE 00 30A, TE 03 01A, TE 04 07A, TE 20 34A, TE 20 35A, TE 23 15, TE 23 17, TE 23 20A, TE 23 26A, TE 24 05A, TE 99 17A, TE 99 26A, TE 99 27A, TE 99 76A, and TE 99 81A. The changes are editorial in nature.

Endorsement TE 99 83A has been adopted to implement the coverage in Rule 24.D. Endorsements TE 99 84A, TE 99 85A, and TE 99 86A have been adopted to implement the coverages in Rule 99. Endorsement 575. has been added as a result of prior adoption in a hearing held on December 3, 1986.

The *Standard Provisions for Automobile Policies* (June 1, 1981, edition) has been amended to include the changes as noted in the endorsement section for TE 00 30A, a change in reference notes for policy forms and a change in special instructions number 6.

These amendments are effective fifteen days after notice thereof is published in the *Texas Register*.

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

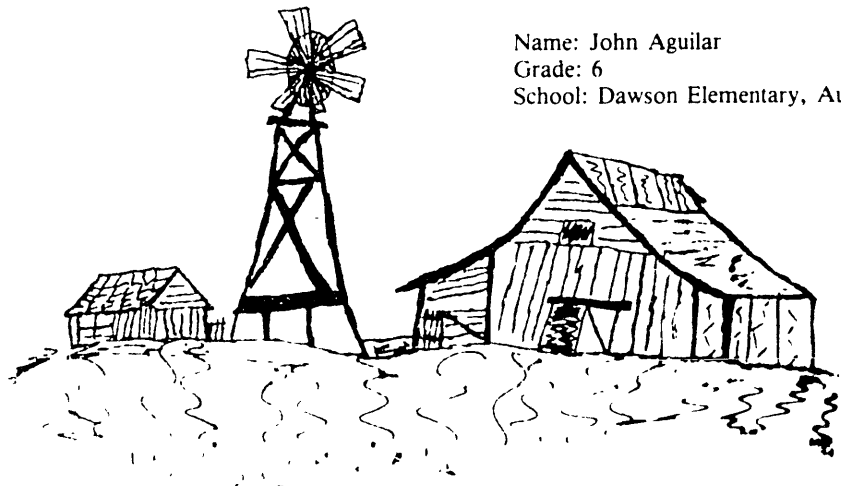
Issued in Austin, Texas, on October 14, 1987

TRD-8708992 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date November 5, 1987  
For further information, please call  
(512) 463-6327



Name: John Aguilar  
Grade: 6  
School: Dawson Elementary, Austin



# 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 Alcoholic Beverage Commission

**Monday, October 26, 1987, 1:30 p.m.** The Texas Alcoholic Beverage Commission will meet in the Third Floor Hearing Room, 1600 West 38th Street, Austin. According to the agenda, the commission will approve minutes of the September 28, 1987, meeting; hear administrator's and staff's report of agency activity, and approve affidavit of destruction of tested alcoholic beverages.

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

**Filed:** October 13, 1987, 1 p.m.  
TRD-8708905



## Battleship Texas Advisory Board

**Saturday, October 24, 1987, 10 a.m.** The Battleship Texas Advisory Board will meet on board the Battleship Texas, 3527 Battleground Road, LaPorte. According to the agenda, the board will approve minutes of the previous meeting; consider update from TPWD, certificate of appreciation draft for approval; discuss plan of action formation (goals and objectives); discuss where the board wants to proceed as to procedure and administrative functions; consider the definition of priorities and development of a plan of action to accomplish said objectives and goals; and discuss formation of committee applicable.

**Contact:** Denny G. Hair, 1003 Eastlake, Houston, Texas 77034, (713) 947-8089.

**Filed:** October 14, 1987, 1:57 p.m.  
TRD-8709017



## Texas Department of Corrections

**Monday, October 19, 1987, 9 a.m.** The Board of the Texas Department of Corrections met in emergency session in Room 101, John H. Reagan Building, 105 West 15th

Street and Congress Avenue, Austin. According to the agenda, the board privatization, heard presentation by vendors; and considered pre-release center proposals, selection, and architect/engineer. The board also met in executive session to discuss pending contemplated litigation with board attorneys, in accordance with Texas Civil Statutes, Article 6252-17, §2(e). The emergency status was necessary because the construction time frame was too short to allow postponement to the next regular meeting.

**Contact:** James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77230, (409) 294-2160

**Filed:** October 14, 1987, 8:33 a.m.  
TRD-8708983



## Texas Commission for the Deaf

**Thursday, October 15, 1987, 10 p.m.** The Board for Evaluation of Interpreters made an emergency addition to the agenda of a meeting held at 300 North Shoreline Boulevard, Corpus Christi. According to the agenda, the board approved minutes of the previous meeting; discussed recertification procedure; set evaluation date and scheduled evaluators; and heard the chairperson's report. The board also met in executive session to review certificate recommendations, evaluations, and revocations. The emergency status was necessary due to the lack of a quorum to meet at the original scheduled time and date of 8 p.m. on October 15, 1987.

**Contact:** Larry D. Evans, P.O. Box 12904, Austin, Texas 78711, (512) 469-9891.

**Filed:** October 15, 1987, 9:22 a.m.  
TRD-8709024

**Friday, October 16, 1987, 10 a.m.** The Texas Commission for the Deaf met at 5151 McArdle Road, Corpus Christi. The commission met for an emergency agenda revision due to subsections being inadvertently left out.

**Contact:** Larry D. Evans, 510 South Congress Avenue, Suite 300, Austin, Texas 78704, (512) 469-9891.

**Filed:** October 13, 1987, 1:45 p.m.  
TRD-8708907



## Texas Employment Commission

**Wednesday, October 21, 1987, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, T-C 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, action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 42; and set date of next meeting.

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

**Filed:** October 13, 1987, 10 a.m.  
TRD-8708906



## Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

**Thursday, October 22, 1987, 7 p.m.** The Ad Hoc Committee of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet in the Howard Johnson's Austin South Plaza Hotel, IH-35 at Woodward, Austin. According to the agenda, the committee will discuss Article 4566, §9(e), concerning formal education for trainees.

**Contact:** Wanda F. Stewart, 4800 North Lamar Boulevard, Suite 150, Austin, Texas 78765, (512) 459-1488.

**Filed:** October 13, 1987, 11:47 a.m.  
TRD-8708903

**Friday-Saturday, October 23-24, 1987, 8 a.m. and 9 a.m.** The Board of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet in the Howard Johnson's Austin South Plaza Hotel, IH-35 at Woodward, Austin. According



to the agenda, the board will hold prayer; approve minutes; consider resignation of Ray Jones, introduce A.L. Burns, Jr., (new board member), and nominate and elect a new vice president; consider board action on examination of Kathleen McLeroy-Radio Shack advertisement, and Ray Jones-reciprocity and 30-day trial period; and hear the nominating committee report, committee reports, executive director report, president's report, and a report on future meeting dates.

**Contact:** Wanda F. Stewart, 4800 North Lamar Boulevard, Suite 150, Austin, Texas 78756, (512) 459-1488.

**Filed:** October 13, 1987, 11:47 a.m.  
TRD-8708904



### Texas Housing Agency

**Wednesday, October 21, 1987, 10 a.m.** The Tax Credit Review Committee of the Texas Housing Agency will meet in THA Conference Room, Suite 300, 811 Barton Springs Road, Austin. According to the agenda summary, the committee will consider and possibly act on applications for the low income rental housing tax credit program.

**Contact:** Dan A. McNeil, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

**Filed:** October 13, 1987, 4:36 p.m.  
TRD-8708977

**Wednesday, October 21, 1987, 7 a.m.** The Finance and Audit Committee will meet on the Second Floor, Holiday Inn Crown Plaza Galleria, 2222 West Loop South, Houston. According to the agenda summary, the committee will hear a status report from the investment counselor; consider selection of consultants pursuant to a request for proposal in connection with the work of a long range management planning group; and discuss process to be used regarding bond counsel and investment banker requests for proposal. The committee will also meet in executive session to discuss personnel matters pertaining to staff evaluations, personnel policy review, and THA organizational structure.

**Contact:** Dan A. McNeil, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

**Filed:** October 13, 1987, 4:37 p.m.  
TRD-8708978



### Texas Indian Commission

**Thursday-Friday, October 22-23, 1987, noon and 8 a.m., respectively.** The Texas Indian Commission will meet in Conference Room 250, TCB Administration Building, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the commission will hear reports and discussion relating to fiscal year 1987 and 1988-1989 budgets, federal

and state legislation, pending opinion requests, transfer to federal trust, fuel overcharge allocation plan, and reports on the activities of the Alabama-Coushatta and Tigua Indian reservations and the Texas Band of Kickapoo.

**Contact:** Nadia Bice, P.O. Box 12030, Austin, Texas 78711, (512) 458-1203.

**Filed:** October 14, 1987, 1:20 p.m.  
TRD-8709006



### State Board of Insurance

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

**Thursday, October 22, 1987, 10 a.m.** The board will meet in Room 414, to consider motion for rehearing by Dan Raymond Hart on Board Order 51498 concerning revocation of license; proposals for 28 TAC Subchapter G, Chapter 1, concerning notice and processing periods for permit applications; amendments to §5.2003 and §5.2004, concerning limits of liability of the Texas Medical Liability Insurance Underwriting Association; amendments to §7.55, concerning preparation of 1987 tax returns' and pending board orders on several different matters; review of the action of the Texas Catastrophe Property Insurance Association by Marina Del Sol One Council of Co-owners; and personnel matters concerning State Fire Marshal, Statistical and Rate Development, Research and Information Services, and Commissioner; and pending and contemplated litigation.

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

**Filed:** October 14, 1987, 4:16 p.m.  
TRD-8709021

**Thursday, October 22, 1987, 2 p.m.** The board will meet in Room 414, to consider emergency adoption and proposal for permanent adoption of rules to implement House Bill 170, concerning third party administrators and nonprofit subscription programs, and House Bill 61, concerning administrative services tax.

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

**Filed:** October 14, 1987, 9:53 a.m.  
TRD-8708993

**Tuesday, October 27, 1987, 9 a.m.** The board submitted a revised agenda for a meeting held in Room 1-110, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. According to the agenda, the board will consider revision of workers' compensation and employers' liability insurance rates and rating values based on experience

and the statutorily mandated benefits increase after public hearing thereon under legal authority of the Insurance Code, Articles 5.55, 5.56, 5.57, 5.58, 5.60, 5.62, 5.96, and Texas Civil Statutes, Article 6252-13a. This meeting was originally scheduled for October 26, 1987.

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

**Filed:** October 14, 1987, 9:53 a.m.  
TRD-8708994



### Texas Department of Labor and Standards

**Thursday, November 19, 1987, 11 a.m.** The Manufactured Housing Division of the Texas Department of Labor and Standards will meet at 1314-B South Clossner, Edinburg. According to the agenda, the division will consider suspension or revocation of the manufactured housing registration of American Mobile Homes for alleged violation of the department's manufactured housing rules and regulations.

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

**Filed:** October 14, 1987, 3:52 p.m.  
TRD-8709020



### Texas State Board of Public Accountancy

**Thursday, October 22, 1987, 8:30 a.m.** The Continuing Education Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will review exemption requests and forms which have been submitted to the committee; review CE hours submitted by licensees who have received a board sanction for noncompliance with CE requirements; review requests for additional credit for published articles and books; review sponsor registrations; accept requests for CE credit from unregistered sponsors; review TSBPA activity summary, a statistical report; discuss board procedure for renewing the registration of sponsors; and consider other matters coming before the committee.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** October 13, 1987, 1:39 p.m.  
TRD-8708908

**Thursday, October 22, 1987, 9 a.m.** The Long-Range Planning Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the com-

mittee will hear a report on the status of implementing a positive enforcement program, discuss proposed new substantive rule 519.29, concerning publication of reprimand, proposed amendments to the Act, sunset legislation to begin September 1, 1991, and consider other matters coming before the committee.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** October 14, 1987, 1:58 p.m.  
TRD-8709016

**Wednesday, October 28, 1987, 9 a.m.** The Entry and Reentry Screening Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will ratify approved applications for registration of partnerships and professional corporations, consider applications for reinstatement of CPA certificates; ratify previously approved applications under §§12, 13, and 14; consider non-routine applications under §§12, 13, and 14, hearings for individuals requesting an appearance before the committee; review convictions reported by licensees on their 1987 renewal notices; review information relating to Department of Public Safety criminal background investigation reports; review request for surrender of CPA certificates under §12(a) of the Act; review plans for the November, 1987 swearing-in ceremony; consider an amendment to substantive rule 511.164, names of certificates; and review licensing statistics and other matters coming before the board.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** October 13, 1987, 1:39 p.m.  
TRD-8708909

**Wednesday, October 28, 1987, 2 p.m.** The Executive Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will review personnel actions and computer feasibility study and five-year plan; discuss preparation of fiscal year 1990-1991 appropriation request; review correspondence relating to office expansion and renovation of original space; hear report on the staff's significant accomplishments during fiscal year 1987; and consider other matters coming before the committee.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** October 14, 1987, 1:58 p.m.  
TRD-8709015

## Texas Public Finance Authority

**Wednesday, October 14, 1987, 1 p.m.** The Texas Public Finance Authority met in emergency session in Room 907, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda summary, the authority considered selection of underwriter. The emergency status was necessary because of resignation of previously selected underwriter.

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

**Filed:** October 13, 1987, 2:25 p.m.  
TRD-8708917

**Monday, October 19, 1987, 2 p.m.** The Texas Public Finance Authority met in emergency session in Room 104, Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the authority considered selection of trustee, discussed insurance on projects, and matters pertaining to bond issue. The emergency status was necessary because of settlement of issues that preclude completion of bond documents.

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

**Filed:** October 13, 1987, 2:26 p.m.  
TRD-8708918

**Thursday, October 29, 1987, 9 a.m.** The Texas Public Finance Authority will meet in Room 104, Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the authority will approve minutes of the previous meeting, approve bond documents and authorize sale or revenue bonds, and set date and time of next meeting.

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

**Filed:** October 13, 1987, 3:06 p.m.  
TRD-8708922



## Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

**Wednesday, October 21, 1987, 9 a.m.** The Hearings Division will consider Dockets 7568, 7533, 7512, 7552, 7562, 7563, 7589, 7590, 7613, 7127, 7280, 7470, 7635, 7535, 7588, 7403, 7445, 7466, 7485, 7491, 7571, 7522, and 7592; and consider proposed substantive rules §23.26 and §23.27 (12 TexReg 2133 and 2135).

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

**Filed:** October 13, 1987, 2:55 p.m.  
TRD-8708921

**Wednesday, October 21, 1987, 11 a.m.** The Administrative Division will approve minutes

of the previous meeting; hear reports, discuss and act on budget and fiscal matters; consider commission responsibility under House Bill 4 and House Bill 5, 70th Legislative Session; and set time and place for next meeting. The division will also meet in executive session to consider personnel and litigation matters.

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

**Filed:** October 13, 1987, 2:56 p.m.  
TRD-8708920

**Thursday, October 22, 1987, 10 a.m.** The Administrative Division submitted a revised agenda to consider approval of consultant contract for management audit of Contel of Texas.

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

**Filed:** October 14, 1987, 4:26 p.m.  
TRD-8709018

**Thursday, October 22, 1987, 10 a.m.** The Administrative Division will hold a work session to consider budget and fiscal matters.

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

**Filed:** October 14, 1987, 1:54 p.m.  
TRD-8709019

**Wednesday, October 28, 1987, 9 a.m.** The Hearings Division will consider Docket 7597—Application of Gulf States Utilities Company for experimental rider for water heater service tariff.

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

**Filed:** October 13, 1987, 2:54 p.m.  
TRD-8708923

**Monday, January 11, 1988, 10 a.m.** The Hearings Division will consider Docket 7719—Application of Lake Dallas Telephone Company, Inc. to offer private pay telephone service.

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

**Filed:** October 13, 1987, 2:54 p.m.  
TRD-8708925

**Tuesday, February 16, 1988, 10 a.m.** The Hearings Division will consider Docket 7661—Application of the City of Fredericksburg to amend certificated service area boundaries within Gillespie.

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

**Filed:** October 13, 1987, 2:54 p.m.  
TRD-8708924





## Texas Real Estate Commission

**Monday, October 26, 1987, 9:30 a.m.** The Texas Real Estate Commission will meet at 1101 Camino La Costa, Austin. According to the agenda summary, the commission will approve minutes of the September 14, 1987, meeting; hear staff reports for the month of August, 1987; consider fiscal year 1988 operating budget, education matters, designation of Robert I. Finch as a custodian of records, proposed new 22 TAC §542.2 relating to provisions of House Bill 5, 70th Regular Session; consider proposed new 22 TAC §535.162 concerning mandatory disclosure of agency by licensees, motions for rehearing and/or probation, and entry of orders in contested cases; set date and place of next meeting; rehear the matter of Charles Samuel Bradley's application for late certification of real estate broker license privileges A 8711. The commission will also meet in executive session to discuss pending litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(c).

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

**Filed:** October 14, 1987, 1:59 p.m.  
TRD-8709014



## University Interscholastic League

**Sunday-Monday, October 18-19, 1987, 8 a.m. and 9 a.m., respectively.** The University Interscholastic League held its 47th Legislative Council meeting at the Radisson Hotel, 700 San Jacinto Street, Austin. According to the agenda summary, the council considered policy, athletic, music, and academic related items presented by individuals and referred to standing committees. Final action was taken on Monday.

**Contact:** Bonnie Northcutt, 2622 Wichita, Austin, Texas 78712, (512) 471-5883.

**Filed:** October 13, 1987, 4:07 p.m.  
TRD-8708976



## The University of Texas at Austin

**Monday, October 19, 1987, 3 p.m.** Intercollegiate Athletics for Women at The University of Texas at Austin met in Conference Room 606, Bellmont Hall, U.T. Campus, 21st and San Jacinto Streets, Austin. According to the agenda, Intercollegiate Athletics for Women approved minutes of the previous meeting, September 10, 1987; and considered old and new business.

**Contact:** Donna Lopiano, Bellmont Hall 606, 21st and San Jacinto Streets, U.T. Campus, Austin, Texas 78705, (512) 471-7693.

**Filed:** October 13, 1987, 10:16 a.m.  
TRD-8708898



## Texas Water Commission

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

**Tuesday, December 1, 1987, 10 a.m.** The commission will meet in Room 118, to hold a public hearing on American Norit Company, Inc. #51589, seeking a permit to construct and maintain five water control reservoirs and three sediment ponds on Yellow Creek, on an unnamed tributary of Yellow Creek, and unnamed tributaries of Brandy Branch, tributary of Sabine River, Sabine River Basin, in order to temporarily retain storm runoff and/or to re-direct runoff around the disturbed areas at the Darco Lignite Mine, about 11 miles southwest of Marshall, Harrison County.

**Contact:** Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 13, 1987, 11:36 a.m.  
TRD-8708901

**Tuesday, December 1, 1987, 10 a.m.** The commission will meet in Room 118, to hold a public hearing on American Norit Company #5158, seeking a permit to construct and maintain five water control reservoirs, on Yellow Creek, on an unnamed tributary of Yellow Creek, and unnamed tributaries of Brandy Branch, tributary of the Sabine River Basin, in order to temporarily retain storm runoff and/or to re-direct runoff around the disturbed areas at the Darco Lignite, Harrison County.

**Contact:** Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 14, 1987, 11:36 a.m.  
TRD-8708996



## Regional Agencies

### Meetings Filed October 13

**The Burnet County Appraisal District**, met at 215 South Pierce, Burnet, on October 13, 1987, at 3 p.m. Information may be obtained from Alvin C. Williams, 215 South Pierce, Burnet, Texas 78610, (512) 756-8291.

**The Guadalupe-Blanco River Authority**, Board of Directors, met at 933 East Court Street, Seguin, on October 15, 1987, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

**The Hansford County Appraisal District**, met at 709 West Seventh Street, Spearman, on October 14, 1987, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

**The Mental Health and Mental Retardation Center of East Texas**, Board of Trustees,

met in the Boardroom, 2323 West Front, Tyler, on October 14, 1987, at 3 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

TRD-8708899



### Meetings Filed October 14

**The Alamo Area Council of Governments**, Executive Committee, will meet in Suite 400, 118 Broadway, San Antonio, on October 28, 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 Burnet County Appraisal District**, Appraisal Review Board, will meet at 215 South Pierce Street, Burnet, on October 23, 1987, at 9 a.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

**The Deep East Texas Private Industry Council, Inc.**, will meet in Lufkin, on October 23, 1987, at 2 p.m. Information may be obtained from Don Boyd, 109 Ratcliff Circle, Lufkin, Texas 75901, (409) 632-3556.

**The Education Service Center, Region VIII**, Board of Directors, will meet at Alps Restaurant, Mount Pleasant, on October 22, 1987, at 6:30 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mount Pleasant, Texas 75455, (214) 572-8551.

**The Hale County Appraisal District**, Appraisal Review Board, will meet at the Golden Carrol Family Steakhouse, 2606 Olton Road, Plainview, on October 22, 1987, at 7 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226.

**The Harris County Appraisal District**, Board of Directors, will meet on the Eighth Floor, 2800 North Loop West, Houston, on October 21, 1987, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292-0975, (713) 957-5201.

**The Limestone County Appraisal District**, Board of Directors, will meet in the District Office, Limestone County Courthouse, Groesbeck, on October 21, 1987, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

**The Lone Star Municipal Power Agency**, met in the Huntsville City Hall, 1212 Avenue M, Huntsville, on October 19, 1987, at 5:30 p.m. Information may be obtained from Cathy Locke, 3240 MoPac Expressway, Austin, Texas 78759, (409) 764-3515.

The Trinity River Authority of Texas, Basin Planning Committee, will meet at 5300 South Collins, Arlington, on October 20, 1987, at 10:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.  
TRD-8708982



Meetings Filed October 15

The Education Service Center, Region XVII, Board of Directors, will meet in Webb Room

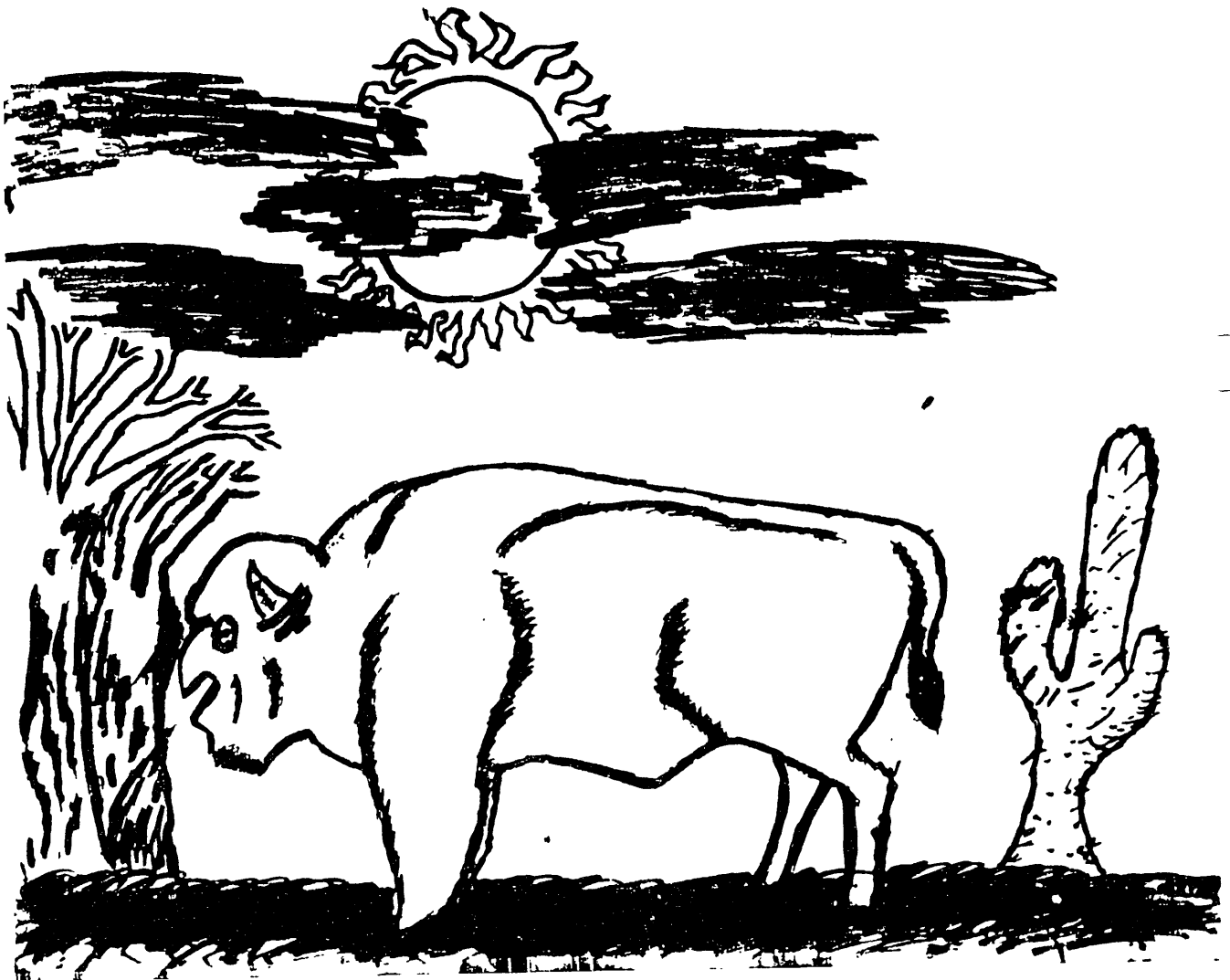
217, 4000 22nd Place, Lubbock, on October 27, 1987, at 10 a.m. Information may be obtained from Weldon F. Day, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000, ext. 200.

The Education Service Center, Region XX, Board of Directors, will meet at 1314 Hines Avenue, San Antonio, on October 28, 1987, at 3 p.m. Information may be obtained from Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 271-7611.

The Jack County Appraisal District, Board of Directors, will meet in the Los Creek Of-

fice Building, 216-D South Main, Jacksboro, on October 20, 1987, at 7 p.m. Information may be obtained from Doris G. Ray or Linda Williams, P.O. Box 850, Jacksboro, Texas 76056, (817) 567-6301.

The Liberty County Central Appraisal District, Board of Directors, will meet at 1820 Sam Houston, Liberty, on October 28, 1987, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.  
TRD-8709022



Name: Ricky Torrez  
Grade: 6  
School: Dawson Elementary, Austin

# 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 Banking Notice of Application

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

On October 7, 1987, the banking commissioner received an application to acquire control of Texas Bank of Tatum, Tatum, by W. C. George and Gloria George of Henderson.

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

Issued in Austin, Texas, on October 7, 1987

TRD-8708873 William F. Aldridge  
Director of Corporate Activities  
Banking Department of Texas

Filed October 12, 1987  
For further information, please call (512) 479-1200



## Texas Department of Commerce Private Activity Bond Allocation Report

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1987 is \$1,227,750,000.

State legislation, 70th Legislature, Senate Bill 1382, was passed, effective June 20, 1987, to establish the allocation process. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation. On and after October 1, that portion of the state ceiling available for reservations shall become available to any issuer for any bonds requiring an allocation.

Generally, the state ceiling will be allocated on a first-come, first-served basis within the applicable subceiling, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a summary report of the allocation activity for the period October 5, 1987-October 9, 1987.

## Weekly Report on the 1987 Allocation of the State Ceiling on Certain Private Activity Bonds as Pursuant to Senate Bill 1382

Total amount of the \$1,227,750,000 state ceiling remaining unreserved as of October 9, 1987: \$179,925

Comprehensive listing of bond issues which have received a reservation date per Senate Bill 1382 from October 5, 1987, through October 9, 1987, in order of issuer, user, description, and amount: Texas Housing Agency, eligible borrowers, qualified mortgage bonds, \$49,000,000

Comprehensive listing of bonds issued and delivered as per Senate Bill 1382 from October 5, 1987, through October 9, 1987: None.

Issued in Austin, Texas, on October 13, 1987

TRD-8708984 J. W. Lauderback  
Executive Director  
Texas Department of Commerce

Filed: October 14, 1987  
For further information, please call (512) 472-5059



## Request for Proposals

The Texas Department of Commerce invites proposals to establish toll-free (1-800) telephone service to receive calls generated by advertising. The advertising will be within the continental United States.

The vendor will take calls from the advertising responses; list the caller's name, mailing address, and zip code; place that data on mailing labels; and provide the information to the Texas Department of Commerce.

The anticipated volume of calls using this system is unknown at this time. However, total media expenditures involving publication of this service will range from \$3 million to \$5 million. The dollar amount to be allocated per medium and the extent the 1-800 number will be used in each medium is unknown. Interested bidders must quote a cost-per-call, anticipating a budget of not more than \$200,000 for the period ending August 31, 1988.

Prospective bidders should be prepared to provide the following services: 24 hour-a-day service for inbound calls generated by advertising in regional and national editions of magazines, newspapers, and on television and radio. collection of caller's name, caller's full mailing address, and caller's telephone number; typed names and mailing addresses of callers, placed on pressure sensitive adhesive labels suitable for mailing, sorted by zip code, and mailed to the Texas Department of Commerce on a daily basis if the total exceeds 50, or every second day if the total is under 50; and duplicate lists of all names, addresses, and media sources compiled and mailed on a weekly basis to the Texas Department of Commerce.

Selection of the vendor will be based upon all factors deemed relevant by the Texas Department of Commerce. In addition to the duties described above, the following qualifications are of high importance and will be given preference in determining the successful bidder. Each bidder should address these factors and submit documentation evidencing the bidder's claims with respect to total daily inbound call capacity; total number of inbound lines available on a regular basis; total number of existing inbound operator stations; cost factors that might result in lower rates for high volume use; long-term experience in working with tourism and hospitality clients, such as state tourism offices, hotels, carriers, or similar clients; experience in handling high volume lead-generation calls for nationally known clients, and ability to assign a number which alphabetically translates to 1-800-BIG TIME.

Bid opening for this project will be at 4 p.m. on November 16, 1987. Prospective bidders should contact the Texas Department of Commerce, Tourism Division, P.O. Box 12008, Austin, Texas 78711, (512) 462-9191, for full details and for a copy of the formal invitation to bid, allowing sufficient lead time to fully analyze the project and prepare a bid for submission before the deadline.

Issued in Austin, Texas, on October 13, 1987

TRD-8708897      Larry N. Todd  
                                 Director  
                                 Tourism Division  
                                 Texas Department of Commerce

Filed: October 13, 1987  
For further information, please call (512) 462-9191



## Texas Funeral Service Commission Request for Proposals

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Funeral Service Commission (the commission) invites proposals to investigate complaints of consumer interest and other complaints received by the commission.

The commission intends to accept an offer made in response to this solicitation based on its evaluation of cost and other factors described in the following paragraphs; however, the commission reserves the right to reject any and all offers in whole or part, if it determines a rejection to be in the best interest of the state.

The contract will not necessarily be awarded to the low bidder. The cost criteria will receive weight equal to that of the other criteria used in evaluating all offers.

The commission intends to accept an offer based on the following criteria. The offeror must be licensed as a private investigator under the laws of Texas and must not be subject to regulation by the commission; should have extensive investigative experience and knowledge; must be familiar with mortuary laws and other applicable statutes, rules, and regulations; and should be able to demonstrate ability to investigate complaints and prepare written reports and exhibits needed by legal counsel.

In addition to the preceding, a brief description of the professional background of the individual(s) who will be primarily responsible for providing services to the commission should be provided.

All offers must be submitted in writing to Larry A. Farrow, Executive Director, Texas Funeral Service Commission, 8100 Cameron Road, Building B, Suite 550, Austin, Texas 78753. The closing date for offers is November 26, 1987, with the contract to be awarded by not later than December 3, 1987.

The commission assumes no responsibility for expenses incurred in preparing responses to this solicitation.

Issued in Austin, Texas, on October 13, 1987

TRD-8708916      Larry A. Farrow  
                                 Executive Director  
                                 Texas Funeral Service Commission

Filed October 13, 1987  
For further information, please call (512) 834-9992



## Texas Department of Health Correction of Error

A proposed amendment submitted by the Texas Department of Health contained errors as submitted in the October 6, 1987, issue of the *Texas Register* (12 TexReg 3593).

In §1.7(d)(2)(B) the subparagraph should read:

“(B) In lieu of the certified agenda requirement of subparagraph (A) of this paragraph, the board may make a tape recording of the proceedings which shall include an announcement made by the presiding officer at the beginning and end of the meeting indicating the date and time.”

In §1.7, from clause (d)(2)(A)(i) through paragraph (d)(4) is new language and should, therefore, appear in bold face print.

## State Board of Insurance Company Licensing

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

(1) Application for admission to do business in Texas of American Centurion Life and Accident Assurance Company, a foreign life insurance company. The home office is in San Rafael, California.

(2) Application for admission to do business in Texas of The American Franklin Life Insurance Company, a foreign life insurance company. The home office is in Springfield, Illinois.

(3) Application for admission to do business in Texas of Atlantic Casualty and Fire Insurance Company, a foreign fire and casualty insurance company. The home office is in Columbia, South Carolina.

(4) Application for a name change by Avco Financial Services Life Insurance Company (assumed name of Provident Alliance Life Insurance Company), a foreign life insurance company. The home office is in Irvine, California. The proposed new name is Balboa Life Insurance Company.

(5) Application for admission to do business in Texas of Columbian Life Insurance Company, a foreign life insurance company. The home office is in Binghamton, New York.

(6) Application for admission to do business in Texas of Liberty American Assurance Company, a foreign life insurance company. The home office is in Lincoln, Nebraska.

(7) Application for a name change by MPact Life Insurance Company, a domestic life insurance company. The home office is in Carrollton. The proposed new name is Lomas Bankers Life Insurance Company.

(8) Application for incorporation of Meridian Life Insurance Company, a domestic life insurance company. The home office is to be in San Antonio.

(9) Application for name change by Northwestern National Insurance Company, a foreign fire and casualty insurance company. The home office is in Brookfield, Wisconsin. The proposed new name is Northwestern National Insurance Company of Milwaukee, Wisconsin.

(10) Application for admission to do business in Texas of Western Pacific Life Insurance Company, a foreign life insurance company. The home office is in Los Angeles, California.

Issued in Austin, Texas, on October 12, 1987

TRD-8708892      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Filed, October 12, 1987

For further information, please call (512) 463-6327



## Railroad Commission of Texas Invitation for Bid

The Railroad Commission of Texas, Division of Surface Mining and Reclamation, invites bids for the backfilling and reclamation of approximately 18.8 acres of an open pit uranium mine at the Brysch abandoned mine land (AML) site. The site is located in the vicinity of Hobson, Karnes County. Construction shall include removal and preservation of topsoil in stockpile area; burial of designated materials on site; backfilling and regrading of the open pit and ramps; replacement of topsoil over pit and ramp areas; and planting a mixture of grasses on disturbed areas.

Copies of the construction specifications are on file at the commission's offices in Austin at 17th Street and North Congress Avenue, and at 1419 Third Street, Floresville, Texas 78114. The complete bid package may be obtained for the cost of reproduction (\$6.00) at the mailing address listed at the end of this notice.

Bidders are required to provide bid security, performance bonds, and payment bonds. Bidders are required to submit bidder's qualification forms concurrent with or prior to the opening of bids.

Anyone interested in submitting a bid is required to attend the prebid conference to be held at the Brysch site beginning at 10 a.m. on Wednesday, October 27, 1987. For further information, or to submit a proposal, write to J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, P O Drawer 12967, Austin, Texas 78711, Attention: Brysch AMI Project. Sealed bids will be received until 1 p.m. on November 10, 1987. Any bids received after the deadline will be returned unopened.

The commission will award the contract to the lowest and best bid based upon its evaluation of the bids received. The commission reserves the right to reject any or all bids, to waive formalities, and in case of ambiguity or lack of clarity in stating proposal prices, to adopt such interpretations as may be most advantageous to the commission. No bid may be withdrawn until expiration of 60 days from the date bids are opened.

Issued in Austin, Texas, on October 14, 1987.

TRD-8708981      Walter E. Lillie  
                         Special Counsel  
                         Railroad Commission of Texas

Filed, October 14, 1987

For further information, please call (512) 463-7149.



## Public Notice

Notice is hereby given to all interested persons, that the Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Drawer 12967, Austin, Texas 78711, on its own motion in Docket Number 003623ZZCW, will investigate the operations of the Long Island Bridge Company, Inc. of the Long Island Swing Bridge (located over, through, and across the intercoastal canal at the northern tip of Long Island and the City of Port Isabel, Cameron County). The purpose of this proceeding is to allow the Railroad Commission to regulate and control the Long Island Bridge Company, Inc. pursuant to Texas Civil Statutes, Article 1466, et seq.

All interested persons affected by this commission called proceeding that wish to participate in this commission investigation may do so only by filing a written protest, intervention in opposition, or intervention in support at or before 10 a.m. on Monday, November 16, 1987, by writing Docket Services, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967. Please include the Docket Number (003623ZZCW) in all responses.

Issued in Austin, Texas, on September 28, 1987.

TRD-8708567      Walter Earl Lillie  
                         Special Counsel  
                         Railroad Commission of Texas

Filed October 2, 1987

For further information, please call (512) 463-7149.



## Texas Rehabilitation Commission Request for Proposals

The Texas Rehabilitation Commission (TRC) invites qualified applicants for a state psychological consultant (SPC) under Texas Civil Statutes, Article 6252.11C. The state psychological consultant selected will provide advice and guidance to the commission regarding psychological aspects of the vocational rehabilitation process. The major role of the SPC is to serve as a resource in providing and interpreting psychological information which will assist the commission in making sound decisions regarding eligibility and plans of service. The SPC is administratively responsible, through the program specialist, to the assistant deputy commissioner who makes recommendation for approval by the deputy commissioner.

**Responsibility.** Consultation services to be provided by the SPC include interpretation of psychological reports concerns psychological conditions of applicants and clients, and consultation where the need for additional psychological testing is unclear. Training resource services which may be provided by the SPC include individual training for counselor, staff psychologist, and RPC on a limited basis; group training for counselor, staff psychologist, and RPC on a limited basis; and clinical supervision of staff psychologist as needed. Developing and maintaining a working relationship with the psychological community include the responsibility to identify community resources available to improve psychological, diagnostic, and/or counseling services; help to orient new psychologist to the types of information and services to be requested by TRC. Half-day training for the vendors may be done in Houston, San Antonio, Dallas, etc. every two years; and develop and maintain a working relationship with psychologist providing services to TRC.

**Fees for Service.** Fees paid by TRC for psychological consultants for each consultation period are as follows (1 to 20 hours per month): for the first hour, or fraction thereof, \$40; for each subsequent half-hour or fraction thereof, \$20; and for each telephone conversation, \$10.

**Reimbursement for Inter-city Travel.** Reimbursement for inter-city travel shall be paid according to current state

policy.

**Limitations State Psychological Consultant (SPC).** The SPC does not administer psychological tests or provide counseling to TRC applications/clients except in extraordinary situations.

**Skills and Experience.** The SPC should have experience in TRC testing, neuropsychology, and cognitive retraining for traumatic brain injury. Also, knowledge of dual-diagnosed multi-handicapped persons referred from public schools and/or state institutions should be beneficial. Please send resume and license number to Ken Honeycutt, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704.

**Deadline.** Applicants should respond by 5 p.m. on Thursday, October 23, 1987, to the previously mentioned address.

Issued in Austin, Texas, on October 9, 1987.

TRD-8708895 Charles Schiesser  
Texas Rehabilitation Commission

Filed: October 13, 1987

For further information, please call (512) 445-8289.



Name: Carolina Armendariz  
Grade: 6  
School: Dawson Elementary, Austin

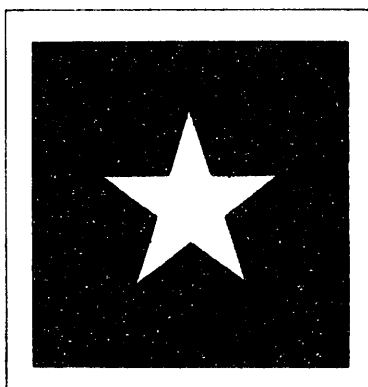


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